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2264

Joyce Sheperd
13- -1074
(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBERS JOYCE SHEPERD
AND HOWARD SHOOK

AN ORDINANCE TO AMEND CHAPTER 2
("ADMINISTRATION"), ARTICLE XVI
("BOARDS, COUNCILS, COMMISSIONS
AND AUTHORITIES"), DIVISION 2
("CLEAN CITY COMMISSION") OF THE
CITY OF ATLANTA CODE OF
ORDINANCES SO AS TO RENAME
DIVISION 2 FROM THE CLEAN CITY
COMMISSION TO THE KEEP ATLANTA
BEAUTIFUL COMMISSION; TO MOVE THE
POSITION OF EXECUTIVE DIRECTOR
FOR KEEP ATLANTA BEAUTIFUL UNDER
THE PURVIEW OF THE DEPARTMENT OF
PUBLIC WORKS; TO DIRECT KEEP
ATLANTA BEAUTIFUL TO PROVIDE THE
CITY COUNCIL ON A BI-ANNUAL BASIS A
PERFORMANCE AUDIT OF ALL
ACTIVITIES; AND FOR OTHER PURPOSES.

As Amended

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

Date Referred 6/3/13
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee City Utilities
 Date JUNE 11 2013
 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 City Utilities
 Date Nov. 12, 2013
 Chair _____
 Action _____
 Fav, Adv, Hold (See rev. side) _____
 Other Amended
 Members _____
 Refer To _____

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

AUTOMATICALLY TERMINATED
 AND
 FILED BY CLERK
 PER CHARTER SECTION 2-407
 DEC 02 2013

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

CERTIFIED
 DEC 02 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 DEC 03 2013
Flora Dushin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

Joyce Sheperd *Howard Shook*
13-1074

**AN ORDINANCE BY
COUNCILMEMBERS JOYCE SHEPERD AND HOWARD SHOOK**

AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE XVI (“BOARDS, COUNCILS, COMMISSIONS AND AUTHORITIES”), DIVISION 2 (“CLEAN CITY COMMISSION”) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO RENAME DIVISION 2 FROM THE CLEAN CITY COMMISSION TO THE KEEP ATLANTA BEAUTIFUL COMMISSION; TO MOVE THE POSITION OF EXECUTIVE DIRECTOR FOR KEEP ATLANTA BEAUTIFUL UNDER THE PURVIEW OF THE DEPARTMENT OF PUBLIC WORKS; TO DIRECT KEEP ATLANTA BEAUTIFUL TO PROVIDE THE CITY COUNCIL ON A BI-ANNUAL BASIS A PERFORMANCE AUDIT OF ALL ACTIVITIES; AND FOR OTHER PURPOSES.

WHEREAS, Keep America Beautiful, Inc. (“KAB”) is a national non-profit public education organization dedicated to preserving the natural beauty and environment of America and improving waste handling practices at the community level; through its over 1,200 affiliate organizations, it is building partnerships with volunteer organizations, government agencies, and the private sector; and

WHEREAS, the Keep Atlanta Beautiful Commission (“Commission”), the Atlanta affiliate organization, is a Georgia non-profit organization which currently consists of 27 board members who are volunteers and representatives of various business, civic and community groups, whose mission is to serve the City of Atlanta (“City”) by developing and implementing public education and community improvement programs that make a cleaner and greener City and seeks improvements in littering, recycling, beautification, and natural resource conservation; and

WHEREAS, the Commission’s board can benefit from a balance of members that includes representatives of community organizations, as well as corporations with an Atlanta presence to promote local innovative ideas backed by strong corporate responsibility; and

WHEREAS, many KAB affiliates employ the position of Executive Director as an employee of the local municipality’s Department of Public Works or similar agency; and

WHEREAS, the City desires to amend the Code of Ordinances section to the Keep Atlanta Beautiful Commission; to employ the position of Executive Director as an employee under the purview of the Department of Public Works; and to require the Commission to report bi-annually to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: City of Atlanta Ordinances, Chapter 2 (entitled “Administration”), Article XVI (entitled “Boards, Councils, Commissions and Authorities”), Division 2 (entitled “Clean City Commission”) shall now read as follows (bold indicates new or changed language):

Division 2. - Keep Atlanta Beautiful Commission

Section 2-1876. Established; Composition.

Keep Atlanta Beautiful is established and created pursuant to section 3-401 of the Charter and Keep Atlanta Beautiful shall act in an advisory capacity to the city council in furthering the abatement, control and reduction of litter in the city. Keep Atlanta Beautiful shall be composed of **17** members representing business and professional groups, trade unions, educational groups, civic clubs, the chamber of commerce, other groups and the general public.

Section 2-1877. – Appointment of Members.

