

**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.

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

13-0-0119

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, the City authorized the Department of Water (as the department was constituted prior to the creation of the Department of Watershed Management) 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 City of Atlanta residents; 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 drinking water and wastewater system 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

WHEREAS, the City, by and through the Department of Watershed Management ("DWM") desires to expand the Care and Conserve Program to fund the Care and Conserve Program from water and sewer revenues as an additional funding source to provide services to more low-income customers in need of assistance under the Care and Conserve Program, which services includes 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 water and sewer revenues can be used as City of Atlanta matching grant funds to the entity awarded the HUD CDBG grant, as such funds may be appropriate 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 1.

Sec. 154-XX. 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 promote the safety, health and general welfare of the City 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 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 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 private benefit inherent in the provision of these services is merely incidental to these public purposes. 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 economically disadvantaged customers 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 Care and Conserve Trust Fund through appropriate legislative authorization; and further such water and sewer revenue funds, 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 HUD, 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 of Atlanta low-income water 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 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 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 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.

(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.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance Executive

Caption: 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.

Council Meeting Date: February 4, 2013

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation to codify the Care and Conserve Program so that the contributions made from the Care and Conserve Trust Fund and water and sewer revenues can be used as City of Atlanta matching grant funds to the entity awarded the HUD CDBG grant, as such funds may be appropriate annually through the budget process or through other legislative authorization.

2. Please provide background information regarding this legislation.

DWM's Care and Conserve Program has been assisting low-income water and sewer customers since its inception in 1995. Care and Conserve provides payment assistance to qualified customers; this helps customers get their water bills to manageable levels. Leak repairs and plumbing retrofits; home water use audits, and conservation counseling are also provided to customers who meet the program's income guidelines.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Intergovernmental agreement

- (b) Source Selection: n/a
- (c) Bids/Proposals Due: n/a
- (d) Invitations Issued: n/a
- (e) Number of Bids: n/a
- (f) Proposals Received: n/a
- (g) Bidders/Proponents: n/a
- (h) Term of Contract: Expires May 15, 2012

4. Fund Account Center (*Ex. Name and number*):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

7. Fiscal Impact:

This legislation will result in a reduction in the amount of \$150,000.00 to Fund Department

7. Method of Cost Recovery: n/a

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Maisha L. Wood

Contact Number: 404-330-6887

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Chief of Staff Deadline: January 11, 2013

Anticipated Committee Meeting Date(s): January 29, 2013

Anticipated Full Council Date: February 4, 2013

Legislative Counsel's Signature: *Candace Byrd*

Commissioner's Signature: *Maisha Wood*

Chief Financial Officer: n/a

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: _____

CAPTION

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.

FINANCIAL IMPACT: n/a

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: *Adrienne* 1-11-13
(date)

Reviewed by: *[Signature]*
(date)

Submitted to Council: _____ (date)