



04-R-0741

A RESOLUTION

BY COMMITTEE ON COUNCIL

A RESOLUTION CALLING FOR THE IMPOSITION BY THE FULTON COUNTY COMMISSION OF A SPECIAL LOCAL OPTION SALES TAX (“SPLOST”) AND A REFERENDUM ELECTION THEREON PURSUANT TO O.C.G.A. SECTIONS 48-8-111 AND 48-8-201; EXPRESSING THE URGENCY OF GIVING THE VOTERS THE OPTION OF IMPOSING A SPLOST TO FUND WATER AND WASTEWATER CAPITAL PROJECTS MANDATED BY FEDERAL AND STATE CONSENT DECREES; AND FOR OTHER PURPOSES.

WHEREAS, to settle a lawsuit brought against the City by the United States Environmental Protection Agency (EPA), the Georgia Environmental Protection Division (EPD), the Upper Chattahoochee Riverkeeper and downstream citizens, a 1998 Consent Decree was entered against the City of Atlanta designed to end water quality violations which result from combined sewer overflows (CSO’s) by 2007; and

WHEREAS, in 1999 the Federal Court amended the Consent Decree to add projects that would eliminate water quality violations from sanitary sewer overflows (SSO’s) by 2014; and

WHEREAS, the City of Atlanta is under a consent order imposed by the Georgia EPD to come into compliance with the Georgia Water Quality Control Act; and

WHEREAS, as a result of the foregoing, the City of Atlanta is mandated to undertake one of the largest public work projects to come into compliance with drinking water and waste water quality standards; and

WHEREAS, the City of Atlanta has annual principal and interest payments due in the amount of \$23 million for the incremental increase in the \$1.6 billion of existing water and sewer bonds issued to fund capital projects completed in 1993 and 2003; and

WHEREAS, the City of Atlanta will require additional principal and interest payments for \$2.5 billion of additional water and sewer bonds proposed to be issued in order to fund capital projects for 2004-2008; and



WHEREAS, the consequences of non-compliance with the federal and state consent decrees could be catastrophic, including the imposition of crippling fines, being found in contempt of court, continued pollution of rivers and streams, unsatisfactory drinking water, city-wide sewer moratoria, as well as loss of economic development and growth; and

WHEREAS, as the capital city of Georgia, the City of Atlanta is the economic engine of the South and such consequences of non-compliance would be devastating for a sluggish economy; and

WHEREAS, to fund the \$3 billion in capital projects, water sewer increases of 45% in 2004, 45% in 2005, and 11% in 2006, 207 and 2008 are needed from the City's ratepayers; and

WHEREAS, the service area for drinking water operations includes the City, portions of Fulton, DeKalb, Clayton, Coweta and Fayette Counties and the cities of Fairburn, Hapeville and Union City; and

WHEREAS, cooperation from the Fulton County Commission is essential for the viability of this alternative in time to save un unprecedented burden upon the ratepayers of the City of Atlanta water and sewer system; and

WHEREAS, imposition of a SPLOST is an alternative that must be approved by the Fulton County Commission in time to put the question to the voters in a referendum during the General Primary which will be held July 20, 2004; and

WHEREAS, if SPLOST proceeds are allocated in the manner that the LOST revenue is, the City can expect approximately \$76 million annually, which would obviate the need for 39% of the proposed water sewer rate increase; and

WHEREAS, a SPLOST would broaden the base from which to pay for the water and sewer capital outlay projects, from that borne only by commercial and residential rate payers to that funded by the varied daily users of our water resources; and

WHEREAS, during the 2004 General Assembly, House Bill 709 was enacted allowing for the imposition of a 1 per cent sales and use tax specifically for the purpose of funding water and sewer project costs; and

WHEREAS, this call for the imposition of a SPLOST is contingent upon the Governor's approval of House Bill 709, or said bill otherwise becoming law.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves to call for the imposition, by the Fulton County Commission within ten (10) days of



receipt hereof, of a Special Local Option Sales Tax and a Referendum Election thereon, pursuant to subparagraph (a)(1)(D) of OCGA 48-8-111, in whole or in part for the purpose or purposes of a water capital outlay project or projects, a sewer capital outlay project or projects, a water and sewer capital outlay project or projects, water and sewer projects and costs, or any combination thereof, to be held on Tuesday, July 20, 2004, that contingent upon the Governor's approval of HB 709, Art. 4 (OCGA 48-8-201(a)(1)).

Be It Further Resolved that in preparation for a SPLOST Referendum, the Fulton County Commission is urged to pass a appropriate legislation to call and hold a meeting of the governing authorities of the municipalities in Fulton County to discuss possible water and sewer capital outlay projects for inclusion in the referendum, including municipally owned or operated projects, prior to May 20, 2004.

A true copy,

Phanda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

April 19, 2004
April 20, 2004

RCS# 5614
4/19/04
5:52 PM

Atlanta City Council

Regular Session

04-R-0741

CALLING FOR IMPOSITION FULTON CO COMM OF
SPLOST AND REFERENDUM ELECTION
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

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3
 Unanimously
 ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER APR 19 2004
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

Committee

Date

Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - R/C Vote

CERTIFIED

CERTIFIED
 APR 19 2004

COUNCIL PRESIDENT PROTTEM

CERTIFIED
 APR 19 2004

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAYOR