

House Bill 1542

By: Representatives Murphy of the 18th, Cummings of the 27th, West of the 101st, Hembree of the 98th, Snelling of the 99th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act known as the "West Georgia Regional Water Authority Act," approved
2 March 30, 1988 (Ga. L. 1988, p. 4926), as amended by an Act approved March 28, 1990 (Ga.
3 L. 1990, p. 4729), so as to remove Douglas County as a member county of the West Georgia
4 Regional Water Authority; to change the membership of the authority; to change the
5 provisions relating to quorums; to change the definition of the term "member county"; to
6 change the definition of the term "West Georgia region"; to provide that the authority is
7 authorized to provide recreational facilities and services upon the lands and waters owned
8 by the authority; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act known as the "West Georgia Regional Water Authority Act," approved March 30,
13 1988 (Ga. L. 1988, p. 4926), as amended by an Act approved March 28, 1990 (Ga. L. 1990,
14 p. 4729), is amended by striking Section 2 and inserting in lieu thereof a new Section 2 to
15 read as follows:

16 "SECTION 2.

17 West Georgia Regional Water Authority.

18 There is created a body corporate and politic, to be known as the West Georgia Regional
19 Water Authority, which shall be deemed to be a political subdivision of the State of
20 Georgia and a public corporation and by that name, style, and title said body may contract
21 and be contracted with, bring and defend actions, sue and be sued, implead and be
22 impleaded, complain and defend in all courts. The authority shall consist of eight members
23 to be composed as follows: the chairperson or a member of the board of commissioners
24 of Polk County to be appointed by the board of commissioners, one member of the Polk

1 County Water Authority to be appointed by such authority, the chairperson of the board of
 2 commissioners of Carroll County, one member of the Carroll County Water Authority to
 3 be appointed by such authority, the chairperson of the board of commissioners of Paulding
 4 County, one member of the Paulding County Water Authority to be appointed by such
 5 authority, the commissioner or chairperson of the board of commissioners of Haralson
 6 County, and one member of the Haralson County Water Authority to be appointed by such
 7 authority. Five members shall constitute a quorum. Any vacancy in the position of a
 8 member appointed by an authority shall be filled by such authority. No vacancy on the
 9 authority shall impair the right of the quorum to exercise all the rights and perform all the
 10 duties of the authority. The members of the authority shall elect a chairperson and vice
 11 chairperson from the authority from among the members thereof and shall also elect a
 12 secretary-treasurer who need not be a member of the authority. The members of the
 13 authority shall determine their compensation for serving in such capacity. The authority
 14 shall make rules and regulations for its own government. It shall have perpetual existence."

15 **SECTION 2.**

16 Said Act is further amended by striking subsection (a) of Section 3, relating to definitions,
 17 and inserting in lieu thereof a new subsection (a) to read as follows:

18 "(a) As used in this Act, the term:

19 (1) 'Authority' means the West Georgia Regional Water Authority created by Section 2
 20 of this Act.

21 (2) 'Cost of the project' means the cost of construction, the cost of all lands, properties,
 22 rights, easements, and franchises acquired, the cost of all machinery and equipment,
 23 financing charges, interest prior to and during construction and for six months after
 24 completion of construction, cost of engineering, architectural and legal expenses, costs
 25 of plans and specifications, and other expenses necessary or incident to determining the
 26 feasibility or practicability of the project, administrative expense, and such other
 27 expenses as may be necessary or incident to the financing authorized in this Act, the
 28 construction of any project, the placing of the same in operation, and the condemnation
 29 of property necessary for such construction and operation. Any obligation or expense
 30 incurred for any of the foregoing purposes shall be regarded as part of the cost of the
 31 project and may be paid or reimbursed as such out of the proceeds of revenue bonds
 32 issued under the provisions of this Act for such project.

33 (3) 'Member county' means Carroll, Haralson, Paulding, and Polk counties unless the
 34 governing authority of any such county has adopted a resolution, at any time, declaring
 35 that such county shall not be a member county under this Act, in which event the
 36 authority shall not construct or operate any facility or distribute water in such county.

1 (4) 'Project' means and includes the acquisition and construction of a regional water
 2 reservoir, the acquisition of real property surrounding the reservoir, and all necessary and
 3 usual water facilities useful for obtaining one or more sources of water supply, the
 4 treatment of water, and the distribution and sale of water to user and consumers,
 5 including counties and municipalities for the purpose of resale, inside and outside the
 6 territorial boundaries of the member counties, and the operation, maintenance, additions,
 7 improvements, and extensions of such facilities so as to assure an adequate water utility
 8 system deemed by the authority to be necessary or convenient for the efficient operation
 9 of such type of undertaking. 'Project' shall also mean and include the acquisition,
 10 construction, and operation of recreational facilities on and around the regional water
 11 reservoir, the acquisition of real property surrounding the reservoir for such recreational
 12 facilities, the establishment of a permitting system for recreational activities, the
 13 collection of fees and rentals for permitting recreational activities, and the establishment
 14 of rules and regulations prohibiting, permitting, and governing recreational activities.

15 (5) 'Revenue bonds' and 'bonds' shall mean revenue bonds and certificates as defined and
 16 provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the
 17 'Revenue Bond Law' and such type of obligations may be issued by the authority as
 18 authorized under said article. In addition, such terms shall also mean obligations of the
 19 authority the issuance of which are specifically provided for in this Act.

20 (6) 'West Georgia region' means Carroll, Haralson, Paulding, and Polk counties."

21 SECTION 3.

22 Said Act is further amended by striking subsection (5) of Section 4, relating to powers of the
 23 authority, and inserting in lieu thereof a new subsection (5) to read as follows:

24 "(5) To make contracts and leases and to execute all instruments necessary or convenient,
 25 including contracts for construction of projects and leases of projects or contracts with
 26 respect to the use of projects which it causes to be erected or acquired, and any and all
 27 persons, firms, and corporations and any and all political subdivisions, departments,
 28 institutions, or agencies of the state are authorized to enter into contracts, leases, or
 29 agreements with the authority upon such terms and for such purposes as they deem
 30 advisable; and, without limiting the generality of the above, authority is specifically
 31 granted to municipal corporations, counties, public authorities, and the authority to enter
 32 into contracts, lease agreements, or other undertakings relative to the refurbishing of
 33 water, water facilities, and related services, as well as to the furnishing of recreation,
 34 recreational facilities, and related services, by the authority to such municipal
 35 corporations, counties, and public authorities or relative to the furnishing of water or
 36 recreational facilities and services or both by municipal corporations, counties, public

1 authorities, corporations, or individuals to the authority for a term not exceeding 50
2 years;"

3 **SECTION 4.**

4 Said Act is further amended by striking Section 28, relating to the purpose of the authority,
5 and inserting in lieu thereof a new Section 28 to read as follows:

6 "SECTION 28

7 Purpose of the authority.

8 Without limiting the generality of any provisions of this Act, the general purpose of the
9 authority is declared to be that of:

- 10 (1) Acquiring an adequate source or sources of water supply, treatment of such water,
11 and thereafter the distribution of such water to the West Georgia region and the various
12 municipalities in said counties and environs and municipalities located therein; and
13 (2) Providing, as the authority deems appropriate, recreational services and facilities
14 upon the lands and waters owned by the authority.

15 Such general purpose shall not restrict the authority from selling and delivering water
16 directly to consumers in those areas where water distribution systems do not now exist and
17 where neither any county nor municipality deems it desirable or feasible to furnish water
18 in such locality."

19 **SECTION 5.**

20 All laws and parts of laws in conflict with this Act are repealed.