**AN ORDINANCE**
**BY CITY UTILITIES COMMITTEE**

**11-O-0850**

**AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS,** the City of Atlanta Code of Ordinances ("Atlanta City Code) provides for the creation of a Water and Sewer Appeals Board (the "Board") and Section 154-26 specifies the method of appointment for six members of the Board; and

**WHEREAS,** Ordinance 10-O-2116 increased the membership of the Board to seven members and a method of nomination must be provided for the selection of the seventh member.

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

**Section 1.**

That Section 154-26(b)(1) shall be amended by deleting the current section and inserting in lieu thereof the following:

Six members will be nominated by the paired district councilmembers with the concurrence of the at-large councilmember and one member will be nominated by the president of council.

**Section 2.**

That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**AN ORDINANCE**
**BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 154, ARTICLE I, SECTIONS 3, 4, 7 , 8 AND 9 TO AMEND CHAPTER 222, ARTICLE V, SECTION 2 DIVISION 13, ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH; TO AMEND CHAPTER 280, ARTICLE V, SECTION 2, ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH; TO DELETE IN ITS ENTIRETY SECTIONS 154-7 AND 154- 8 OF CHAPTER 154, ARTICLE I, IN GENERAL *ET SEQ.* OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA; SO AS TO REORGANIZE THE DEPARTMENT OF WATERSHED MANAGEMENT AND REASSIGN FUNCTIONS AND DUTIES OF THE VARIOUS BUREAUS; AND FOR OTHER PURPOSES.**

**WHEREAS,** Section 3-302 of the Charter of the City of Atlanta ("City") empowers the Mayor, as the Chief Executive Officer of the City to initiate, direct, and implement a reorganization of the executive branch by proposing the adoption of an ordinance by City Council and approval of the Mayor; and

**WHEREAS,** the Mayor has determined that is it is in the best interest of the City that certain changes be made to the organization of the Department of Watershed Management ("Department") and the executive branch; and

**WHEREAS,** the reorganization will eliminate the Bureau of Management and the Bureau of Program Performance and consolidate the function and activities of the aforementioned bureaus into the function and activities of the remaining bureaus of the Department; and

**WHEREAS,** and the City of Atlanta Code of Ordinances should be amended to delete the Bureau of Management and the Bureau of Program Performance as it pertains to their existence as a division of the Department of Watershed Management wherever it appears; and

**WHEREAS,** it has been determined that is necessary to realign other functions and activities in the Bureau of Engineering as well and the Office of the Commissioner; and

**WHEREAS**, such reorganization will reallocate responsibilities more appropriately, facilitate efficiency and maximize accountability for City resources.

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

**SECTION 1:** That Division 13, Section 2-222 of Chapter 222, Article V, Administrative Organization of the Executive Branch that currently reads:

**Sec. 2-222. - Organization of executive branch.**

There shall exist in the executive branch of government, in addition to the executive office of the mayor, the following departments, bureaus and offices:

(13)

Department of watershed management to be headed by a commissioner of watershed management; said department to be composed of the following bureaus and offices:

a. Bureau of engineering services;
b. Bureau of wastewater treatment and collection;
c. Bureau of drinking water;
d. Bureau of watershed protection;
e. Bureau of financial administration;
f. Bureau of management;
g. Office of the commissioner; and
h. Bureau of program performance.

shall be hereby deleted and replaced with the following:

**Sec. 2-222. - Organization of executive branch.**
There shall exist in the executive branch of government, in addition to the executive office of the mayor, the following departments, bureaus and offices:

(13)
Department of watershed management to be headed by a commissioner of watershed management; said department to be composed of the following bureaus and offices:

a. Bureau of engineering services;
b. Bureau of wastewater treatment and collection;
c. Bureau of drinking water;
d. Bureau of watershed protection;
e. Bureau of financial administration; and
f. Office of the commissioner.

