

Senate Bill 520

By: Senator James of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the South Fulton Municipal Regional Water and Sewer Authority,
2 approved April 19, 2000 (Ga. L. 2000, p. 3739), so as to provide for a change in the name
3 of the authority; to provide for purposes and objectives; to provide for definitions; to provide
4 for the authority members and their terms, qualifications, alternates, compensation, expenses,
5 and vacancies; to provide for the organization, quorum, votes, bylaws, and meetings of the
6 authority; to provide for powers, duties, and limitations of the authority; to provide for the
7 sale and transmission of water resources; to provide for the provision of services and
8 facilities; to provide for supplemental powers and liberal construction; to provide for all
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating the South Fulton Municipal Regional Water and Sewer Authority, approved
13 April 19, 2000 (Ga. L. 2000, p. 3739), is amended by striking Section 1 in its entirety and
14 inserting in its place a new Section 1 to read as follows:

15 "SECTION 1.

16 Short title.

17 This Act shall be known and may be cited as the 'South Fulton Regional Water and Sewer
18 Authority Act.'

19 **SECTION 2.**

20 Said Act is further amended by striking Section 3 in its entirety and inserting in its place a
21 new Section 3 to read as follows:

1 "SECTION 3.

2 South Fulton Regional Water and
3 Sewer Authority.

4 There is created a body corporate and politic, to be known as the South Fulton Regional
5 Water and Sewer Authority, which shall be deemed to be a political subdivision of the State
6 of Georgia and a public corporation and by that name, style, and title said body may contract
7 and be contracted with, bring and defend actions, sue and be sued, implead and be
8 impleaded, and complain and defend in all courts. The authority shall make rules and
9 regulations for its own government and shall have perpetual existence."

10 **SECTION 3.**

11 Said Act is further amended by striking Section 4 in its entirety and inserting in its place a
12 new Section 4 to read as follows:

13 "SECTION 4.

14 Purpose of the authority.

15 Without limiting the generality of any provisions of this Act, the general purpose of the
16 authority is declared to be that of acquiring and developing adequate sources of water supply,
17 including, but not limited to, the construction of reservoirs; the treatment of such water, and
18 the transmission of such water within the Chattahoochee and Flint River Basin areas and to
19 the various counties, municipalities, and public authorities located therein, such area being
20 inside and outside the jurisdictional limits of any member; and the collection and treatment
21 of waste water from the counties, municipalities, and public authorities inside the
22 Chattahoochee and Flint River Basin areas, such area being inside and outside the
23 jurisdictional limits of any member. It is recognized that water resources are finite, and that
24 water conservation shall be encouraged by this authority, members thereof, and all water
25 users within the area. It is a further objective of the authority to fulfill its purposes and
26 perform its projects in an environmentally sensitive manner and to strictly limit interbasin
27 transfers of water."

28 **SECTION 4.**

29 Said Act is further amended by striking paragraphs (1), (4), (5), (6), and (10) of subsection
30 (a) of Section 5 thereof and inserting in their place new paragraphs (1), (4), (5), (6), and (10)
31 to read as follows:

1 "(1) 'Authority' means the South Fulton Regional Water and Sewer Authority created by
2 Section 3 of this Act. The authority shall take action through its board."

3 "(4) 'Interbasin transfers' means the delivery by whatever means of any treated or
4 untreated water outside the drainage basins from which the treated or untreated water
5 originates.

6 (5) 'Members' mean Palmetto, Union City, Fairburn, and any other governing authority
7 which becomes a member of the authority consistent with the provisions of this Act,
8 unless the governing authority of any such member has adopted a resolution, at any time,
9 declaring that such member shall not be a member under this Act. Such withdrawal by
10 any member from the authority shall not affect any previously incurred obligations with
11 respect to the issuance of or payment of any bonds, certificates, or other obligations of
12 the authority.

13 (6) 'Project' means and includes the planning, design, acquisition, construction, and
14 management of reservoirs, the acquisition of real property surrounding the reservoirs
15 including watershed areas and all necessary and usual water facilities useful for obtaining
16 one or more sources of water supply including ground-water sources; the treatment of
17 water and the transmission and sale of water to wholesale users, including counties,
18 municipalities, and public authorities for the purpose of resale, inside and outside the
19 territorial boundaries of the members; water conservation and environmental mitigation;
20 and the management, operation, maintenance, additions, improvements, and extensions
21 of such facilities so as to ensure water utility systems deemed by the authority to be
22 necessary or convenient for the efficient operation of such undertaking. The term
23 'project' shall also include the acquisition of real property for and the planning, design,
24 and construction of waste-water treatment facilities for the purpose of collecting and
25 treating waste water from counties, municipalities, and public authorities inside and
26 outside the territorial boundaries of the members; the management, operation,
27 maintenance, additions, improvements, and extensions of such facilities; and all things
28 incident to the foregoing deemed by the authority to be necessary or convenient to ensure
29 adequate waste-water facilities and the efficient operation of such facilities."

30 "(10) 'Transmission' means the conveying of raw or treated water from any facility of the
31 authority to any member, city, county, or public authority for the purposes of resale to
32 end users of such water or wholesale purchasers of such water and does not include
33 conveyance of water to ultimate users."

