



**Metropolitan North Georgia Water Planning District
GOVERNING BOARD
Minutes
March 22, 2017**

The Metropolitan North Georgia Water Planning District Governing Board met on Wednesday, March 22, 2017 at 10:00 a.m. in the Allen S. Hardin Amphitheater at the R. Charles Loudermilk Center for Regional Community in Atlanta, Georgia.

Members Present

Hon. Boyd Austin, Chairman
Ms. Katie Kirkpatrick, Vice Chair
Mr. Birdel Jackson, Treasurer
Hon. Buzz Ahrens
Hon. Larry Owens
Hon. Charlotte Nash
Hon. June Wood
Mr. Mark Berry
Mr. Brad Currey
Mr. Gerald Pouncey

Mr. Tim Thoms
Mr. Steven Woodruff
Cobb County Designee: Ms. Judy Skeel
DeKalb County Designee: Ms. Margaret Tanner
Douglas County Designee: Mr. Gil Shearouse
Fulton County Designee: Mr. Nick Ammons
Hall County Designee: Mr. Ken Rearden
Rockdale County Designee: Ms. Deirdre Blackard

Members Not Present

Hon. Kasim Reed
Hon. Mathew Santini
Hon. Jeff Turner
Hon. Edward Johnson

Hon. Ford Gravitt
Ms. Pamela Burnett
Ms. Kit Dunlap

Chairman Boyd Austin called the meeting to order.

Public Comment

Chris Manganiello – Mr. Manganiello commended the Metro Water District on its work to integrate the three water resource plans. Mr. Manganiello also noted that the 2013 per capita water use rate of 97 gallons per capita per day reported in the draft plan was low due to various forces beyond the District's control including economy and wetter weather patterns. Mr. Manganiello cautioned that the District will have messaging challenges ahead as the region will likely see the per capita water use trend increase from 2014 forward as the economy rebounded and drought returned in 2016. Mr. Manganiello noted that the District is right to focus on large

outdoor landscaping and commercial water use with the current plan update. Mr. Manganiello concluded by stating that the District plan must be backed by robust research and credible data that results in a declining per capita water use trend line.

Recognition of New Board Members

Chairman Austin recognized the newest board members, Chairman Mike Boyce from Cobb County and his designee Judy Skeel, CEO Mike Thurmond from DeKalb County, Chairman Dr. Romona Jackson Jones from Douglas County, Chairman Richard Higgins from Hall County, Chairman June Wood from Henry County, and Chairman Oz Nesbit from Rockdale County.

2017 Water Resource Management Plan Update

Mr. Danny Johnson provided an overview of the Water Resource Management Plan Update schedule. In January 2017, the District released a Plan Update draft to the Governing Board, Basin Advisory Councils, Technical Coordinating Committee, Georgia EPD and Regional Water Councils. District staff compiled comments in February and worked them through the Governing Board Working Group. EPD also provided a thorough review and identified critical items needed for concurrence. Mr. Johnson read through comments received from the Regional Water Councils including the Middle Chattahoochee, Upper Flint, Lower Flint, and the Altamaha Regional Water Council. Several comments recommended additional regional water storage to improve water resource management as well as increased wastewater return flows to the basin of origin.

Ms. Katie Kirkpatrick thanked the Governing Board Working Group members for their support over the last two years and especially over the last few weeks. Ms. Kirkpatrick shared a key recommendation from the group which included giving the District direction to provide an administrative program role in assisting water providers in complying with both the multi-family toilet rebate and commercial water use assessment action items. Both of those action items will maintain similar flexibility to the current single-family toilet rebate program requirements. For the commercial water use assessments, District staff will work with the TCC and governing board to identify options and finalize a regional program administered by the District.

CHAIRMAN'S REPORT Approve Meeting Minutes

Chairman Austin called for a motion to approve the minutes. A motion to approve the December 7, 2016 meeting minutes was made by Mr. Gerald Pouncey, seconded by Hon. Charlotte Nash and passed without opposition.

CHAIRMAN'S REPORT

Legislative Agenda

Mr. Andrew Morris presented an overview of highlights from the 2017 Georgia legislative session. The following bills were discussed:

SB 116 (Sen. Frank Ginn) / HB 512 (Rep. Regina Quick) These bills would prohibit local governments from assessing stormwater fees on water neutral sites, which are defined as properties designed to manage water runoff from a 25 year, 24-hour storm event consistent with

the Georgia Stormwater Management Manual. The stated purpose is to stop local governments from assessing fees to property owners that don't have stormwater impacts.