The **17** members of the Keep Atlanta Beautiful Commission shall be appointed as follows and said appointments shall be confirmed by the City Council:

- (a) Ten members shall be appointed by the Mayor from the business community and other organizations with an Atlanta presence. The following is a list of recommendations:**
 - a. Southern Company**
 - b. The Coca-Cola Company**
 - c. Georgia-Pacific, LLC**
 - d. Waste Management, Inc.**
 - e. AT&T, Inc.**
 - f. Atlanta Convention and Visitor's Bureau;**
- (b) One member shall be appointed by the President of Council;**
- (c) One Councilmember shall be appointed by the Atlanta City Council;**
- (d) One member shall be appointed by Councilmembers from Districts 1, 2, 3, 4, and Post 1 from the community;**
- (e) One member shall be appointed by Councilmembers from Districts 5, 6, 7, 8, and Post 2 from the community;**
- (f) One member shall be appointed by Councilmembers from Districts 9, 10, 11, 12, and Post 3 from the community;**
- (g) One member shall be appointed by the Atlanta Public Schools;**
- (h) One member shall be appointed by the Atlanta Planning Advisory Board.**

Section 2-1878. – Time limit on appointments

For all appointments of members to the Keep Atlanta Beautiful Commission, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Keep Atlanta Beautiful Commission within 60 days prior to the expiration of the term of any member.

Section 2-1879. – Terms of office.

Every member of the Keep Atlanta Beautiful Commission shall serve for a term of two years commencing from the time of the member's initial appointment. If at the expiration of two years a successor is not appointed, the member shall continue as a

member of the commission until a successor is appointed and qualifies to serve. An individual may have succession with consecutive terms as a member.

Section 2-1880. – Vacancies.

Any membership vacancies created on the Keep Atlanta Beautiful Commission by any reason whatsoever shall be filled in accordance with the procedure outlined in section 2-1877. However, the appointing procedure shall be limited to the mayor, the city council president or the appropriate city councilmember so that the representation and membership classification as indicated in section 2-1877 shall be maintained.

Section 2-1881. – Organization; Rules; Consultations.

The Keep Atlanta Beautiful Commission shall hold an organizational meeting in July of each year to elect officers and transact any other authorized business. At such meeting and thereafter from time to time on the call of the chair of the commission, the commission shall adopt and promulgate or amend such bylaws, rules and regulations as are deemed necessary or convenient to the conduct of the affairs of the commission. The commission and its members may consult with city officials, department heads and the advisory board, established pursuant to section 2-1186, in the performance of the business and duties of the commission.

Section 2-1882. – Officers.

- (a) The membership of the Keep Atlanta Beautiful Commission shall elect eight officers. These officers shall be the following:
 - (1) The chair;
 - (2) The vice-chair;
 - (3) The secretary; and
 - (4) The chairs of the five committees created pursuant to section 2-1884
- (b) The chair of the commission shall appoint an assistant secretary, parliamentarian and timekeeper.
- (c) Elected officers shall serve one-year terms from the time of their election at the annual meeting.

Section 2-1883. – Compensation; Conflict of interest.

- (a) Members of the Keep Atlanta Beautiful Commission shall serve without compensation from the city but shall be eligible for reimbursement for actual and necessary expenses incurred in the performance of their duties.
- (b) The Executive Director of the Keep Atlanta Beautiful Commission shall be an employee of the City and shall work under the purview of the Commissioner of the Department of Public Works. The Commissioner of the Department of**

Public Works shall hire the Executive Director from a pool of qualified applicants for the position.

- (c) A member of the Keep Atlanta Beautiful Commission may contract to provide services to the city in the ordinary course of the business or profession of such member. No member shall participate as a member in the review and recommendations of the commission on any proposed work or work done by any such member or any corporation, partnership or other legal entity in which such member has any financial interest.

Section 2-1884. – Standing Committees.

- (a) There are created five standing committees of the Keep Atlanta Beautiful Commission. Each committee is authorized to establish any and all task forces which are necessary to achieve the goals and purposes of the commission. These committees shall include the following:
 - (1) Business and industry committee;
 - (2) Community organizations committee;
 - (3) Municipal operations committee;
 - (4) Education committee; and
 - (5) Communications committee.
- (b) Each committee shall have the powers given to it under the bylaws adopted by the commission.
- (c) The members of the commission shall have authority to establish any other committees which in their discretion are necessary for the purposes of the commission.

Section 2-1885. – Executive Committee.

There is established an executive committee of the Keep Atlanta Beautiful Commission. The executive committee shall be comprised of all elected officers and elected committee chairs.

Section 2-1886. – Advisory Board.

The members of the Keep Atlanta Beautiful Commission shall be empowered to select no more than ten persons to constitute an advisory board to the commission. Members of the advisory board shall represent an economic cross section and representation of the community and shall be distinguished residents of the city to whom the members of the commission shall look for suggestions and consultation. An advisory board member shall serve in the discretion of the commission members.

