

13-*R*-3004

A RESOLUTION BY
CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE
MAYOR, OR HIS AUTHORIZED
DESIGNEE, TO EXECUTE A
MEMORANDUM OF
UNDERSTANDING BETWEEN THE
CITY OF HAPEVILLE AND THE CITY
OF ATLANTA, AS AN AMENDMENT
TO THE PARTIES' 1979 WATER
POLLUTION CONTROL SERVICE
AGREEMENT, RELATED TO CERTAIN
OPERATIONS AND MAINTENANCE
BILLING AND COSTS; AND FOR
OTHER PURPOSES.

ADOPTED BY
MAY 06 2013
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: _____

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

Committee *CITY UTILITIES*
Date *April 30 2013*
Chair *J. J. S. L. N.*

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

Members
[Signatures]

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 _____

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

CERTIFIED
MAY 06 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
MAY 06 2013
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
MAY 15 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW



**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS AUTHORIZED DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HAPEVILLE AND THE CITY OF ATLANTA, AS AN AMENDMENT TO THE PARTIES' 1979 WATER POLLUTION CONTROL SERVICE AGREEMENT, RELATED TO CERTAIN OPERATIONS AND MAINTENANCE BILLING AND COSTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hapeville ("Hapeville") and the City of Atlanta ("Atlanta") entered into an agreement for the provision of sanitary sewer service to Hapeville, known as the "Water Pollution Control Service Agreement, dated December 28, 1979 ("Agreement"), which provides for the terms and conditions of payment for the provision of sewer treatment service to Hapeville, including operational, maintenance and capital improvement costs; and

WHEREAS, the Agreement contains several outdated provisions which the parties desire to address by amending the Agreement to reflect current conditions and agreements between the parties; and

WHEREAS, the Flint River Wastewater Treatment Plant referenced in the Agreement was replaced by the Flint River Sewage Pumping Station, which sends flows to the South River Water Reclamation Center; and

WHEREAS, the Agreement provided for the calculation of payment for operational and maintenance costs to be measured by water consumption data, an outdated form of measurement; and

WHEREAS, the parties desire to amend the Agreement to reflect the calculation of payment for operational and maintenance costs based upon measured wastewater flows, as the most accurate method of apportioning operation and maintenance costs to Hapeville; and

WHEREAS, the MOU additionally includes recognition of certain billing adjustments determined appropriate by Atlanta due to certain errors in past billings; and

WHEREAS, the parties have agreed upon a Memorandum of Understanding ("MOU") to reflect the understanding of the parties related to billing and needed amendments to the Agreement, which is attached and incorporated herein as Exhibit "A"; and

WHEREAS, Hapeville has authorized and executed the MOU; and

WHEREAS, the Commissioner of the Department of Watershed Management has determined that the MOU is in the best interests of the City and recommends authorizing the MOU.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is hereby authorized to execute the MOU, as an amendment to the Agreement, in substantial form as Exhibit "A"; and

BE IT FURTHER RESOLVED, that all resolutions in conflict with this resolution 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



Exhibit "A"

Resolution

Cities of Hapeville and Atlanta Memorandum of Understanding Operations and Maintenance Cost Billing

Whereas

The Cities of Hapeville and Atlanta entered into a water pollution control service agreement on December 28, 1979, which addresses the issue of sharing operation and maintenance costs; and

The Flint River wastewater plant referenced in the 1979 agreement has been replaced by the Flint River sewage pumping station which sends flows to the South River water reclamation center; and

Measured wastewater flows are the most rational method of apportioning operation and maintenance costs among interjurisdictional wastewater partners under the existing 1979 agreement; and

This method of sharing operation and maintenance costs of the Flint River sewage pumping station and the South River water reclamation center may be included in a future contact amendment; and

This flow-proportioned of sharing operation and maintenance costs is specified in the attached Memorandum of Understanding.

NOW THEREFORE

The Mayor of Atlanta is hereby authorized to execute the attached Memorandum of Understanding for the City of Hapeville and Atlanta O & M Cost Billing.

Attachments

MOU

1979 Agreement

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
14. 13-R-3092	53. 13-R-3019	90. 13-R-3056
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	ITEMS ADVERSED ON	105. 13-R-3071
30. 13-R-3009	CONSENT	106. 13-R-3072
31. 13-R-3010	68. 13-R-3034	107. 13-R-3073
32. 13-R-3011	69. 13-R-3035	108. 13-R-3074
33. 13-R-3013	70. 13-R-3036	109. 13-R-3075
34. 13-R-3000	71. 13-R-3037	110. 13-R-3076
35. 13-R-3001	72. 13-R-3038	111. 13-R-3077
36. 13-R-3002	73. 13-R-3039	112. 13-R-3078
37. 13-R-3083	74. 13-R-3040	113. 13-R-3079
38. 13-R-3084	75. 13-R-3041	114. 13-R-3080
39. 13-R-3102	76. 13-R-3042	115. 13-R-3081
		116. 13-R-3082