Concerns: Water-neutral sites, as defined in this bill, still discharge stormwater to the local stormwater system. So even though these properties use the stormwater system, they would be exempt from paying for their use. Under existing stormwater utilities, credits are often available to properties that take action to better manage their stormwater.

The view of many District members is that local governments are in a better position to understand their stormwater systems and set rates and credits based on the degree to which a property relies on such system.

Status: Neither of these bills crossed over, but **SR 224** created a study committee to review the concept of a water neutral site and other considerations related to stormwater management fees. The District's Legislative Committee met on February 13, 2017 and express their concerns with this bill as it is drafted, and District utilities and staff attending hearings and meetings to express these and other concerns with this bill.

HB 204 (Rep. Bret Harrell) This bill would prohibit the collection of stormwater utility fees, sanitation fees, street light fees and any other fees through property tax bills. The stated purpose is to address the current situation where these fees are sometimes improperly deducted on income tax returns.

Concerns: Based on the experiences of several local governments who have changed collection methods in the past, if HB 204 passes collection rates are likely to drop from the 90+% range to the 70-80% range. Separate billings would also increase the administrative costs associated with billings and collections. Based on projections by the Georgia Association of Water Professionals, the passage of HB 204 is projected to result in a loss of more than \$4 million in uncollected stormwater utility fees statewide.

Status: This bill was amended substantially to address other issues and passed out of the Senate Finance Committee yesterday. The amended bill does not prohibit the collection of fees on property tax bills. The sentiment appears to be that the sponsor and others are likely to continue working on their concerns over the summer.

SR 152 (Senator Frank Ginn) / HR 362 (Lynn Smith) - Joint Study Committee on Stream Buffers. The stated purpose of this resolution is to study stream buffers and their impacts on property rights in general, and we expect there to be a lot of discussion around how stream buffers are measured. Given the importance of buffers to land use planning, watershed health and development patterns, the District will be tracking the activities of this committee as well.

Chairman Austin noted that the District is a national leader and we have a great story to tell. There is often turnover in the legislature and we need to educate the new officials as they take their new positions.

Education and Outreach Update

Ms. Kostoula Vallianos provided an update of ongoing education and outreach activities conducted by the Metro Water District. The 2017 Water Drop Dash and Fun Run was held on March 18, 2017 at the Chattahoochee Nature Center where over 700 runners were registered for the race. The Metro Water District's High School Video Contest is underway with submissions due on April 3, 2017. The top three winners will receive a cash prize that will be shared with the school. Ms. Vallianos also referenced the upcoming 2018 Wall Calendar Photo Contest and the Children's Water Festivals that will take place in May which will host approximately 1,600 fourth-grade students from around the region.

Remaining Schedule for 2017

Chairman Austin noted the scheduled dates for District Board Meetings in 2017 as follows:

- June 7, 2017
- August 23, 2017
- December 6, 2017

Chairman Austin encouraged board members to attend the June 7th meeting where the final District Water Resource Management Plan will be presented to the board for formal approval.

Recognition of Leonie Irons Retirement

Chairman Austin recognized Leonie Irons for her retirement from the Atlanta Regional Commission and thanked her for her 16 years of work with the Metro Water District. Chairman Austin noted that the board will miss her welcoming smile and her gracious attitude in which she always welcomes guests. Ms. Irons received a standing ovation from the Board.

Nominating Committee Announcement

Chairman Austin announced that Ms. Kirkpatrick, Hon. Buzz Ahrens, Ms. Kit Dunlap and Mr. Gerald Pouncey will serve as members of the nominating committee. The committee will present their recommendations at the June 7, 2017 board meeting for District Chairperson, Vice-Chairperson and Secretary/Treasurer for the three year term beginning July 1, 2017.

Pressures on Lake Lanier

Mr. Wilton Rooks presented an overview of the various pressures on Lake Lanier. Mr. Rooks is a member of the Lake Lanier Association and is an active Basin Advisory Council member and member of the Apalachicola-Chattahoochee-Flint (ACF) Stakeholders group. Mr. Rooks described several pressures on the lake including population growth, siltation, changes to the US Army Corps of Engineers Water Control Manual, abandoned boats that leak pollutants, and continuing litigation in the "water wars."

