

13-0-0119

(Do Not Write Above This Line)

AN ORDINANCE BY  
CITY UTILITIES COMMITTEE

AN ORDINANCE AMENDING CHAPTER 154 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE PURPOSE OF ESTABLISHING THE CITY OF ATLANTA CARE AND CONSERVE GRANT PROGRAM, TOGETHER WITH APPLICABLE PROVISIONS GOVERNING THE PROGRAM; AUTHORIZING THE USE OF CERTAIN WATER AND SEWER REVENUES FOR THE PURPOSE OF FUNDING THE CARE AND CONSERVE PROGRAM; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 06 2013

COUNCIL  
substitute

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

Date Referred 2/4/13

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee City Utilities  
Date January 29 2013  
Chair [Signature]  
Referred To [Signature]

Committee City Utilities  
Date February 12 2013  
Chair [Signature]

Action  
Fav, Adv, Hold (see rev. side)  
Other on substitute

Members

Refer To

Committee City Utilities  
Date April 30 2013  
Chair [Signature]

Action  
Fav, Adv, Hold (see rev. side)  
Other on substitute

Members

Refer To

First Reading

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 \_\_\_\_\_

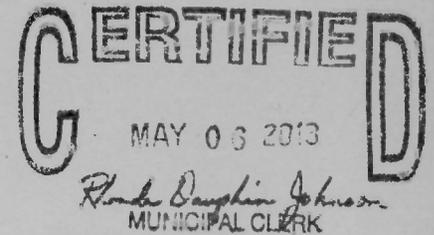
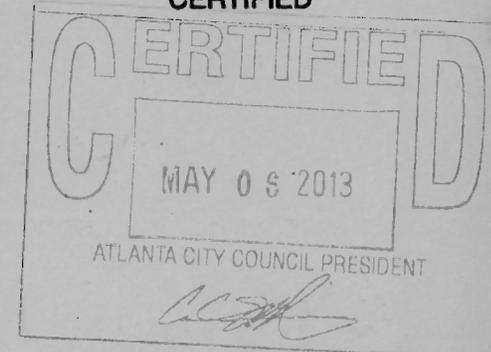
Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED

MAY 15 2013

WITHOUT SIGNATURE  
BY OPERATION OF LAW

13-O-0119

**A SUBSTITUTE ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE AMENDING CHAPTER 154 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE PURPOSE OF ESTABLISHING THE CITY OF ATLANTA CARE AND CONSERVE GRANT PROGRAM, TOGETHER WITH APPLICABLE PROVISIONS GOVERNING THE PROGRAM; AUTHORIZING THE USE OF CERTAIN WATER AND SEWER REVENUES FOR THE PURPOSE OF FUNDING THE CARE AND CONSERVE PROGRAM; AND FOR OTHER PURPOSES.**

**WHEREAS**, in 1994, the City of Atlanta ("City") identified the need to establish a program for the purpose of assisting low income families with 1) payment of water and sewer bills; and 2) reducing water consumption by repairing leaks and retrofitting homes with low flow plumbing fixtures, recognizing that some customers cannot afford to pay their bills and/or make plumbing repairs to correct leaks; and

**WHEREAS**, in 1994 the City authorized the Department of Water (as the department was constituted prior to the creation of the Department of Watershed Management ("DWM")) to take necessary steps to develop a billing assistance and water leak repair program for low income customers through soliciting, and accepting in a separate account, private donations, grants, corporate sponsorships and to select a non-profit entity to administer such a program, as more particularly described in Resolution Number 94-R-1526, and further directed the Director of the Bureau of Purchasing and Real Estate to issue a Request for Proposals to select a non-profit entity to administer the program; and

**WHEREAS**, in 1998, the Mayor was authorized to enter into an agreement with Southeast Technical Group, a non-profit organization, known as FC-6005007948 Care and Conserve Program ("SEA Agreement"), for the purpose of administering the Care and Conserve Program, pursuant to the federally funded Community Development Block Grant agreement number CD-98-541, administered through the U.S. Housing and Urban Development ("HUD CDBG"), in an amount not to exceed \$50,000.00, pursuant to Resolution number 98-R-0903; and

**WHEREAS**, in 2001, the City reaffirmed its commitment to the Care and Conserve Program and again directed the Mayor or his designee to issue a Request for Proposal for the purpose of selecting a non-profit entity to administer the Care and Conserve Program, as described in Resolution No. 94-R-1526, pursuant to Resolution Number 01-R-1995; and

**WHEREAS**, in 2003, the City again reaffirmed its commitment to the Care and Conserve Program and authorized the Department of Watershed Management to maximize opportunities for contributions to the Care and Conserve program, pursuant to Resolution Number 03-R-2227; and