**SECTION 2:** That Section 2-280 of Chapter 280, Article V, Administrative Organization of the Executive Branch, that currently reads:

**Sec. 2-280. - Department of watershed management.**
(a) The department of watershed management shall be composed of the following bureaus and offices:
(1) Bureau of engineering services;
(2) Bureau of wastewater treatment and collection;
(3) Bureau of drinking water;
(4) Bureau of watershed protection;
(5) Bureau of financial administration;
(6) Bureau of management;
(7) Office of the commissioner; and,
(8) Bureau of program performance.

(b)The functions and duties of the department of watershed management shall be those prescribed in chapter 154 of the Code of Ordinances.

shall be hereby deleted and replaced with the following:

**Sec. 2-280. - Department of watershed management.**
(a) The department of watershed management shall be composed of the following bureaus and offices:

(1) Bureau of engineering services;
(2) Bureau of wastewater treatment and collection;
(3) Bureau of drinking water;
(4) Bureau of watershed protection;
(5) Bureau of financial administration; and
(6) Office of the commissioner.

The functions and duties of the department of watershed management shall be those prescribed in chapter 154 of the Code of Ordinances.

**SECTION 3:** That Section 154-3 of Chapter 154, Article I, In General that currently reads:

**Sec. 154-3. - Functions and duties of the bureau of watershed protection.**

The functions and duties of the bureau of watershed protection shall include:

(1) Development of a stormwater utility for the City of Atlanta;

(2) Planning, design, construction, maintenance and operation of facilities for the management of the city's stormwater runoff; and

(3) Development and implementation of an environmental compliance program for the City of Atlanta to address:

a. Greenway acquisition and management;

b. Grease compliance;

c. Water quality monitoring and industrial pretreatment;

d. Stormwater compliance; and

e. Soil and erosion control.

shall be hereby deleted and replaced with the following:

**Sec. 154-3. - Functions and duties of the bureau of watershed protection.**

The functions and duties of the bureau of watershed protection shall include:

(1) Development of a stormwater utility for the City of Atlanta;

(2) Planning, design, construction, maintenance and operation of facilities for the management of the city's stormwater runoff;

(3) Site development plan and review; and
(4) Development and implementation of an environmental compliance program for the City of Atlanta to address:
   a. Greenway acquisition and management;
   b. Grease compliance;
   c. Water quality monitoring and industrial pretreatment;
   d. Stormwater compliance; and
   e. Soil and erosion control.

**SECTION 4:** That Section 154-4 of Chapter 154, Article I, In General that currently reads:

**Sec. 154-4. - Functions and duties of the bureau of engineering services.**

The functions and duties of the bureau of engineering services shall include:

(1) Performing engineering reviews and design and construction management services on capital improvement projects;

(2) Performing engineering services, including but not limited to, the furnishing of lines and grades, the preparation of maps, plans and other lands records;

(3) Maintaining an up-to-date file of engineering maps and plans governing streets, easements and rights-of-way; and

Providing engineering reviews and design, inspection and construction management services for other departments of the city as required.

shall be hereby deleted and replaced with the following:

**Sec. 154-4. - Functions and duties of the bureau of engineering services.**
The functions and duties of the bureau of engineering services shall include:

(1) Performing engineering reviews and design and construction management services on capital improvement projects;
(2) Performing engineering services, including but not limited to, the furnishing of lines and grades, the preparation of maps, plans and other lands records;
(3) Maintaining an up-to-date file of engineering maps and plans governing streets, easements and rights-of-way
(4) Providing engineering reviews and design, inspection and construction management services for other departments of the city as required;
(5) Manage the sewer rehabilitation program; and
(6) Buried asset management.

