

**10-0-1041**

(Do Not Write Above This Line)

**AN ORDINANCE  
BY: FINANCE EXECUTIVE COMMITTEE**

AN ORDINANCE TO AUTHORIZE THE CITY OF ATLANTA DIVISION OF SUSTAINABILITY TO APPROPRIATE AND DISBURSE FUNDS FROM THE FY 2010 INTERGOVERNMENTAL GRANT FUND BUDGET TO FUND THE SUSTAINABLE HOME INITIATIVE FOR A NEW ECONOMY("SHINE") PROGRAM; TO AUTHORIZE THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH GEORGIA POWER FOR THE SHINE PROGRAM; AND FOR OTHER PURPOSES

**ADOPTED BY  
JUN 2 1 2010  
COUNCIL**

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

Date Referred 06/07/10  
 Referred To: Finance Exec.  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading Fu/Exec  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair Paula Turner  
 Referred To \_\_\_\_\_

Finance Exec  
 Date 6/16/10  
 Chair Paula Turner  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_

Members \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Date \_\_\_\_\_  
 Committee \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_

Refer To \_\_\_\_\_  
 Date \_\_\_\_\_  
 Committee \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) Other \_\_\_\_\_  
 Members \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2nd  1st & 2nd  3rd  
 Consent  V Vote  RC Vote

**CERTIFIED**

**CERTIFIED**  
 JUN 2 1 2010  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

**CERTIFIED**  
 JUN 2 1 2010  
*[Signature]*  
 MUNICIPAL CLERK

**MAYOR'S ACTION**

**APPROVED**  
 JUN 2 9 2010  
*[Signature]*  
 MAYOR



AN ORDINANCE

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**WHEREAS**, the Department of Executive Offices Division of Sustainability ("Division") is dedicated to making the City of Atlanta ("City") more sustainable by improving the City's "green" policies and initiatives and policies such as water and energy conservation, reducing the City's solid waste and emissions, and improving the rates of recycling; and

**WHEREAS**, the citizens of the City are equally concerned with environmental stewardship and making the City more sustainable by improving energy conservation; and

**WHEREAS**, the Division applied for funds from the U.S. Department of Energy's ("DOE") Energy Efficiency and Conservation Block Grant through the American Recovery and Reinvestment Act to fund energy-related sustainability programs through April 2012; and

**WHEREAS**, in response to their application the DOE awarded the Division a grant in the amount of five million eight hundred ninety thousand two hundred dollars (\$5,890,200.00); and

**WHEREAS**, the proceeds of the grant have already been anticipated by the Council by the adoption of Ordinance 09-O-1913 on December 7, 2009 and signed by Mayor Shirley Franklin on December 15, 2009; and

**WHEREAS**, the DOE has approved the Division's Sustainable Home Initiative for a New Economy ("SHINE") program designed to encourage energy conservation by offering rebates and potential financing to qualified City of Atlanta residents who make their homes more energy efficient ; and

**WHEREAS**, the Division seeks to utilize and disburse a portion of the aforementioned grant to fund SHINE, and further seeks to utilize Georgia Power's Home Performance with Energy Star Program to issue rebates to those City residents who have made their homes more energy efficient.



**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS  
as follows:**

**SECTION 1:** That the Division is authorized to apply two million one hundred fifteen thousand eight hundred seventy eight dollars \$2,115,878 from the FY 2010 (Intergovernmental Grant Fund) Budget to fund the SHINE program, to be charged to and paid from Fund, Department Organization and Account number 2501 (Intergovernmental Grant Fund) 40301 (Exe Chief Operating Officer) 5999999 (Projects and Grants Summary) 1320000 (Chief Executive) 210643 (EECB).

**SECTION 2:** That the City Attorney shall assist in preparing any documents as required to assist with matters of legal compliance.

**SECTION 3:** That the Mayor is authorized to execute a Memorandum of Understanding with Georgia Power for the purpose of utilizing their Home Performance with Energy Star Program to issue rebates and/or financing to those City residents who have made their homes more energy efficient. The Memorandum of Understanding shall not become binding upon the City and the City shall incur no liability or obligation until it has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to Georgia Power.