**WHEREAS**, in the years following 1998, the HUD CDBG continued to be awarded, on an annual basis, to Southeast Energy Assistance (“SEA”); and the City was authorized to continue to contract with SEA for the purpose of administering the Care and Conserve Program, utilizing revenues generated from cell tower lease agreements on properties utilized by the Department of Watershed Management, customer contributions and corporate donations to fund the program; and funding was appropriated annually and authorized for the Care and Conserve Trust Fund, pursuant to various resolutions and ordinances (See Resolution Number 05-R-0983; 06-O-1685; 06-R-1946; 07-R-1944; 07-O-2549; 09-O-1112; 09-R-1228; 11-O-1097; 11-O-1421; 12-R-0643; and 12-O-0189); and

**WHEREAS**, the HUD CDBG was most recently granted to SEA for the plan year 2012, as authorized pursuant to Resolution Number 12-R-0643, which was determined to serve as an appropriate contractual vehicle to govern the administration of the Care and Conserve Program; and further authorized use of the HUD CDBG grant funds together with the Care and Conserve Trust Fund monies to fund the Care and Conserve Program; and

**WHEREAS**, the Care and Conserve Trust Fund is funded from various funding sources, including corporate donations, private contributions and revenues collected from 1) cell tower lease agreements related to Department of Watershed properties; and 2) revenues collected and appropriated from the Service Line Warranty program, as authorized by Ordinance Number 12-O-0189 (collectively, the “Care and Conserve Trust Fund”); and

**WHEREAS**, specifically, the Care and Conserve Trust Fund monies are used to fund water and sewer bill assistance, water and sewer service line and plumbing repairs, water efficiency efforts and administrative costs for administering the Care and Conserve Program; and the HUD CDBG grant funds are used to fund such programs only for residents of the City; and

**WHEREAS**, the City has the highest combined water and sewer rates in the nation for a major metropolitan city, and the need for bill pay assistance, water conservation and leak repair assistance continues to exceed Care and Conserve Trust Fund monies; and

**WHEREAS**, the Care and Conserve Program provides direct and substantial benefits to the customers of the drinking water and wastewater system of the City (the "System") as well as to the System itself, including: customer retention, avoidance of disconnection and collection costs, reduction of bad debt expenses, conservation of water resources, avoidance and deference of costly water supply projects, reduction of sewage spills, and enhancement of the City’s good will and as such are reasonable and customary costs of operating and maintaining the System; and

**WHEREAS**, the City, by and through DWM desires to expand the reach of the Care and Conserve Program by expanding the funding base of the Care and Conserve Program to include System revenues as an additional funding source which will permit the program to provide services to more low-income customers in need of assistance



under the Care and Conserve Program, which services include bill-pay assistance, residential plumbing repairs, installation of water-saving devices to promote water conservation; leak repairs for water service lines; and leak repairs for sewer service lines; and

**WHEREAS**, the City desires to codify the Care and Conserve Program so that the contributions made from the Care and Conserve Trust Fund and System revenues can be used as matching grant funds of the City to the entity awarded the HUD CDBG grant, as such funds may be appropriated annually through the budget process or through other legislative authorization.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:**

**Section 1.** The following is hereby adopted as the Care and Conserve Program, which shall be codified as an additional section in Chapter 154 of the City of Atlanta Code of Ordinances in an appropriately numbered section, as deemed appropriate by the City Clerk:

CHAPTER 154, ARTICLE III, DIVISION 3.

**Sec. 154-130. Care and Conserve Program.**

**(a) Findings**

(1) *Authority.* The City of Atlanta, pursuant to the Article IX, § II, Paras. II and III, and Art. IX, §IV, Para. II of the Constitution of the State of Georgia, O.C.G.A. § 36-34-5, and the Atlanta City Charter §1-102(c)(9) has the authority to provide and the responsibility of providing drinking water and wastewater service to its water and sewer customers both inside and outside the corporate boundaries of the City of Atlanta and to fix rates, charges and fees for same. The provision of clean drinking water and continuous wastewater service promotes the safety, health and general welfare of the City of Atlanta and its inhabitants pursuant to the Atlanta City Charter §1-102(b).

(2) *Water Conservation.* The City of Atlanta finds that water is a vital resource that requires conservation to sustain adequate supplies for emergencies and future system needs as well as to protect water quality and the environment. Conservation of water supplies by various means is now required and encouraged by the United States of America through statutes such as 42 U.S.C. § 10302 and 42 U.S.C. § 6295; and the State of Georgia through Title 12, Chapter 5, Article 1; the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, *et seq.*; the Georgia Safe Drinking Water Act of 1977, O.C.G.A. 12-5-170, *et seq.*; the Metropolitan North Georgia Water Planning District Act, O.C.G.A. § 12-5-470, *et seq.*; and O.C.G.A. § 8-2-1 *et seq.*; among others. To conserve its vital water resources, the government of the City of Atlanta shall establish programs that expand customer access to water conserving measures, fixtures and devices.