Section 2-1887. – Removal of Members.

Any member of the Keep Atlanta Beautiful Commission who accumulates three successive absences from regularly scheduled meetings of the commission or who fails and refuses to perform the duties of a member of the commission in good standing shall be recommended by a majority vote of the entire commission's membership to be removed. This recommendation shall be forwarded to the council who shall then consider removal of the member from the commission.

Section 2-1888. – Voting.

All members of the Keep Atlanta Beautiful Commission, except its chair, have one vote equal in weight. The chair shall vote only to break a tie.

Section 2-1889. – Meetings.

Meetings of the Keep Atlanta Beautiful Commission shall be held once per month on the date and time designated by the commission members. It shall be the responsibility of the chair to ensure that meeting agendas and material shall be received by all commission members at least one week before any regularly scheduled commission meeting. All meetings shall be open to the public.

Section 2-1890. – Duties.

Within the stated purpose of this article, the Keep Atlanta Beautiful Commission shall perform the following duties:

- (1) Seek active community involvement in the operation of litter reduction projects and education of the entire community in regard to abating, controlling and reducing litter in the city;
- (2) Increase the awareness of the entire community of the importance of cleanliness in neighborhoods, business districts, vacant lots, shopping centers, parks and parking lots and maintenance of indoor facilities at industrial plants, offices, municipal buildings, schools and factories;
- (3) Attempt to utilize existing corporate in-house communication systems to disseminate information about the commission to management and employees throughout the business community;
- (4) Schedule a continuous effort to attract participation and volunteers and enforce projects to abate, control and reduce litter by conducting educational briefings throughout the community;
- (5) Review sanitation and litter related ordinances and make recommendations to improve laws;

- (6) Research and identify areas of responsibility of city agencies and recommend appropriate procedures to carry out the spirit of litter laws;
- (7) Arouse awareness about the litter problems in schools throughout our community;
- (8) Communicate all commission efforts for the abatement, reduction and control of litter to the public; and
- (9) Consult with the department of public works to achieve any and all goals established by this article and the commission membership.

Section 2-1891. – Powers.

In order to accomplish its purposes, the Keep Atlanta Beautiful Commission shall be empowered to:

- (1) Initiate, plan, direct and coordinate the community effort to abate, control and reduce litter;
- (2) Adopt bylaws to facilitate the attainment of its purposes and functions;
- (3) Solicit and accept donations and appropriations of money, services, products, property and facilities for expenditure and use by the commission for the accomplishment of its objectives, subject to the limitations of subsection (5) of this section and section 2-1892.
- (4) Employ and terminate the employment of such staff as may be approved by the council;
- (5) Procure goods and services necessary for its purposes in accordance with procedures as approved by the city's director, bureau of purchasing and real estate; however, such procurement practices shall be subject to any specific requirements as set forth in any contract the commission enters into with the city;
- (6) Establish and maintain bank accounts separate from the city's accounts for the sole purpose of executing financial transactions pursuant to the attainment of its purposes and functions prescribed by this article; all accounts and financial transactions of the commission shall be subject to an annual audit and examination conducted by the city; and
- (7) Exercise all other powers expressed in this article or given to the commission by the council.

Section 2-1892. – Funding.

The Keep Atlanta Beautiful Commission shall submit budget requests annually in a manner prescribed by the **Commissioner of the Department of Public Works**, as established by ordinance or regulation of the city. The Commission may make application for state, federal or private funds and grants and may use any funds so received in the performance of duties and functions prescribed by this article. The

Commission shall not be authorized to make application for state, federal or private funds and grants **over \$20,000.00** without prior official approval of the city council for a gift, grant, bequest or devise of real property, money or personal property to be applied, principal or income, for either permanent or temporary use for commission purposes if the acceptance of any such gift, grant, bequest or devise will subject the city to additional expense of any nature or obligation of any kind. **The Commission, on a bi-annual basis, shall report to the City Council committee of purview and in writing to the Full Council, its activities in connection with each project or undertaking.**

SECTION 2: This ordinance shall take effect upon approval.

SECTION 3: All ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

Memorandum of Understanding Between
The City of Atlanta and Keep Atlanta Beautiful Commission

This Memorandum of Understanding (“MOU”) is entered into by the City of Atlanta (“City”) and the Keep Atlanta Beautiful Commission (“KAB”), referred to collectively as the “Parties” and at times individually as the “Party”.

