

(Do Not Write Above This Line)
12-0-1609

AN ORDINANCE *Yolan*
Ad Shook

BY COUNCILMEMBERS YOLANDA
 ADREAN AND HOWARD SHOOK

A AN ORDINANCE AUTHORIZING THE
 CHIEF FINANCIAL OFFICER TO AMEND
 THE FY 2012 (WATER AND WASTEWATER
 REVENUE FUND) (5051) BUDGET IN THE
 AMOUNT OF SEVEN MILLION FIVE
 HUNDRED SIXTY-FIVE THOUSAND THREE
 HUNDRED TWO DOLLARS AND EIGHTY-
 NINE CENTS (\$7,565,302.89) TO TRANSFER
 FUNDS FROM THE WATER AND
 WASTEWATER REVENUE FUND (5051)
 RESERVES FOR APPROPRIATIONS AND
 ADD TO APPROPRIATIONS TO THE
 WATER AND WASTEWATER REVENUE
 (5051) FOR REFUND OF CERTAIN WATER
 SERVICES IRRIGATION CHARGES; TO
 REFUND CERTAIN WATER SERVICE
 CHARGES; AND FOR OTHER PURPOSES.
substitute

ADOPTED BY
 NOV 19 2012

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

Date Referred 11/5/12
 Referred To: Finance/Exec
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee Fin. Policy
 Date 11-14-12
 Chair Johnnie W. Adams
 Action on substitute
 Fav, Adv, Hold (see rev. side) _____
 Members _____

Refer 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 _____

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

Refer To _____

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

CERTIFIED
 NOV 19 2012
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 NOV 19 2012
 Ronald D. Langston
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 20 2012

MAYOR



AN ORDINANCE

BY COUNCILMEMBERS YOLANDA ADREAN AND HOWARD SHOOK

AS SUSTITUTE BY FINANCE/EXECUTIVE COMMITTEE

A SUBSTITUTE ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND CERTAIN WATER SERVICE CHARGES IN THE AMOUNT OF SEVEN MILLION FIVE HUNDRED FIFTY-SEVEN THOUSAND FIFTY DOLLARS AND SEVENTY-ONE CENTS (\$7,557,050.71); ALL AMOUNTS SHALL BE CHARGED TO AND PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND) 000001 (DEFAULT/BALANCE) 1226009 (REFUNDS PAYABLE); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns and operates a water and wastewater system; and

WHEREAS, the City Department of Watershed Management has identified, the need to refund costs in connection with the misapplication of water rates for the water usage measured by authorized irrigation meters paid from the Water and Wastewater Revenue Fund (5051) reserves; and

WHEREAS, a subset of the City's water/sewer customers use significant amounts of water that do not enter the City's sewer system and the Atlanta City Code of Ordinances allows these customers to obtain a separate meter ("Irrigation Meter") to measure this water usage in order to not incur the sewer service charge for this portion of their usage; and

WHEREAS, Ordinance 08-O-0744 (Section 7 amended by Ordinance 09-O-0482) authorized certain rates for water and sewer service charges for water and sewer usage between July 1, 2008 and June 30, 2012; and

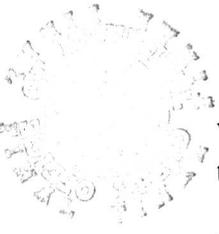
WHEREAS, said ordinance did not authorize a special conservation rate to be charged for water usage measured through irrigation meters; and

WHEREAS, on or about July 1, 2008, the City began charging twice the top tier water rate for water usage of seven (7) hundred cubic feet (CCF) and greater measured by authorized irrigation meters; and

WHEREAS, in September 2010, the City discovered the aforementioned error and ceased charging the irrigation rate on September 30, 2010; and

WHEREAS, the Department of Watershed Management has made significant, well-documented improvements to its metering and billing systems including additional rate entry cards, a post-input review, self-audit measures, and other more rigorous and accurate procedures for entering new and changed rates, and it is committed to continual enhancements to Atlanta's water resources and facilities; and

WHEREAS, the City recognizes the inconvenience experienced by affected irrigation customers; and



WHEREAS, the City desires to refund the monies collected in excess of the amounts that the City was authorized to charge; and

WHEREAS, the City also desires to refund the amount of statutory prejudgment interest that affected customers may be able to obtain under Georgia law even if the City did not choose to refund said interest; and

WHEREAS, Atlanta City Code §2-916 requires that authorization for at least the portions of this refund over \$5,000 per account be obtained by referring it to the Finance and Executive Committee and the Atlanta City Council for final determination.

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

Section 1: That the Chief Financial Officer is authorized to refund certain water/sewer customers that used water measured by an irrigation meter between July 1, 2008 and September 30, 2010 monies collected in excess of amounts that the City was authorized to charge and the amount of statutory prejudgment interest that affected customers may be able to obtain under Georgia law even if the City did not choose to refund said interest in sum in an amount not to exceed Seven Million Five Hundred Fifty-Seven Thousand Fifty Dollars and Seventy-One Cents (\$7,557,050.71).

Section 2: That these refunds be provided to the affected customers and in the amounts due to each customer.

Section 3: That all refunds will be paid from 5051 (Water & Wastewater Revenue Fund) 000001 (Default/Balance) 1226009 (Refunds Payable).

Section 4: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

A true copy,

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

November 19, 2012
November 20, 2012

RCS# 2400
11/19/12
2:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
EXCEPT 12-O-1416
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

		11-19-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 12-O-1404	35. 12-R-1558	69. 12-R-1581
2. 12-O-1504	36. 12-R-1559	70. 12-R-1582
3. 12-O-1505	37. 12-R-1560	71. 12-R-1583
4. 12-O-1506	38. 12-R-1561	72. 12-R-1584
5. 12-O-1507	39. 12-R-1562	73. 12-R-1585
6. 12-O-1598	40. 12-R-1563	ITEMS ADVERSED ON CONSENT
7. 12-O-1515	41. 12-R-1564	74. 12-R-1586
8. 12-O-1516	42. 12-R-1596	75. 12-R-1587
9. 12-O-1525	43. 12-R-1617	76. 12-R-1588
10. 12-O-1526	44. 12-R-1625	77. 12-R-1589
11. 12-O-1609	45. 12-R-1626	78. 12-R-1590
12. 12-O-1611	46. 12-R-1538	79. 12-R-1592
13. 12-O-1495	47. 12-R-1540	80. 12-R-1593
14. 12-O-1497	48. 12-R-1541	
15. 12-O-1498	49. 12-R-1601	
16. 12-O-1608	50. 12-R-1602	
17. 12-O-1508	51. 12-R-1616	
18. 12-O-1509	52. 12-R-1511	
19. 12-O-1523	53. 12-R-1542	
20. 12-R-1566	54. 12-R-1543	
21. 12-R-1567	55. 12-R-1544	
22. 12-R-1568	56. 12-R-1612	
23. 12-R-1547	57. 12-R-1624	
24. 12-R-1548	58. 12-R-1570	
25. 12-R-1549	59. 12-R-1571	
26. 12-R-1619	60. 12-R-1572	
27. 12-R-1096	61. 12-R-1573	
28. 12-R-1347	62. 12-R-1574	
29. 12-R-1355	63. 12-R-1575	
30. 12-R-1531	64. 12-R-1576	
31. 12-R-1554	65. 12-R-1577	
32. 12-R-1555	66. 12-R-1578	
33. 12-R-1556	67. 12-R-1579	
34. 12-R-1557	68. 12-R-1580	