(3) *Lifeline Access to Water and Wastewater Service.* The City of Atlanta finds that it is standard practice throughout the United States for water and wastewater utilities to implement well-tailored programs that provide assurance of the availability of service to all customers, especially economically disadvantaged households. To assure lifeline access to water for economically disadvantaged customers, the government of the City of Atlanta shall establish programs that improve customer accessibility to the minimum quantity of water necessary to sustain life, safety, and health.

(4) *Sustainable Infrastructure.* The City of Atlanta finds that operation of the City's drinking water and wastewater system in an efficient and economical manner and on a revenue-producing basis is necessary to sustain strong public water and wastewater infrastructure. The City of Atlanta further finds that programs that assist customers with conserving water through installation of water conserving devices and repair of leaks in service lines, as well as programs that otherwise facilitate lifeline access to water and wastewater service by providing limited bill payment assistance to qualified customers provide a direct and substantial benefit to the drinking water and wastewater system and are therefore reasonable and customary costs of operating and maintaining the City of Atlanta's drinking water and wastewater system because they:

- (i) Retain customers;
- (ii) Avoid costs of disconnection and collections;
- (iii) Reduce bad debt expenses;
- (iv) Further federal, state and City policy to conserve water resources upon which the City relies;
- (v) Avoid or defer costly water supply enhancement projects and allow the City better leverage existing water resources;
- (vi) Reduce the likelihood of sewage spills; and
- (vii) Enhance the City's good will.

Further, the City of Atlanta finds that all of the foregoing enhance the City of Atlanta's ability to operate the drinking water and wastewater system in an economical manner and on a revenue-producing basis and are reasonably incurred in connection with the operation and maintenance of such system and will result in the combined benefits of providing assurance of the availability of service to all customers, enabling ratepayers to remain connected throughout particularly challenging periods, and enhancing water use efficiency among low-income households.

Further, the City of Atlanta finds that it is a national standard practice to fund conservation and affordability programs by combining system revenues (or receivable reductions) and local charitable contributions to fund program expenditures. Therefore, implementation of such programs will further the efficient and economical operation of the drinking water and wastewater system and are necessary expenses of operation and maintenance. Any benefit which may inure to private citizens in connection with or as a byproduct of the provision of these services is merely incidental to fulfilling the paramount public purposes served by such programs. When sufficient



funds exist, system revenues may be utilized in part to fund conservation and affordability programs.

(5) *Care and Conserve Program.* The achievement of the policies and purposes described in subsections (a)(1) through (a)(4) require that the Mayor or his designee, the Commissioner of the Department of Watershed Management, be charged to create a Care and Conserve Program that may provide certain services for qualified low-income customers of City's drinking water and wastewater system that further the policies declared in this Code Section. These services may include installation of water conserving devices, leak repairs for water and sewer service lines, residential plumbing repairs; and bill payment assistance to qualified customers.

**(b) Care and Conserve Program established.**

The City of Atlanta Care and Conserve Program is established for the purposes described in subsection (a), which shall include the provision of the following defined services for qualified low-income water and/or sewer customers of the City of Atlanta: installation of water conserving devices, leak repairs for water and sewer service lines, residential plumbing repairs, and bill payment assistance to qualified customers.

**(c) Funding sources.**

The Care and Conserve Program may be funded through corporate donations, customer contributions, revenues generated from cell tower lease agreements governing the use of properties used as part of the water or sewer system under the purview of the Department of Watershed Management or revenues generated from any service line warranty program or other revenue sources where funds are so designated for the Care and Conserve Program and/or the Care and Conserve Trust Fund through appropriate legislative authorization; and further such water and sewer revenues of the City's drinking water and wastewater system, as such funds may be properly authorized in an approved budget or other legislative authorization.

**(d) Annual Contribution to the Care and Conserve Program.**

The City may authorize and appropriate for the Care and Conserve Program such funds as may be designated in appropriate legislation at least annually from the authorized funding sources described in subsection (c). Approved funds shall constitute the City's annual contribution to the Care and Conserve Program, as a matching grant payable to the non-profit entity properly selected and awarded the HUD CDBG Grant. Should the HUD CDBG Grant not be awarded to a non-profit entity in any given calendar or fiscal year or if funds are not made available for the HUD CDBG Grant, the City may select and award funds from authorized City of Atlanta funding sources through a competitive grant selection process substantially similar to the selection process followed for the HUD CDBG Grant, which process shall be overseen by the Chief Financial Officer in connection with the Commissioner of the Department of Watershed Management, or their authorized designees. For purposes of this Section, "HUD CDBG Grant" means the annual selection, award and funding process for the Housing and



Urban Development Community Development Block Grant for the Care and Conserve Program, which results in an agreement between the U.S. Housing and Urban Development, the grant recipient and the City of Atlanta, for the grant of certain federal grant funds to a non-profit entity to administer and provide services to City's qualified low-income water and/or sewer customers under the Care and Conserve Program ("HUD Contract").