**SECTION 5:** That Section 154-7 of Chapter 154, Article I, In General, Article I, In General, that currently reads:

**Sec. 154-7. - Functions and duties of the bureau of management.**

The functions and duties of the bureau of management may include:

(1) Human resources;
(2) Communications;
(3) Customer relations;
(4) Procurement;
(5) Customer service billing system; and
(6) Inter-jurisdictional customer relations.

shall be hereby deleted and replaced with the following:

**Sec. 154-7. - Functions and duties of the office of the commissioner of watershed management.**

The functions and duties of the office of the commissioner of watershed management may include:

(1) Communications
(2) Safety and security; and
(3) Environmental Justice.

**SECTION 6:** That Section 154-8 of Chapter 154, Article I, In General, that currently reads:

**Sec. 154-8. - Functions and duties of the office of the commissioner of watershed management.**
The functions and duties of the office of the commissioner of watershed management may include:
(1) Safety and security; and
(2) Buried asset management.

shall be hereby deleted and replaced with the following:

**Sec. 154-8. - Functions and duties of the bureau of financial administration.**
The functions and duties of the bureau of financial administration may include:
(1) Payroll;
(2) Capital financial management;
(3) Invoicing;
(4) Inventory;
(5) Telecommunication;
(6) Customer relations;
(7) Procurement;
(8) Human resources;
(9) Customer service billing system;
(10) Inter-jurisdictional customer relation;
(11) DWM strategic planning and program management; and

(12) Manage the consent decree program management team contract.

(1) Communications
(2) Safety and security; and
(3) Environmental Justice.

**SECTION 7**: That Section 154-9 of Chapter 154, Article I, In General, that currently reads

**Sec. 154-9. - Functions and duties of the bureau of financial administration.**

The functions and duties of the bureau of financial administration may include:

(1) Payroll;
(2) Capital financial management;
(3) Invoicing;
(4) Inventory; and
(5) Telecommunication.

shall be hereby deleted and replaced with the following:

**Sec. 154-9. – RESERVED**

**SECTION 8:** That Section 154-10 of Chapter 154, Article I, In General, that currently reads

**Sec. 154-10. - Functions and duties of the bureau of program performance.**

The functions and duties of the bureau of program performance shall include:
(1) Site development plan review and policy;
(2) Manage the sewer rehabilitation program;
(3) DWM strategic planning and performance management;
(4) Manage the consent decree program management team contract; and
(5) Environmental justice.

shall be hereby deleted and replaced with the following:

**Sec. 154-10. - RESERVED**

**SECTION 9:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

***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:** City Utilities

**Caption:** **AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** June 6, 2011

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

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

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this legislation is to issue authority to the Atlanta City Council President to appoint one member of the City of Atlanta Water And Sewer Appeals Board.

**2. Please provide background information regarding this legislation.**

***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.***

Section 154-26 of the City of Atlanta Code of Ordinances ("Atlanta City Code) specifies the composition of the Water and Sewer Appeals Board ("Board") which currently requires the appointment of seven nominees, 6 which are appointed from paired district council members with the concurrence of the at-large councilmember. The code is silent as to who has the appointment authority of the 7th position.

**3. <u>If Applicable/Known:</u>**

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

**(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:**

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

**Fund:** _____ **Account:** _____ **Center:**_____

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

6. **Fiscal Impact:**

***Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.***

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:** Maisha L. Wood ext 6887

# TRANSMITTAL FORM FOR LEGISLATION

**TO: MAYOR'S OFFICE** **ATTN: Chief of Staff**

**Dept.'s Legislative Liaison:** **Maisha L. Wood**

**Contact Number:** **(404) 330-6887**

**Originating Department:** **Department of Watershed Management**
**Committee(s) of Purview:** **City Utilities**

**Chief of Staff Deadline:** **May 13, 2011**

**Anticipated Committee Meeting Date(s):** **May 31, 2011**

**Anticipated Full Council Date:** **June 6, 2011**

**Legislative Counsel's Signature:**

**Commissioner Signature:**

**Chief Procurement Officer Signature:** **n/a**

**CAPTION**

**AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any): **n/a**

Mayor's Staff Only

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Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 5/23/11 (date) Reviewed by: _____ (date)

Submitted to Council: _____ (date)