34 **SECTION 5.**

35 Said Act is further amended by striking subsections (b), (d), and (h) of Section 6 thereof and
36 inserting in their place new subsections (b), (d), and (h) to read as follows:

1 political subdivisions, departments, institutions, or agencies of the state are authorized to
 2 enter into contracts, leases, or agreements with the authority upon such terms and for such
 3 purposes as they deem advisable; and without limiting the generality of the above,
 4 authority is specifically granted to the South Fulton Regional Water and Sewer Authority
 5 to enter into contracts, lease agreements, or other undertakings relative to the furnishing
 6 and sale of wholesale water facilities and related services by the authority to municipal
 7 corporations, counties, and public authorities inside and outside the jurisdictional limits
 8 of any member, or relative to the furnishing of water facilities and services by municipal
 9 corporations, counties, corporations, or individuals, inside and outside the jurisdictional
 10 limits of any member, to the authority for a term not exceeding 50 years and to enter into
 11 contracts, lease agreements, or other undertakings relative to the collection and treatment
 12 of waste water, waste-water treatment facilities, and related services by the authority to
 13 such municipal corporations, counties, and public authorities, inside and outside the
 14 jurisdictional limits of any member, or relative to the furnishing of waste-water treatment
 15 facilities and services by municipal corporations, counties, public authorities,
 16 corporations, or individuals, inside and outside the jurisdictional limits of any member,
 17 to the authority for a term not exceeding 50 years;"

18 **SECTION 7.**

19 Said Act is further amended by striking Section 8 in its entirety and inserting in its place a
 20 new Section 8 to read as follows:

21 "SECTION 8.

22 Limitations of power.

23 (a) The authority:

24 (1) Shall not obligate any member to issue or guarantee revenue bonds, nor shall the
 25 authority bind the member to any capital indebtedness contract until that member has
 26 approved such issuance or guarantee of an indebtedness contract or revenue bonds by
 27 official action or vote as may be required by law;

28 (2) Shall not give preferential rate treatment to any member and shall maintain uniform
 29 rates for comparable service for each member. This provision shall not impair the ability
 30 of members to reduce or increase the uniform rate between and among themselves in the
 31 event one member provides an enhancement to the water supply, including, but not
 32 limited to, treatment or transmission of such water;

1 (3) Consistent with and subject to all state and federal laws and regulations, shall provide
2 for stream withdrawal rights among members prior to the funding of any reservoir
3 project; and

4 (4) Shall, consistent with and subject to all state and federal laws and regulations, strictly
5 limit interbasin transfers of water and shall provide that except in the event of a bona fide
6 water emergency, any proposed interbasin transfer of water resources shall be offered to
7 all members in proportion to their respective rights to the water pursuant to
8 intergovernmental agreements. Upon such an offer, the members shall have 90 days to
9 consider said offer and, if accepted, an additional 90 days to commence the acquisition
10 of the water before it may be transferred outside the basin. The sale from one member
11 to another shall be at the uniform rate established for the sale of water to members by the
12 authority. Members shall have the right to waive their right of first refusal. Interbasin
13 transfers in a bona fide water emergency shall be allowed provided they are limited to 60
14 days in any calendar year and are approved by the members.

15 (b) The authority shall not sell or transmit the water resources or waste-water treatment
16 resources of the authority outside of the geographical boundaries of the members unless
17 such water resource capacity or waste-water treatment capacity is first offered to all
18 members in proportion to their respective rights to the water or waste-water treatment
19 pursuant to intergovernmental agreements. Upon such an offer, the members shall have
20 90 days to consider said offer and, if accepted, an additional 90 days to commence the
21 acquisition of the water or waste-water treatment before it is sold outside the geographical
22 boundaries of the members. If a member does not accept the offer within the 90 day
23 period, or if the offer is accepted and the member does not commence the acquisition of
24 such within the subsequent 90 day period, the authority shall have the right to otherwise
25 sell or transmit the water resources or waste-water treatment resources of the authority
26 outside of the geographical boundaries of the members. The sale from one member to
27 another shall be at the uniform rate established for the sale of water and waste-water
28 treatment resources to members by the authority. Members shall have the right to waive
29 their right of first refusal. The provisions of paragraph (4) of subsection (a) of this section
30 and of this subsection shall not apply to water or sewer lines and water or sewer customers
31 of the members in existence as of the effective date of this Act."

32 **SECTION 8.**

33 Said Act is further amended by striking Section 9 in its entirety and inserting in its place a
34 new Section 9 to read as follows:

1 "SECTION 9.

2 Services to members.

3 The authority is authorized to provide water services and facilities, waste-water services
4 and facilities, or both water and waste-water services and facilities to each member in
5 accordance with policies of the authority and agreements among the members. Such
6 services and the costs for same shall be delineated in intergovernmental agreements
7 between the authority and the members."

8 **SECTION 9.**

9 Said Act is further amended by striking subsections (a) and (c) of Section 34 thereof and
10 inserting in their place new subsections (a) and (c) to read as follows:

11 "(a) The authority shall establish a fiscal year, which may be a calendar year, for its
12 operation and, as soon as practicable after the end of each fiscal year, the authority shall
13 cause to be prepared and printed a report and financial statement of the authority's
14 operations for the fiscal year just ended and of its assets and liabilities. A copy of such
15 report shall be sent to the governing authority of each member and additional copies shall
16 be made available for distribution to the general public upon written requests therefor."

17 "(c) Whenever the authority deems it necessary or advisable, it shall be authorized to
18 employ a firm or firms of qualified engineers or other such professionals to survey the
19 condition of the authority's facilities and operations from an engineering, operational, or
20 environmental standpoint and to make a report thereof together with recommendations for
21 improvement in its physical facilities and operating procedures. A copy of such report
22 shall be sent to the governing authority of each member and additional copies shall be
23 made available for distribution to the general public upon written requests therefor."

24 **SECTION 10.**

25 Said Act is further amended by striking Section 38 thereof in its entirety and inserting in its
26 place a new Section 38 to read as follows:

27 "SECTION 38.

28 Powers of counties and municipalities.

29 This Act does not in any way take from members or any adjoining county the authority to
30 own, operate, and maintain water or waste-water systems or issue revenue certificates as
31 is provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the 'Revenue Bond
32 Law."

1

SECTION 11.

2

Repealer.

3

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