**(e) Administration of the Care and Conserve Program.**

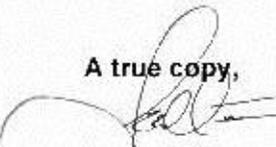
The Care and Conserve Program shall be administered by the non-profit entity selected and properly awarded the HUD CDBG Grant or as may be otherwise selected by the City of Atlanta pursuant to subsection (d), which selection and award shall occur annually. The Care and Conserve Program administrator shall be required to comply with such program requirements provided in the grant selection process and all other procedures and program requirements as may be developed by the City of Atlanta in connection with its oversight and participation in the Care and Conserve Program. The HUD Contract shall govern the terms and conditions of the services to be provided by the grant recipient under the Care and Conserve Program, unless another agreement is executed with a grant recipient in the case that there is no HUD CDBG Grant.

**(f) Care and Conserve Program requirements.**

The Commissioner of the Department of Watershed Management is authorized to oversee and manage on behalf of the City all aspects of the Care and Conserve Program, including the development of grant recipient criteria, program requirements, program processes and oversight and management of the grant recipient and its administration of the Care and Conserve Program service delivery as may be needed to ensure the successful implementation of the Care and Conserve Program consistent with this Section.

**Section 2.** All ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.

A true copy,

  
Deputy Clerk

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

MAY 06, 2013  
MAY 15, 2013

RCS# 2666  
5/06/13  
3:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
EXCEPT 13-O-0638  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

+

		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0599	40. 13-R-3103	77. 13-R-3043
2. 13-O-0629	41. 13-R-3104	78. 13-R-3044
3. 13-O-0643	42. 13-R-3085	79. 13-R-3045
4. 13-O-0119	43. 13-R-3086	80. 13-R-3046
5. 13-O-0632	44. 13-R-3087	81. 13-R-3047
6. 13-O-0639	45. 13-R-3088	82. 13-R-3048
7. 13-O-0638	46. 13-R-3089	83. 13-R-3049
8. 13-O-0640	47. 13-R-3090	84. 13-R-3050
9. 13-O-0648	48. 13-R-3014	85. 13-R-3051
10. 13-O-0592	49. 13-R-3015	86. 13-R-3052
11. 13-O-0628	50. 13-R-3016	87. 13-R-3053
12. 13-O-0630	51. 13-R-3017	88. 13-R-3054
13. 13-R-3091	52. 13-R-3018	89. 13-R-3055
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15. 13-R-3094	54. 13-R-3020	91. 13-R-3057
16. 13-R-3095	55. 13-R-3021	92. 13-R-3058
17. 13-R-3096	56. 13-R-3022	93. 13-R-3059
18. 13-R-3097	57. 13-R-3023	94. 13-R-3060
19. 13-R-3093	58. 13-R-3024	95. 13-R-3061
20. 13-R-3098	59. 13-R-3025	96. 13-R-3062
21. 13-R-3100	60. 13-R-3026	97. 13-R-3063
22. 13-R-3101	61. 13-R-3027	98. 13-R-3064
23. 13-R-3106	62. 13-R-3028	99. 13-R-3065
24. 13-R-3003	63. 13-R-3029	100. 13-R-3066
25. 13-R-3004	64. 13-R-3030	101. 13-R-3067
26. 13-R-3005	65. 13-R-3031	102. 13-R-3068
27. 13-R-3006	66. 13-R-3032	103. 13-R-3069
28. 13-R-3007	67. 13-R-3033	104. 13-R-3070
29. 13-R-3008	<b>ITEMS ADVERSED ON CONSENT</b>	105. 13-R-3071
30. 13-R-3009	68. 13-R-3034	106. 13-R-3072
31. 13-R-3010	69. 13-R-3035	107. 13-R-3073
32. 13-R-3011	70. 13-R-3036	108. 13-R-3074
33. 13-R-3013	71. 13-R-3037	109. 13-R-3075
34. 13-R-3000	72. 13-R-3038	110. 13-R-3076
35. 13-R-3001	73. 13-R-3039	111. 13-R-3077
36. 13-R-3002	74. 13-R-3040	112. 13-R-3078
37. 13-R-3083	75. 13-R-3041	113. 13-R-3079
38. 13-R-3084	76. 13-R-3042	114. 13-R-3080
39. 13-R-3102		115. 13-R-3081
		116. 13-R-3082