

(Do Not Write Above This Line)

12-0-0391

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE TO FIX A SCHEDULE FOR MONTHLY WATER AND SEWER RATES AND CHARGES FOR THE CITY OF ATLANTA, GEORGIA, AS AUTHORIZED BY CHAPTER 154, ARTICLE III, DIVISION 3, SECTIONS 154-11 AND 154-112 (WATER RATES AND CHARGES) AND CHAPTER 154, ARTICLE V, DIVISION 3, SECTIONS 154-76 AND 154-277 (SEWER RATES AND CHARGES) FOR THE TIME PERIOD BEGINNING JULY 1, 2012 AND TERMINATING JUNE 30, 2016; TO ESTABLISH A FORMULA FOR FIXING RATES AFTER JUNE 30, 2016, WHEN NOT OTHERWISE ESTABLISHED BY ATLANTA CITY COUNCIL; AND PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE III, DIVISION 3 (RATES, CHARGES AND RELATED MATTERS), SECTIONS 111 (AUTHORITY TO FIX WATER RATES) AND 112 (ESTABLISHED) TO SET A SEPARATE RATE FOR CUSTOMERS WITH METERS OR DEVICES THAT HAVE BEEN GRANTED EXEMPTIONS FROM THE SEWER SERVICE CHARGE PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE V, DIVISION 3 (RATES AND CHARGES), SECTION 277, (SEWER SERVICE CHARGE), SUBSECTION (E), TO ENCOURAGE CONSERVATION OF WATER RESOURCES; AND FOR OTHER PURPOSES.

SUBJECT MATTER
ADOPTED BY

JUL 02 2012

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

Date Referred 4/16/12

Referred To: Cty Utilities

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading
Committee City Utilities
Date 7/2/2012
Chair [Signature]
Referred To [Signature]

Committee City Utilities
Date 2012
Action [Signature]
Fav, Adv, Hold (see rev. side)
Other ON 5/23/12
Members [Signature]
Refer To _____

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

Committee [Signature]
Date 2/6/2012
Chair [Signature]
Action [Signature]
Fav, Adv, Hold (see rev. side)
Other [Signature]
Members [Signature]
Refer To _____

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

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

CERTIFIED
JUL 02 2012
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JUL 02 2012
Municipal Clerk
[Signature]

APPROVED
JUL 19 2012
MAYOR
[Signature]



**A SUBSTITUTE ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO FIX A SCHEDULE FOR MONTHLY WATER AND SEWER RATES AND CHARGES FOR THE CITY OF ATLANTA, GEORGIA, AS AUTHORIZED BY CHAPTER 154, ARTICLE III, DIVISION 3, SECTIONS 154-111 AND 154-112 (WATER RATES AND CHARGES) AND CHAPTER 154, ARTICLE V, DIVISION 3, SECTIONS 154-276 AND 154-277 (SEWER RATES AND CHARGES) FOR THE TIME PERIOD BEGINNING JULY 1, 2012 AND TERMINATING JUNE 30, 2016; TO ESTABLISH A FORMULA FOR FIXING RATES AFTER JUNE 30, 2016, WHEN NOT OTHERWISE ESTABLISHED BY ATLANTA CITY COUNCIL; AND PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE III, DIVISION 3 (RATES, CHARGES AND RELATED MATTERS), SECTIONS 111 (AUTHORITY TO FIX WATER RATES) AND 112 (ESTABLISHED) TO SET A SEPARATE RATE FOR CUSTOMERS WITH METERS OR DEVICES THAT HAVE BEEN GRANTED EXEMPTIONS FROM THE SEWER SERVICE CHARGE PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE V, DIVISION 3 (RATES AND CHARGES), SECTION 277, (SEWER SERVICE CHARGE), SUBSECTION (E), TO ENCOURAGE CONSERVATION OF WATER RESOURCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”), pursuant to its charter, has the authority to and responsibility of providing water and sewer service to its water and sewer customers both inside and outside the corporate boundaries of the City; and

WHEREAS, it is necessary and in the best interests of the City to operate, maintain and expand the water and sewer systems to protect the public health, safety and welfare and to provide these services where such services are needed or desired; and

WHEREAS, in 1998 and 1999, the City resolved *Upper Chattahoochee Riverkeeper Fund, et al. v. City of Atlanta*, Civil Action File No.: 1:95-CV-2550-TWT and *United States of America, et al. v. City of Atlanta*, Civil Action File No. 1:98-CV-1956-TWT by entering court approved Consent Decrees with the Upper Chattahoochee Riverkeeper, the United States of America and the State of Georgia requiring the City to complete capital improvements and to implement improved operation and maintenance programs within specified time frames; and

WHEREAS, the City also resolved other regulatory enforcement matters with regard to its water system requiring the City to complete certain operational and capital improvements; and

