

12-0-1615

(Do Not Write Above This Line)

AN ORDINANCE AND CHARTER AMENDMENT
 BY COUNCIL MEMBERS AARON WATSON
 AND CARLA SMITH
Carla Smith

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, ET SEQ., AS AMENDED, BY AMENDING PART I (CHARTER AND RELATED LAWS), SUBPART A (CHARTER, ARTICLE 1 (NAME, POWERS AND BOUNDARIES), SECTION 1-102 (POWERS) SO AS TO PROVIDE FOR THE POWER TO CREATE SPECIAL DISTRICTS WITHIN WHICH COMMERCIAL PROPERTY OWNERS MAY VOLUNTARILY CONSENT TO THE IMPOSITION OF A FEE, TAX OR ASSESSMENT IN ORDER TO PROVIDE FOR THE INSTALLATION OR MODIFICATION OF IMPROVEMENTS THAT REDUCE ENERGY OR WATER CONSUMPTION OR PROVIDE ENERGY FROM RENEWABLE RESOURCES; TO PROVIDE FOR A LIEN PRIORITY AND ENFORCEMENT MECHANISM; **ADOPTED BY THE CITY COUNCIL**

- OTHER PURPOSES
- CONSENT REFER
 - REGULAR REPORT REFER
 - ADVERTISE & REFER
 - 1ST ADOPT 2ND READ & REFER
 - PERSONAL PAPER REFER

Date Referred: 11/5/12
 Referred To: Finance / Exec
 Date Referred: 11/19/12
 Referred To: Finance / Exec
 Date Referred: _____
 Referred To: _____
 Referred To: 470187-1

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee: *Finance*
 Date: 11-19-12
 Chair: *Carla A. Smith*
 Action: Fav. Adv. Hold (See rev. side)
 Other: _____
 Members: *Carla Smith, Aaron Watson*

Refer To: _____

Committee _____
 Date _____
 Chair _____
 Action: Fav. Adv. Hold (See rev. side)
 Other: _____
 Members _____

Refer To: _____

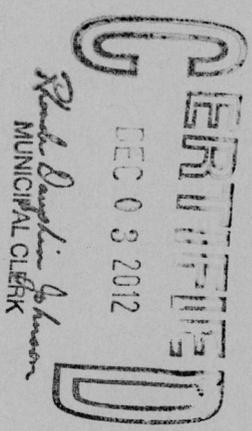
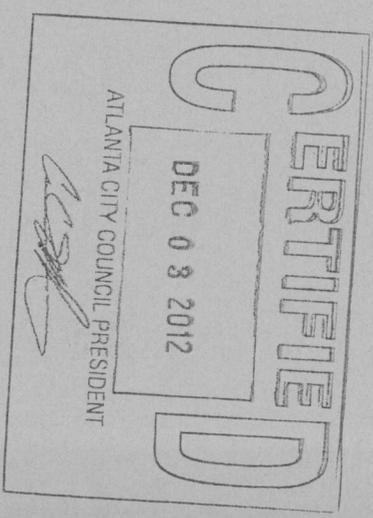
Committee: *Finance*
 Date: 11-28-12
 Chair: *Carla A. Smith*
 Action: Fav. Adv. Hold (See rev. side)
 Other: _____
 Members: *Carla Smith, Aaron Watson*

Committee _____
 Date _____
 Chair _____
 Action: Fav. Adv. Hold (See rev. side)
 Other: _____
 Members _____

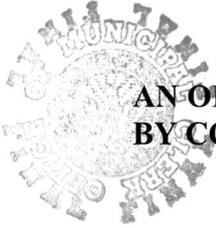
Refer To: _____

Refer To: _____

- FINAL COUNCIL ACTION
- 2ND
 - 1ST & 2ND
 - 3RD
- Readings
- Consent
 - V Vote
 - RC Vote



MAYOR'S ACTION
APPROVED
 DEC 12 2012
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE AND CHARTER AMENDMENT
BY COUNCILMEMBERS AARON WATSON AND CARLA SMITH**

Carla Smith
Aaron Watson

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, ET SEQ., AS AMENDED, BY AMENDING PART I (CHARTER AND RELATED LAWS), SUBPART A (CHARTER), ARTICLE 1 (NAME, POWERS AND BOUNDARIES), SECTION 1-102 (POWERS) SO AS TO PROVIDE FOR THE POWER TO CREATE SPECIAL DISTRICTS WITHIN WHICH COMMERCIAL PROPERTY OWNERS MAY VOLUNTARILY CONSENT TO THE IMPOSITION OF A FEE, TAX OR ASSESSMENT IN ORDER TO PROVIDE FOR THE INSTALLATION OR MODIFICATION OF IMPROVEMENTS THAT REDUCE ENERGY OR WATER CONSUMPTION OR PROVIDE ENERGY FROM RENEWABLE RESOURCES; TO PROVIDE FOR A LIEN PRIORITY AND ENFORCEMENT MECHANISM; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta (the "City") has determined that energy-consuming improved properties that are not using energy conservation strategies contribute to the burden affecting improved property, contribute to poor air-quality, greater use of scarce water resources and over-dependence on fossil fuel energy production; and

