



Fulton County

Legislation Details (With Text)

File #: 21-0575 **Version:** 1 **Name:**
Type: CM Action Item - Health and Human Services **Status:** Passed
File created: 6/15/2021 **In control:** Board of Commissioners
On agenda: 8/4/2021 **Final action:** 8/4/2021
Title: Request approval of an Agreement for Cooperative Technical Assistance and Intergovernmental Cost Sharing among the Atlanta Regional Commission (ARC), the City of Atlanta, the Atlanta-Fulton County Water Resources Commission, Cobb County-Marietta Water Authority, DeKalb County and Gwinnet County in the amount of \$200,000.00 annually (each), between July 1, 2021 and June 30, 2024. (APPROVED)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Technical Assistance Agreement - July 2021 to June 2024

Date	Ver.	Action By	Action	Result
8/4/2021	1	Board of Commissioners	approve	Pass

Department

Public Works

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of an Agreement for Cooperative Technical Assistance and Intergovernmental Cost Sharing among the Atlanta Regional Commission (ARC), the City of Atlanta, the Atlanta-Fulton County Water Resources Commission, Cobb County-Marietta Water Authority, DeKalb County and Gwinnet County in the amount of \$200,000.00 annually (each), between July 1, 2021 and June 30, 2024. **(APPROVED)**

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

In accordance with Fulton County Purchasing Code Section 1-117 and O.C.G.A. Section 36-10-1, requests for approval of contractual agreements shall be forwarded to the Board of Commissioners for approval. Pursuant to GA CONST Art. 9, § 3, ¶ 1 the County may contract for any period not exceeding 50 years with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment. See, also Fulton County Code Sections 102-671 to 102-696 relating to the creation and operation of the Atlanta-Fulton County Water Resources Commission.

Strategic Priority Area related to this item *(If yes, note strategic priority area below)*

Health and Human Services

Commission Districts Affected

All Districts ☐
District 1 ☒
District 2 ☒

- District 3 ☐
- District 4 ☐
- District 5 ☐
- District 6 ☐

Is this a purchasing item?

No

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Scope of Work:

This agreement is a continuation of the agreement approved on July 10, 2019 (Agenda Item # 19-0542). The proposed three-year (July 1, 2021 through June 30, 2024) Cooperative Technical Assistance and Intergovernmental Cost Sharing Agreement is between the City of Atlanta, the Atlanta Fulton County Water Resources Commission (which Fulton County is a 50% member), Cobb County-Marietta Water Authority, DeKalb County and Gwinnett County and the Atlanta Regional Commission (ARC). This agreement specifically funds the on-going water litigation involving the States of Alabama, Florida and Georgia, and the U. S. Army Corps of Engineers, in the legal disputes regarding water rights in the Apalachicola-Chattahoochee Flint River Basin (the ACF Basin) and the Alabama-Coosa-Tallapoosa River Basin (the ACT Basin).

In accordance with O.C.G.A. 50-8-35, ARC may carry out certain technical assistance activities in cooperation with affected units of local government. The participants of the agreement all use the Chattahoochee River, Lake Lanier and Allatoona Lake as sources of supply of water provided to their customers. The parties agree it is important to cooperate in the technical and legal research effort and that appropriate consultants and legal representatives must be obtained. The participants believe it is cost effective and efficient to share costs to obtain the technical and legal research to protect their mutual interests. This agreement provides ARC the authority to act as the agent for the participants, including, but not limited to:

- monitoring progress of the disputes and related work and provide information on such progress to the Coordinating Committee,
- making recommendations to the Coordinating Committee on the nature of work and services needed,
- contracting with consultants and legal representatives selected by the Coordinating Committee to render technical and professional services,
- coordinating and communicating with consultants and legal representatives on a continuous basis and act as coordinator between consultants and the Coordinating Committee, monitoring consultant's activities,
- receiving invoices from consultants and legal representatives and process appropriate payments in a timely manner,
- maintaining billing accounts and financial records for three years after the completion of this agreement and provide periodic status updates to the participants.

Each participant agrees to pay to ARC up to the sum of \$200,000 annually upon approval of this Agreement. The AFCWRC is a participant to this agreement and Fulton County is only obligated for 50% of the above payment because of the joint venture with the City of Atlanta in the AFCWRC. Therefore, Fulton County's share of the cost is up to \$100,000 annually and has been included in the 2021 Public Works budget under the Water and Sewer Fund (account #-201-540-5451-121N) and will be budgeted in future years (2022, 2023, and 2024).

Similar agreements were approved on January 4, 2017 (#17-0034), on June 6, 2018 (#18-0374), and on July 10, 2019 (#19-0542).

Community Impact:

This agreement is critical to ensure that Metro Atlanta continues to have access to the drinking water supply in Lake Lanier, the Chattahoochee River, and Allatoona Lake.

Department Recommendation:

The Department of Public Works recommends approval of the Agreement for Cooperative Technical Assistance and Intergovernmental Cost Sharing between the Atlanta-Fulton County Water Resources Commission (AFCWRC) and the Atlanta Regional Commission (ARC).

Project Implications:

Public Works is not aware of any project implications.

Community Issues/Concerns:

Public Works is not aware of any issues or concerns raised by the Community over the previous Agreements and cost sharing arrangement.

Department Issues/Concerns:

Public Works is not aware of any issues or concerns.