Witnesseth:

Whereas, the Keep Atlanta Beautiful Commission was created by the City Council of the City of Atlanta, Georgia, pursuant to section 3-401 of the Charter of the City of Atlanta; and

Whereas, the Keep Atlanta Beautiful Commission is a Georgia non-profit organization; and

Whereas, the Keep Atlanta Beautiful Commission serves as a local affiliate of Keep America Beautiful, Inc.; and

Whereas, the mission of Keep Atlanta Beautiful is to serve the City of Atlanta by developing and implementing public education and community improvement programs that make a cleaner and greener City and seeks improvements in litter abatement, recycling, beautification and natural resource conservation; and

Whereas, The City of Atlanta and Keep Atlanta Beautiful enter into this MOU to lay the foundation for a cooperative working relationship between the Parties, and to establish the role of each Party in that relationship, as the Parties continue to work together to further their common goals of beautification and sustainability in the City;

Now, therefore, in return for the mutual terms, conditions and covenants set forth herein, and the exchange of other good and valuable consideration the adequacy and sufficiency of which is acknowledged by the signatures below, the parties agree to the following:

1. Executive Director

The Executive Director of Keep Atlanta Beautiful shall be an employee of the City and shall work under the purview of the Commissioner of the Department of Public Works. The Commissioner of Public Works shall utilize a competitive process to select the Executive Director from a pool of qualified applicants for the position. The Commissioner of Public Works retains the authority to review, hire and fire the Executive Director. However, KAB will be included in the hiring and firing process.

The City agrees to provide the necessary funding for the position including salary and benefits. The City shall provide the Executive Director with direction and supervision in matters pertaining to managing, training and supporting the Executive Director as a city employee.

KAB shall provide the Executive Director with direction and supervision in matters pertaining to KAB policy, operations and programs.

2. Services

Keep Atlanta Beautiful agrees to perform, coordinate and manage the Events, Programs and Services as set forth in the Statement of Work attached hereto as Exhibit "A". This MOU is not intended to terminate, to limit, or otherwise to pre-empt other community services, programs and fund raising activities provided by KAB.

3. Reporting

Keep Atlanta Beautiful agrees to provide a written report of its activities in connection with each project or undertaking to the Atlanta City Council on a bi-annual basis. KAB further agrees to appear before the City Council Committee of purview on a bi-annual basis to deliver and present the report.

KAB also agrees to appear before each NPU during the first quarter of each calendar year to provide a report of its activities as well as to obtain input from each NPU on needed services.

The Executive Director shall also meet with each councilmember at least once per year to discuss programming.

4. Term

The term of this MOU shall be for two years commencing on _____, 2013 and ending on _____, 2015. The term of this MOU may be extended for one year by written agreement signed by both Parties.

5. Modification and Termination

This MOU may be terminated by either party by giving written notice thirty days prior to the effective date of termination.

6. Standard of Performance

Keep Atlanta Beautiful warrants and represents that it possesses the skill, competence and experience to undertake the obligations imposed by this MOU. KAB agrees to perform in a diligent, efficient, competent and skillful manner commensurate with the highest standards of the profession, and to otherwise perform as necessary to undertake the operation of services required by this MOU.

7. Compliance with Applicable Laws

Keep Atlanta Beautiful warrants and represents that it will, at all times, observe and comply with all federal, state, local and municipal ordinances, rules, regulations, and permit requirements relating to the provision of services to be provided hereunder.

8. Notice

All notices or other communications required or permitted to be given under this MOU shall be in writing and shall be deemed to have been duly given when delivered personally in hand, or when mailed by certified or registered mail, return receipt requested with proper postage prepaid, addressed to the

appropriate party at the following address or such other address as may be given in writing to the Parties:

If to the City:

With copies to:

If to KAB:

9. Miscellaneous

KAB and the City are not and shall not be deemed to be, for any purpose, engaged in a joint venture or partnership with respect to the subject matter of this MOU. KAB is not an agent of the City and does not have the authority to bind the City in any matter.

KAB shall be required to obtain its own liability insurance related to any events or programs, to include jointly sponsored events or programs, and in no event shall KAB or its directors, members, employees, officers or agents be deemed to be the insureds under any policy of the City.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the _____, 2013.

THE CITY OF ATLANTA

By: _____

THE KEEP ATLANTA BEAUTIFUL COMMISSION

By: _____

EXHIBIT "A"

STATEMENT OF WORK

KAB shall provide the following services:

- A. Coordinate and administer the Adopt-A-Spot program. KAB shall ensure that there are a minimum of six spots adopted annually and such spots shall be evenly distributed across the City.
- B. Develop, initiate, implement, coordinate and administer continuous information, communication and education programs throughout the City to assist with increased source reduction, increased recycling, reduction of litter, reduction of graffiti and other environmental issues as agreed upon with the City.
- C. Collaborate with City recreation centers to provide youth education programs regarding environmental issues such as recycling, litter reduction and graffiti reduction.
- D. Coordinate with Atlanta Municipal Court to provide community service worker opportunities.
- E. Collaborate with other agencies and entities such as Park Pride Atlanta Inc. and the Atlanta Beltline Inc. on area clean-ups.
- F. Plan, organize and implement a minimum of two neighborhood clean-ups in each council district annually.