WHEREAS, the City Council of the City has determined and declared that reduction in atmospheric carbon dioxide, increase in water conservation and the development of additional sources of renewable energy are the public policy of the City; and

WHEREAS, the City has a Sustainability Plan which provides a comprehensive plan for improvements in water conservation, the reduction of the carbon footprint, greenhouse gas emissions and make the downtown Atlanta area more sustainable; and

WHEREAS, in order to make qualifying improvements more affordable and to assist property owners who wish to undertake such improvements, the City has determined that it is in the best interests of its citizens to authorize the creation of "property assessed clean energy districts" in the City within which property owners may voluntarily install water and energy conservation improvements to be financed through a program facilitated by the City, but without public funds; and

WHEREAS, as part of the program it will be necessary for property owners to agree to the imposition of a property assessment on their improved real property and for the City to levy and provide for the collection the assessment, and to establish a mechanism for the enforcement of the collection of such voluntary assessments; and



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

SECTION 1: That Part I, Subpart A, Article 1, Section 1-102 of the Charter of the City of Atlanta, Georgia 1996 Ga. Laws P. 4469, et seq., be amended to add a new subsection 1-102 (c) (61), which shall include the following text which follows the italicized existing language:

Section 1-102. Powers

(c) The city shall have all powers now vested in the city and now or hereafter granted to municipal corporations by the laws of Georgia and shall have the power to do the following:

* * *

(61) To establish one or more special districts within which commercial property owners may voluntarily consent to the installation of energy and water conservation improvements and to the imposition of a fee, tax or assessment which may be assigned through contract with the city's development authority or downtown development authority in order to provide financing for the installation or modification of improvements that reduce energy or water consumption or provide improvements that produce energy from renewable resources; to provide for the imposition of liens and penalties for failure to pay the fee, tax or assessment, provided that such liens shall be enforced in the same manner and with the same remedies as a lien for city property taxes and shall be co-equal and on a parity basis with other municipal taxes. Any fee, tax or assessment shall be collected by Fulton County in the same manner, and on the same dates as other taxes, fees and assessments levied by the City of Atlanta.

SECTION 2: That a copy of this proposed amendment to the Charter of the City of Atlanta, Georgia 1996 Ga. Laws P. 4496 et seq., as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and the Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia," attached hereto and marked "Exhibit A" and made a part of this ordinance, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation of the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

SECTION 3: Upon adoption of this Charter amendment, the City Council authorizes the Law Department and the Department of Finance to establish any procedures which may be necessary for its implementation, including coordination with the Fulton County



Tax Commissioner for purposes of levying an collecting the tax, fee and assessment authorized hereby.

SECTION 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

DEC 03, 2012
DEC 12, 2012



Exhibit "A"

**NOTICE OF PROPOSED AMENDMENT
TO THE CHARTER OF THE CITY OF ATLANTA**

Notice is hereby given that an Ordinance has been introduced to amend the Charter of the City of Atlanta (Ga. Laws, 1996, p. 4469, et seq.) approved April 15, 1996, as amended, said ordinance being captioned as follows:

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469, ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1 ET SEQ., AS AMENDED, BY AMENDING PART I (CHARTER AND RELATED LAWS), SUBPART A (CHARTER), ARTICLE 1 (NAME, POWERS AND BOUNDARIES), SECTION 1-102 (POWERS) SO AS TO PROVIDE FOR THE POWER TO CREATE SPECIAL DISTRICTS WITHIN WHICH COMMERCIAL PROPERTY OWNERS MAY VOLUNTARILY CONSENT TO THE IMPOSITION OF A FEE, TAX OR ASSESSMENT IN ORDER TO PROVIDE FOR THE INSTALLATION OR MODIFICATION OF IMPROVEMENTS THAT REDUCE ENERGY OR WATER CONSUMPTION OR PROVIDE ENERGY FROM RENEWABLE RESOURCES; TO PROVIDE FOR A LIEN PRIORITY AND ENFORCEMENT MECHANISM; AND FOR OTHER PURPOSES

A copy of the proposed Ordinance and Charter Amendment is on file in the Office of the Municipal Clerk of the City of Atlanta and in the Offices of the clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia for the purpose of examination and inspection by the public.

This _____ day of _____, 2012

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta

RCS# 2409
11/19/12
3:41 PM

Atlanta City Council

12-O-1615

AMEND CITY CHARTER; PROVIDE POWER TO
CREATE SPECIAL DISTRICTS;REDUCE ENERGY
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

12-O-1615