WHEREAS, the Mayor and the City Council have, after extensive research and analysis, concluded that to maintain and upgrade the water treatment and distribution system and wastewater treatment and collection system to comply with federal and state regulations,



to implement best practices, and to meet the future demands of the City's service area, a major program of capital improvement and enhanced operation and maintenance had to be initiated; and

WHEREAS, projected water and wastewater revenues at current rates and charges will be sufficient to support continued financing of the costs of these improvements and operations, known as the Clean Water Atlanta program, without significant additional borrowing or the need to increase the water and sewer rates to secure additional debt; and

WHEREAS, at this time it is therefore unnecessary for the City to implement increases in water and sewer rates and charges to maintain strong infrastructure and regulatory compliance; and

WHEREAS, the City has an interest encouraging its citizens to conserve water resources and is required by the Metropolitan North Georgia Water Planning District's Water Supply and Water Conservation Management Plan to promote conservation through its water and sewer rate structure; and

WHEREAS, it is the desire of the Mayor and City Council to minimize, to the extent possible, the impact of rate increases on ratepayers and implement a rate structure that maintains affordability and promotes water conservation through the implementation of a graduated rate structure; and

WHEREAS, eighty-six percent (86%) of presidential preference primary voters in the City voted "yes" in a referendum asking whether to re-impose a special one percent sales and use tax to fund water and sewer projects and costs for the time period beginning October 1, 2012 and terminating September 30, 2016 (unless re-imposed for a fourth and final four year term in a referendum election through September 30, 2020); and

WHEREAS, it is in the best interests of the City to continue to apply the revenues generated and received from the special one percent sales and use tax to reduce the City's water and sewer rates on a dollar for dollar basis;

WHEREAS, the Atlanta City Code Chapter 154, Section 277, subsection (e) permits water customers who can show to the satisfaction of the Commissioner of the Department of Watershed Management that a significant portion of the water used by said customer, as measured by the water meter or meters, does not enter the water pollution control facilities, to install an additional meter or other device to establish the portion that does not enter the City's sewer system or another public sewer system and to not be billed the sewer service charge for said portion; and

WHEREAS, the Metropolitan North Georgia Water Planning District Act, O.C.G.A. § 12-5-570 *et seq.*, required the Metropolitan North Georgia Water Planning District to prepare, review and periodically update a Water Supply and Water Conservation Plan (the Plan) and Action Item 5.1 in the Plan requires that local water providers to establish an irrigation rate structure that reflects the impact of the use of irrigation meters on the



local water system and the encouragement of conservation of our region's limited water supplies; and

WHEREAS, it is in the best interests of the City to adopt a formula for fixing water and sewer service rates and charges in the event that Atlanta City Council does not otherwise set rates beginning July 1, 2016.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That as authorized by Chapter 154, Article III, Division 3 (Water Rates, Charges, and Related Matters), Section 154-111 and 154-112, the rates and charges for the city water service shall be established as follows and shall also be summarized in Exhibit "A" attached herein:

That the City of Atlanta water rate structure will include a graduated schedule of rate conditional on usage levels for domestic, commercial, industrial and other users of the City of Atlanta system, so as to encourage and promote conservation among all users.

The rates established are as follows:

July 1, 2012 – June 30, 2016

That monthly In-City water rates to be implemented July 1, 2012, for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$2.58 per hundred cubic feet and \$3.51 per hundred cubic feet for Outside-City water users for usage of three hundred cubic feet or less between July 1, 2012 and June 30, 2016.

That monthly In-City water rates to be implemented July 1, 2012 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$5.34 and \$6.48 per hundred cubic feet for Outside-City water users for usage greater than three hundred cubic feet and less than or equal to six hundred cubic feet between July 1, 2012 and June 30, 2016;.

That monthly In-City water rates to be implemented July 1, 2012 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$6.16 and \$7.47 per hundred cubic feet for Outside-City water users for usage greater than six hundred cubic feet between July 1, 2012 and June 30, 2016.

That monthly wholesale water rates to be implemented on July 1, 2012 shall be \$3.70 per hundred cubic feet for all usage between July 1, 2012 and June 30, 2016, plus any additional charges and fees, as defined in any duly authorized intergovernmental wholesale water service agreement.



That between July 1, 2012 and June 30, 2016, all monthly water rate structures for domestic, commercial, industrial and other users of the City of Atlanta system, include a base charge of \$6.56 regardless of actual usage.

SECTION 2: That as authorized by Chapter 154, Article V, Division 3 (Sewer Rates and Charges), Sections 154-276 and 154-277, the rates and charges for the city sewer service shall be established as follows:

July 1, 2012 – June 30, 2016

That monthly sewer service rates to be implemented on July 1, 2012 for domestic, commercial, industrial and other users of the City of Atlanta system will be \$9.74 per hundred cubic feet for the first three hundred cubic feet of water usage between July 1, 2012 and June 30, 2016.

That monthly sewer service rates to be implemented on July 1, 2012 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$13.64 per hundred cubic feet for water usage greater than three hundred cubic feet and less than or equal to six hundred cubic feet between July 1, 2012 and June 30, 2016.

That monthly sewer service rates to be implemented on July 1, 2012 for domestic, commercial, industrial and other users of the City of Atlanta system shall be \$15.69 per hundred cubic feet for water usage greater than six hundred cubic feet between July 1, 2012 and June 30, 2016.

That between July 1, 2012 and June 30, 2016, the monthly sewer service rate structure for domestic, commercial, industrial and other users of the City of Atlanta system shall include a base charge \$6.56 regardless of actual water usage.

SECTION 3: That the City shall continue to apply the revenues generated and received from the special one percent sales and use tax to reduce on a dollar for dollar basis increases that otherwise would be required in the City's water and sewer rates.

SECTION 4: That the City of Atlanta shall continue to evaluate and pursue financial structuring options, operational cost-saving measures, and opportunities to reduce the cost of capital improvements, as well as seek additional funds from other sources.



SECTION 5: That as authorized by Chapter 154, Article III, Division 3 (Rates, Charges, and Related Matters), Sections 111 and 112, the rates and charges for the city water service shall be implemented on July 1, 2012 and continue indefinitely as follows:

that monthly In-City and Outside City water rates for domestic, commercial, industrial and other users of the City of Atlanta system whose usage is measured by separate meters or devices and whose used water is not returned to the City's wastewater sewer system or another public wastewater sewer system and who are not charged a sewer service charge pursuant to Atlanta City Code § 154-277(e) shall be charged the applicable water rates charged to domestic, commercial, industrial and other users of the City of Atlanta system..

SECTION 6: That effective July 1, 2016, for all billing cycles beginning after July 1, 2016 and for each year thereafter, water and sewer rates shall be increased up to the increase in the Consumer Price Index for the preceding period or three percent (3%) per annum, whichever is lower, unless otherwise established by Atlanta City Council.

SECTION 7: If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8: That all ordinances or 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

JUL 02, 2012
JUL 09, 2012



EXHIBIT A

**CITY OF ATLANTA
DEPARTMENT OF WATERSHED MANAGEMENT
ORDINANCE 12-O-0391
MONTHLY WATER AND WASTEWATER RATES
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2016**

MONTHLY WATER RATES		
<i>USAGE TIER</i>	<i>INSIDE CITY RATE</i>	<i>OUTSIDE CITY RATE</i>
Base Charge	\$6.56	\$6.56
>0-3 CCF*	\$2.58 per CCF	\$3.51 per CCF
>3-6 CCF	\$5.34 per CCF	\$6.48 per CCF
>6 CCF	\$6.16 per CCF	\$7.47 per CCF
Irrigation Meter	Same as tiered water rate charges otherwise applicable.	Same as tiered water rate charges otherwise applicable.
Wholesale**	\$3.70	

MONTHLY SEWER RATES	
<i>USAGE TIER</i>	<i>RATE</i>
Base Charge	\$6.56 per CCF
>0-3 CCF*	\$9.74 per CCF
>3-6 CCF	\$13.64 per CCF
>6 CCF	\$15.69 per CCF

* CCF means hundred cubic feet

**Additional charges and fees, as defined in any duly authorized intergovernmental wholesale water service agreement, may apply.

RCS# 2125
7/02/12
2:16 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SEC. I EXCEPT 12-R-0888
MONDAY, JULY 2, 2012 AGENDA
ADOPT AS AMNDED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
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	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT I

		07-02-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0899	38. 12-R-0859	46. 12-R-0868
2. 12-O-0672	39. 12-R-0860	47. 12-R-0869
3. 12-O-0454	40. 12-R-0861	48. 12-R-0870
4. 12-O-0819	41. 12-R-0862	49. 12-R-0871
5. 12-O-0820	42. 12-R-0863	50. 12-R-0872
6. 12-O-0833	43. 12-R-0864	51. 12-R-0873
7. 12-O-0391	44. 12-R-0865	52. 12-R-0874
8. 12-O-0813	45. 12-R-0866	
9. 12-O-0814		
10. 11-O-0945		
11. 12-O-0810		
12. 12-O-0811		
13. 12-O-0812		
14. 12-O-0896		
15. 12-O-0455		
16. 12-O-0558		
17. 12-R-0887		
19. 12-R-0880		
20. 12-R-0881		
21. 12-R-0882		
22. 12-R-0883		
23. 12-R-0884		
24. 12-R-0875		
25. 12-R-0876		
26. 12-R-0897		
27. 12-R-0898		
28. 12-R-0901		
29. 12-R-0696		
30. 12-R-0818		
31. 12-R-0852		
32. 12-R-0853		
33. 12-R-0854		
34. 12-R-0855		
35. 12-R-0856		
36. 12-R-0857		
37. 12-R-0858		