

12-*P*-1540

(Do Not Write Above This Line)

A RESOLUTION
BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO COOPERATIVE TECHNICAL ASSISTANCE INTERGOVERNMENTAL COST SHARING AGREEMENT BETWEEN THE CITY OF ATLANTA, COBB COUNTY-MARIETTA WATER AUTHORITY, DEKALB COUNTY AND THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION, AND THE ATLANTA REGIONAL COMMISSION TO CONTINUE TECHNICAL AND LEGAL RESEARCH RELATED TO WATER SUPPLY; AND FOR OTHER PURPOSES.

ADOPTED BY
NOV 19 2012
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- 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 *City Utilities*

Date *Nov 3 2012*

Chair *Melinda White*

Action *Fav. Adv. Hold (see rev. side)*

Other _____

Members _____

Refer To *F.R. Sides*

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 _____

Committee _____

Date _____

Chair _____

Action *Fav. Adv. Hold (see rev. side)*

Other _____

Members _____

Refer To _____

Refer To _____

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

CERTIFIED

CERTIFIED

NOV 19 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

NOV 19 2012

Rod Bonner

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 28 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

12-*R*-1540

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO COOPERATIVE TECHNICAL ASSISTANCE INTERGOVERNMENTAL COST SHARING AGREEMENT BETWEEN THE CITY OF ATLANTA, COBB COUNTY-MARIETTA WATER AUTHORITY, DEKALB COUNTY AND THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION, AND THE ATLANTA REGIONAL COMMISSION TO CONTINUE TECHNICAL AND LEGAL RESEARCH RELATED TO WATER SUPPLY; AND FOR OTHER PURPOSES.

WHEREAS, the Participants first entered into an agreement with ARC in 1992 for certain professional services for the Participants; and

WHEREAS, the current agreement with ARC and other Participants was authorized by Resolution 09-R-2061; and

WHEREAS, the current agreement with ARC will expire on December 31, 2012; and

WHEREAS, despite recent and major legal victories in the United States Court of Appeals, Eleventh Circuit and the Supreme Court of the United States, the need to provide analysis of technical and legal research and responses to the various issues presented during the course of the tri-state water supply negotiations, the on-going federal administrative processes, and the technical and legal disputes continues; and

WHEREAS, the term of the contract will be extended through December 31, 2015, but the Participants do not anticipate that additional monies will be required to fund the agreement for this extended time period; and

WHEREAS, the Department of Watershed Management and the Department of Law recommend the execution of an amendment that extends the term of the cooperative technical assistance intergovernmental cost sharing agreement for technical assistance regarding water supply.

THE CITY COUNCIL FOR THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute an the First Amendment to Cooperative Technical Assistance Intergovernmental Cost Sharing Agreement (“Agreement”) between the City of Atlanta, Cobb County-Marietta Water Authority, DeKalb County and the Atlanta-Fulton County Water Resources Commission and the Atlanta Regional Commission (“ARC”).

BE IT FURTHER RESOLVED, that AFCWRC is authorized to execute a the Agreement between the City of Atlanta, Cobb County-Marietta Water Authority, DeKalb County and the Atlanta-Fulton County Water Resources Commission and ARC.



BE IT FURTHER RESOLVED, that the term of the Agreement is authorized to continue through and including December 31, 2015.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Agreement, substantially in the form of the draft Agreement attached as Exhibit "A," for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to ARC.

A true copy,

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

November 19, 2012
November 28, 2012



Exhibit "A"

**FIRST AMENDMENT
TO COOPERATIVE TECHNICAL ASSISTANCE
INTERGOVERNMENTAL COST SHARING AGREEMENT**

THIS AGREEMENT is made and entered into as of this _____ day of _____, 2012 by and between the CITY OF ATLANTA, Georgia, the COBB COUNTY-MARIETTA WATER AUTHORITY of Marietta, Georgia, DEKALB COUNTY, Georgia, the ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION, of Alpharetta, Georgia (hereinafter referred to as the "Participants") and the ATLANTA REGIONAL COMMISSION (hereinafter referred to as "ARC").

WITNESSETH THAT:

WHEREAS, on December 11, 2009, the Participants and ARC did enter into a Cooperative Technical Assistance Intergovernmental Cost Sharing Agreement, the purpose of which is to cooperate on technical and legal research in connection with the dispute over respective water rights among the states of Alabama, Florida, and Georgia; and

WHEREAS, the Participants desire to continue to collectively research and review proposals related to technical and legal issues regarding water supply; and

WHEREAS, the parties wish to amend said agreement to extend the term of the agreement as set forth herein below.

NOW, therefore and in consideration of the mutual benefits to the parties, the parties agree that said contract is hereby amended as follows;

1. The first sentence of Item 5, Term, is hereby revised to read: "This agreement shall become effective as of the date first written above and shall continue in full force and effect until December 31, 2015."

The parties hereto understand and agree that this amendment may be executed in counterparts.

Except as specifically modified hereinabove, the remainder of said agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Participants and ARC hereunto agree effective as of the date above written.



Counterpart 1 of 5 to Technical Assistance Agreement.

Atlanta Regional Commission

Executive Director

Attested, Assistant Secretary

Chair



Counterpart 2 of 5 to Technical Assistance Agreement.

Witness:

Municipal Clerk

City of Atlanta

Kasim Reed, Mayor (Seal)

Approved as to Form:

City Attorney

Recommended:

Commissioner, Department of
Watershed Management

Approved:

Chief Procurement Officer

Chief Financial Officer

Chief Operating Officer



Counterpart 3 of 5 to Technical Assistance Agreement.

**COBB COUNTY-MARIETTA
WATER AUTHORITY**

Chairman

Approved as to form:

Attest:

Attorney

Title



Counterpart 4 of 5 to Technical Assistance Agreement.

DeKalb County

Burrell Ellis
Chief Executive Officer
DeKalb County, Georgia

ATTESTED:

Barbara Sanders
Clerk of the
Chief Executive Officer
and Board of Commissioners
of DeKalb County, Georgia

Approved as to Substance:

Director

Approved as to Form:

County Attorney



Counterpart 5 of 5 to Technical Assistance Agreement.

**Atlanta-Fulton County
Water Resources Commission**

Chairman

Approved as to Form:

ATTEST:

AFCWRC Attorney

Approved as to Content:

ATTEST:

Kathy Crews, General Manager

Notary Public (Seal)

My Commission Expires _____

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	