

House Bill 311

By: Representatives Ehrhart of the 36th, Hines of the 38th, Franklin of the 39th, Wiles of the 34th, Golick of the 30th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Cobb County-Marietta Water Authority, approved February
2 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986
3 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act
4 approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy,
5 terms, and quorum provisions regarding the authority; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951
10 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L.
11 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act
12 approved April 5, 1995 (Ga. L. 1995, p. 4121), is amended by striking subsections (b), (c),
13 and (d) of Section 2 thereof and inserting in their respective places the following:

14 "(b) The authority shall consist of eight members who shall be determined and selected as
15 follows:

16 (1) One member shall be the chairman of the Board of Commissioners of Cobb County,
17 Georgia;

18 (2) One member shall be selected by the governing authority of the City of Marietta,
19 Georgia, and the member so selected may be a member of the governing authority of the
20 City of Marietta;

21 (3) Four members shall be selected by a caucus consisting of all members of the General
22 Assembly whose districts are wholly or partially within Cobb County. The four members
23 so selected by the caucus must be residents of the unincorporated area of Cobb County;

24 (4) One member shall be selected: by the governing authority of the City of Acworth,
25 Georgia, in those years in which the members of the authority are to be selected which
26 end with the numeral 4; by the governing authority of the City of Austell, Georgia, in

1 those years in which the members of the authority are to be selected which end with the
2 numeral 8; by the governing authority of the City of Kennesaw, Georgia, in those years
3 in which the members of the authority are to be selected which end with the numeral 2;
4 by the governing authority of the City of Powder Springs, Georgia, in those years in
5 which the members of the authority are to be selected which end with the numeral 6; and
6 by the governing authority of the City of Smyrna, Georgia, in those years in which the
7 members of the authority are to be selected which end with the numeral 0; and

8 (5) One member shall be selected by the chairperson of the governing authority of
9 Paulding County or that chairperson's designee.

10 (c) The term of office of the chairman of the Board of Commissioners of Cobb County as
11 a member of the authority shall be concurrent with the term of office as chairman of the
12 board of commissioners. The two members of the authority appointed by the governing
13 authorities of Marietta and the other appropriate municipality and serving on the effective
14 date of this subsection shall serve until August 14, 1996, and until their successors are
15 appointed and qualified. The four members of the authority appointed by the members of
16 the General Assembly from Cobb County serving on the effective date of this subsection
17 shall serve until August 14, 1998, and until their successors are appointed and qualified.
18 The member appointed pursuant to paragraph (5) of subsection (b) of this section shall
19 serve until August 14, 2004, and until that person's successor is appointed and qualified.
20 After the terms specified above, all members of the authority, other than the Cobb County
21 commissioner, shall serve for terms of four years, except that members appointed pursuant
22 to paragraph (4) of subsection (b) of this section shall serve for terms of two years, and
23 until their successors are appointed and qualified and shall assume office on August 15
24 following the expiration of the prior members' terms. Notwithstanding the provisions of
25 this subsection, the term of office of a person appointed pursuant to paragraph (5) of
26 subsection (b) of this section shall automatically expire and that position be abolished at
27 any time that Paulding County first distributes any of its treated water from a source other
28 than the authority, whereupon the membership of the authority shall be reduced to seven
29 members and the quorum reduced to five members.

30 (d) The authority shall elect one of its members as chairperson and another as vice
31 chairperson. The authority may also select a secretary and treasurer who need not
32 necessarily be members of the authority. Six members of the authority shall constitute a
33 quorum. No vacancy on the authority shall impair the right of the quorum to exercise all
34 the rights and perform all the duties of the authority."

SECTION 2.

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2 Said Act is further amended by striking subsection (a) of Section 2A thereof and inserting
3 in its place the following:

"SECTION 2A.

4
5 (a) In the event of a vacancy in the membership of the authority by reason of death,
6 resignation, or disability, said vacancy shall be filled by the governing authority,
7 chairperson of the governing authority or the chairperson's designee, or caucus which
8 originally selected the vacating member in question. Notwithstanding that a vacancy
9 occurs in a year in which the governing authority of another city may be authorized to
10 select a member for a full term under paragraph (4) of subsection (b) of Section 2 of this
11 Act, the governing authority of that city which selected the member whose office has
12 become vacant shall select a successor to serve the remainder of that member's unexpired
13 term and until a successor is regularly selected and appointed."

SECTION 3.

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