Mr. Rooks discussed the activities begun by the Lake Lanier Association to help mitigate some of the concerning issues including the Adopt-a-Lake program, solar lights on lake markers, boater safety awareness, shoreline rip-rap protection and abandoned boat removals. Mr. Rooks concluded with possible actions that would also help sustain Lake Lanier including support for investments in available technologies to reduce water use for irrigation while continuing to

support the agricultural economy, continued improvements in water conservation, support for raising the full pool of Lake Lanier by two feet, engaging in serious consideration for negotiations with Tennessee to enable possible use of excess Tennessee River flows to supplement the ACF and reducing inter-basin transfers to the Atlantic Ocean, and continuing to fight neighboring states' efforts in Congress to take control of the ACF basin.

Mr. Ken Rearden noted Hall County's great relationship with the Lake Lanier Association. Mr. Rooks commented that all of the lakeside counties have been very supportive.

Mr. Brad Currey noted that Mr. Rooks has provided tremendous support for this region and his leadership has been critical for ACFS and that the water wars will not be settled until the three states leadership comes together.

ACF Water Control Manual and Litigation Update

Ms. Katherine Zitsch discussed the District's overview of the per-capita gallons per day of water use and noted that the two common talking points the District uses in the media and in public reference that the District's per-capita water use has fallen by over 30 percent since 2000 and the District uses 10 percent less water than it did in 2000 despite population growth of over 1,000,000 to the region.

Ms. Zitsch presented an overview of the current drought levels in the District. The counties that rely on Lake Lanier and the Chattahoochee River for water supply are still under a drought Level 2 designation while the other counties have been reduced to Level 1. Lake Lanier has not recovered as well as the other reservoirs across the region due to lack of rain in the basin above Lake Lanier.

Ms. Zitsch discussed the latest status of litigation in the Supreme Court. The Supreme Court's appointed Special Master provided a recommendation that the court deny Florida's request by stating, "I conclude that Florida has not proven by clear and convincing evidence that its injury can be redressed by an order equitably apportioning the waters of the Basin." The Supreme Court may now act on the recommendation, take the recommendation and concluding evidence and make their own ruling, or send the case back to the Special Master. The Court is likely to take up the case within their October 2017 to June 2018 session.

The following questions were received:

Q: Can we update table 3-2 "District Per-Capita Water Use Trend" to include 2014 to 2016 data?

A: We have 2014 to 2015 data but do not have 2016 data available from EPD yet.

Ms. Zitsch noted that a new lawsuit has been filed by the Cobb-Marietta Water Authority v. USACE regarding storage contract withdrawals. Additionally, additional lawsuits may be coming soon following the USACE Record of Decision for the ACF manual. Five or more lawsuits may be ongoing at one time in the near future related to USACE operations and/or Metro Atlanta's water use. The Metro Water District is also following congressional actions by

our neighboring states very closely as well, however we do not expect any movement in the near term.

Chairman Austin noted that board members should thank their congressmen for their unified efforts to combat the efforts of our neighboring delegations.

Hon. Ahrens noted that he does not have a good feel for costs associated with implementing the water conservation initiatives of the draft Water Resource Management Plan. Ms. Kirkpatrick noted that this was discussed at the Governing Board Working Group. Mr. Woodruff noted that the unfunded mandates concerns him. Chairman Austin added that from the beginning there have been significant focus on flexibility.

Mr. Woodruff stated that he doesn't know if the District has data on unaccounted for water but maybe we need to focus on items that make more sense for the local utility. Hon. Nash noted that as long as flexibility is in place, we have the ability to do what we need to do for the best use of our money. Mr. Pouncey added that it is not critical to know the potential cost as it is to know that utilities can have the ability to focus on their individual items and he is comfortable with the flexibility in the plan. Mr. Tim Thoms stated that it wasn't that the utilities don't have flexibility but the District is mandating that the utility have a program meaning that some number of fixtures are being replaced. Mr. Thoms added that he is uncomfortable putting that on a utility that can't afford to pay for these replacements.

Mr. Tony Carnell commended the staff on the new flexibility allowing utilities to charge the end user for the full cost of the fixture and he supports the plan language. Mr. Woodruff added that a menu selection of items could be provided to utilities that would provide greater flexibility. Chairman Austin said we will take these suggestions and we will move forward.

Mr. David Kubala noted that as we are cognizant on needs for water conservation, we can be equally cognizant of cost. Mr. Kubala asked staff to put together a cost/benefit evaluation for the next plan update. As was noted at the meeting, future boards will have to determine the best approach for the next plan update, and Chairman Austin noted that it was his desire to consider further the costs and benefits of action items as the District works towards the next plan update. Chairman Austin also noted that the District has tackled the easy to reach items and that we now need to reach higher to get to the higher fruit. Mr. Currey added that the board should keep in mind that this body has set the rules in place that have reduced water use.

Other

There being no further business, the meeting was adjourned.