



04-C-0032

CITY OF ATLANTA

CLARENCE T. MARTIN
COUNCILMAN, DISTRICT 10

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
ATLANTA, GEORGIA 30335
(404) 330-6030

04-C-0032

January 5, 2004

MEMORANDUM

To Rhonda D. Johnson, Municipal Clerk

From: C. T. Martin, Councilmember, District 10
C. T. Martin

Subject: Communications to be Read at January 5, 2004 Council Meeting

Please read the following two (2) pieces of correspondence into the record at the Atlanta City Council's first meeting on January 5, 2004.

Statement from Councilmember C. T. Martin on "The Duty of Dissent on Franklin's Sewers; and

A letter from me to Mayor Franklin **RE: Funding for Water/Sewer Infrastructure Repairs**

Your attention to this matter is appreciated.

cc: President and Members of Council



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The Duty of Dissent on Franklin's Sewers

Unrestricted power for the executive branch of government is becoming common in our post September 11 world. It is a rare occurrence, however, when the business community presses legislators to provide carte blanche support to Atlanta's chief executive. All too often, the Council has been blasted for agreeing with former mayors. Politics aside, many members of Council perceive the need to remind city stakeholders of Council's oath of office and responsibilities codified in the City of Atlanta Charter.

Modeled after our nation's Constitution, Atlanta's Charter confers all legislative powers to Council (Section 1-103) and all executive and administrative powers to the Mayor (Section 1-104). Like the federal system, these powers are implied in the structure of government and not explicit in the authorizing document. Constitutional framer, James Madison, lobbied for explicit separation, but failed because fellow framers believed structural separation to be sufficient authorization. For 167 years, the City of Atlanta has functioned with comparable structural separation of authority and function.

What are not authorized in the U.S. Constitution or Atlanta's Charter are provisions for a shadow government of private interests. Part of the troubling aspects of Mayor Franklin's sewer politics is the granting of "policymaking authority" to Atlanta's business community, essentially replacing Council's lawful policy-making role on this critical quality of life issue. The Mayor and private sector desire Council to rubber-stamp the most crucial decision this Council will face, a triple sewer rate increase. Acquiescing to others' judgments would constitute dereliction of duty where the Charter demands checks and balances to maintain democratic stability. Fiduciary oversight rests in the powers of Council. "The power to levy, assess and provide for the collection of all taxes and fees ... shall be vested in the Council." (Charter, Section 1-103) It is the responsibility of Council to deliberate proposal merits, request departmental research, and to query excessive consultant fees like the 40 percent contingency built in Mayor Franklin's rate increase proposal.

The U.S. Environmental Protection Agency (EPA) refuses to grant Atlanta "heavy financial burden" consideration as a result of uncritical consulting and engineering "pork" in the administration's financing plan. EPA criticized the administration's inexact financing model, citing "very little faith in the actual construction cost estimates." (EPA, April 10, 2003) To date, EPA and Council have not received line item accounting of the additional \$1.4 billion in Mayor Franklin's \$3.2 billion proposal. Additionally, only five years of projections for the 14-year implementation period have been presented. EPA estimated costs of the project to be \$1.8 billion, and suggested contingency levels between 15 and 25 percent to provide affordability of the project.

At the January 5th Council meeting, members have the opportunity to uphold governmental integrity, and to provide judicious and responsible leadership for Atlanta's ratepayers. Meeting the deadlines of the Consent Decree is of considerable import to Council, but crafting a viable solution for all bearing this public burden is of equal significance. If we fix the sewers but have no one in Atlanta to use them, have we served wisely? No. Council will not approve the severe impacts of Franklin's bloated plan without having all the facts, exhausting all means or absent this government offering transparent analysis. Elected by the people of Atlanta—not appointed by the Mayor, Council is duty-sworn to probe imprudent policies that threaten the livelihood of Atlanta's citizens and neighborhoods. After four oaths of office and with my right hand still lifted toward God; I continue to pledge to protect and "promote the...general welfare..." as outlined in the City of Atlanta Charter.

C.T. Martin, Member
Atlanta City Council

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December 30, 2003

The Honorable Shirley Franklin, Mayor
City of Atlanta
55 Trinity Avenue, SW
Atlanta, GA 30335

Dear Mayor Franklin:

I am writing to follow up on funding developments arising from the recent press conference with you and Governor Perdue regarding the City's sewer repair and upgrade plans. With respect to prospective low-interest State loans in the amount of \$500 million over a ten-year period, under what conditions is your administration poised to accept such loans? Specifically, what milestones, stipulations, restrictions and guarantees would be required in accordance with acceptance of State loan funding?

Similarly, State Senator Eric Johnson's proposed amendment to allow a Municipal Option Sales Tax (MOST) for municipalities under court order for infrastructure repairs, offers annual projected revenue between \$70 million to \$100 million for Atlanta. Both the MOST and State loans could offer significant relief to Atlanta ratepayers. How would your administration propose using these revenue sources, and upon what rate level would administration revenue projections be predicated? Specifically, would the new revenue sources be used to repay the 2001 bond debt, Capital Improvement Plans or to directly offset and lower costs to the city ratepayers? With the prospect of these two revenue sources, would ratepayers be required to pay the triple rate to fund bond and loan repayment?

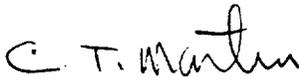
I am requesting that the Council, the policymaking body of the Atlanta City Government, be involved in future discussions on how the State's offers would affect City ratepayers. Further, the City Council should be made aware of the U.S. Environmental Protection Agency (EPA) and Georgia Environmental Protection Division (EPD) responses and follow-up requirements to the non-compliance notification letter sent by you in December 2003. The Council also continues to wait on a final statement from EPA on the contingency allowance presented in the administration's proposed financing model. Concurrently, we await an update on the status of the re-submittal of the affordability analysis to EPA.

Finally, I am asking for an update on my request for all correspondence between the City of Atlanta and EPA dating from 1982 to 1989.

I believe the City of Atlanta can responsibly fund the necessary repairs to the city's infrastructure, fulfill Consent Decree orders, and protect Atlanta ratepayers against a triple rate-hike. I implore your administration to inform the Council of all communications, proposals, and requirements posed to the City of Atlanta relevant to funding the repair of Atlanta's sewer system.

Thank you for your cooperation on this important quality of life issue for Atlanta's citizenry.

Sincerely,



C.T. Martin

Cc:

The Honorable Sonny Perdue
Governor
State of Georgia
203 State Capitol
Atlanta, GA 30334

Senator Eric Johnson
State of Georgia
321 State Capitol
Atlanta, GA 30334

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