**SECTION 4:** That the aforementioned disbursement is authorized with future disbursements to be authorized through the City's budget approval process.

**SECTION 5:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

JUN 21, 2010  
JUN 29, 2010



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF ATLANTA AND GEORGIA POWER COMPANY**

THIS MEMORANDUM OF UNDERSTANDING (this "MOU") is entered into as of the \_\_\_ day of \_\_\_\_\_ 2010, between the CITY OF ATLANTA, a municipal corporation, chartered pursuant to the laws of the State of Georgia (the "City"), and GEORGIA POWER COMPANY, INC. ("Georgia Power"), a Georgia corporation, for the purpose of furthering the goals of the Georgia Power Home Performance with Energy Star Program; and for other purposes.

**BACKGROUND:**

**WHEREAS**, the City of Atlanta's Division of Sustainability ("Division") is charged with rendering the City more sustainable through programs and policies aimed at energy conservation; and

**WHEREAS**, the City of Atlanta has accepted \$5.89 million from the U.S. Department of Energy ("DOE") through the Energy Efficiency and Conservation Block Grant ("EECBG") program; and

**WHEREAS**, Georgia Power operates the Georgia Power Home Performance with Energy Star program that provides rebates, outreach and education, and a trained contractor base; and

**WHEREAS**, the Division seeks to support the Georgia Power Home Performance with Energy Star program through the provision of additional rebates and outreach and education under the Sustainable Homes Initiative for a New Economy ("SHINE"); and

**WHEREAS**, the Division and Georgia Power wish to memorialize the terms of the venture in the form of a Memorandum of Understanding in order to facilitate the implementation of the energy efficiency programs.

**ACCORDINGLY**, the parties agree as follows:

1. **General Agreements:** The following represents the basic responsibilities of the City and Georgia Power regarding the grant award:
  - a. Georgia Power will notify the Division of material changes to the Georgia Power Home Performance with Energy Star program, including but not limited to changes in contractor qualification criteria, approved contractors, qualified improvements, Georgia Power rebate amounts and verification entities.
  - b. The Division will notify Georgia Power of material changes to the SHINE program, including but not limited to changes in contractor qualification criteria, approved contractors, qualified improvements, SHINE rebate amounts
  - c. Georgia Power will notify the Division of its Home Performance with Energy Star program promotion efforts, and provide press releases or marketing materials bearing reference to the City, the Division, or the SHINE program to the Division for approval prior to release.



- d. The Division shall notify Georgia Power of its SHINE program promotion efforts, and provide press releases or marketing materials bearing reference to Georgia Power to Georgia Power for approval prior to release.
- e. Georgia Power shall make available electricity consumption data to the Division for those customers participating in the SHINE program who have signed a release form.
- f. Each party shall be responsible for its own financial matters pursuant to this MOU.

2. **Term:** This MOU shall be in effect until the termination of either the Georgia Power Home Performance with Energy Star or the City of Atlanta SHINE program, or with thirty (30) days written notice from either party.

3. **Compensation:** Neither party shall be responsible for compensating the other pursuant to this MOU.

4. **Governing Law:** This MOU shall be interpreted and construed in accordance with the laws of the State of Georgia.

5. **Notices:** All notices, demands and requests required under this MOU must be in writing and sent to the parties in the manner described below:

a. **Addresses:**

To the City:                      City of Atlanta  
Mr. Bill Hosken, Senior Project Manager  
City of Atlanta, Division of Sustainability  
150 Garnett St. S.W.  
Atlanta, GA 30303

To Georgia Power:              Mr. Bert Pierce, Product Manager -  
EnergyDirect.com  
Georgia Power Company  
Bin 10210  
241 Ralph McGill Boulevard NE  
Atlanta, GA 30308

- b. All notices given by either party to the other under this MOU must be in writing and may be delivered by: (i) regular mail, first class, postage prepaid; (ii) certified or registered mail; (iii) facsimile, with a hard copy sent within twenty-four (24) hours of transmission by one of the other permitted delivery means; or (iv) hand-delivery, to the parties at the addresses and facsimile numbers specified above.
- c. Notices sent by mail will be deemed received three (3) days after deposit in the mail, properly addressed. Notices sent by certified or registered mail will be deemed to be received upon the date of the acknowledgment. Notices sent by



facsimile will be deemed to be received upon successful transmission to the proper facsimile number; if the sender can produce a facsimile transmission confirmation report. Notices delivered by hand-delivery will be deemed to be received upon written acceptance by the respective party.

6. **Entire Agreement.** This MOU contains the entire agreement of the parties with respect to its subject matter and no representations or agreements, oral or otherwise, which are not set forth in this MOU, will be of any force or effect.

**WHEREFORE** the parties, by their duly authorized representatives, have executed this Memorandum of Understanding as of the date first written above.

**CITY**

**GEORGIA POWER COMPANY**

\_\_\_\_\_  
Peter Aman  
Chief Operating Officer

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Mandy Mahoney  
Director of Division of Sustainability

RCS# 320  
6/21/10  
3:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1166,10-O-0875

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT I

		06-21-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1178	43. 10-R-1179	77. 10-R-1103
2. 10-O-1165	44. 10-R-1072	78. 10-R-1104
3. 10-O-0876	45. 10-R-1073	79. 10-R-1105
4. 10-O-0945	46. 10-R-1074	80. 10-R-1106
5. 10-O-0946	47. 10-R-1075	81. 10-R-1107
6. 10-O-0947	48. 10-R-1076	82. 10-R-1108
7. 10-O-0948	49. 10-R-1077	83. 10-R-1109
8. 10-O-0949	50. 10-R-1078	84. 10-R-1110
9. 10-O-0950	51. 10-R-1079	85. 10-R-1111
10. 10-O-1041	52. 10-R-1080	86. 10-R-1112
11. 10-O-1176	53. 10-R-1081	87. 10-R-1113
12. 10-O-0897	54. 10-R-1082	88. 10-R-1114
13. 10-O-0924	55. 10-R-1083	89. 10-R-1115
14. 10-O-0932	56. 10-R-1084	90. 10-R-1116
15. 10-O-0933	57. 10-R-1085	91. 10-R-1117
16. 10-O-1057	58. 10-R-1086	92. 10-R-1118
17. 10-R-1139	59. 10-R-1087	93. 10-R-1119
18. 10-R-1140	60. 10-R-1088	94. 10-R-1120
19. 10-R-1141	61. 10-R-1089	95. 10-R-1121
20. 10-R-1154	62. 10-R-1182	96. 10-R-1122
21. 10-R-1180	<b>ITEMS ADVERSED</b>	97. 10-R-1123
22. 10-R-1181	<b>ON CONSENT</b>	98. 10-R-1124
23. 10-R-1143	63. 10-R-0839	99. 10-R-1125
24. 10-R-1144	64. 10-R-1090	100. 10-R-1126
25. 10-R-1146	65. 10-R-1091	101. 10-R-1127
26. 10-R-1060	66. 10-R-1092	102. 10-R-1128
27. 10-R-1061	67. 10-R-1093	103. 10-R-1129
28. 10-R-1062	68. 10-R-1094	104. 10-R-1130
29. 10-R-1155	69. 10-R-1095	105. 10-R-1131
30. 10-R-1156	70. 10-R-1096	106. 10-R-1132
31. 10-R-1157	71. 10-R-1097	107. 10-R-1133
32. 10-R-1158	72. 10-R-1098	108. 10-R-1134
33. 10-R-1159	73. 10-R-1099	109. 10-R-1135
34. 10-R-1160	74. 10-R-1100	110. 10-R-1136
35. 10-R-1164	75. 10-R-1101	111. 10-R-1137
36. 10-R-1172	76. 10-R-1102	112. 10-R-1138
37. 10-R-1177		
38. 10-R-1183		
39. 10-R-0931		
40. 10-R-1070		
41. 10-R-1071		
42. 10-R-1175		