

Senate Bill 308

By: Senator Hamrick of the 30th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act known as the "Carroll County Water Authority Act," approved April 6, 1967 (Ga. L. 1967, p. 2861), as amended, particularly by an Act approved March 27, 1995 (Ga. L. 1995, p. 3606), so as to change the composition, qualifications, and terms of office of members of that authority; to provide for nonvoting membership and abolition thereof; to provide for quorum, vacancies, compensation, and reports and audits; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Carroll County Water Authority Act," approved April 6, 1967 (Ga. L. 1967, p. 2861), as amended, particularly by an Act approved March 27, 1995 (Ga. L. 1995, p. 3606), is amended by striking Section 2 thereof and inserting in its place the following:

"SECTION 2.

The Carroll County Water Authority.

(a) There is hereby created a body corporate and politic to be known as the Carroll County Water Authority which shall be deemed to be a political subdivision of the State of Georgia and a public corporation, and by that name, title, and style said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity.

(b)(1) As used in this subsection, the term 'commissioner district' means the commissioner district for election of each member of the board of commissioners of Carroll County as specified in an Act creating such board, approved February 28, 1989 (Ga. L. 1989, p. 3546), as amended, but means all of Carroll County with regard to the commissioner district of the chairperson of such board.

1 (2) The authority shall consist of seven voting members, as specified in paragraphs (3)
2 through (8) of this subsection, and other nonvoting members as specified in
3 paragraph (10) of this subsection. Each voting member shall be appointed by a member
4 of the board of commissioners of Carroll County and reside in Carroll County in the
5 commissioner district which that commissioner represents. No member of the authority
6 may be a member of said board of commissioners.

7 (3) The terms of office of those members of the authority who were appointed by the
8 board of commissioners of Carroll County and who reside in Commissioner Districts 5
9 and 6 shall expire upon the date this paragraph becomes effective in 2001 and upon the
10 appointment and qualification of their respective successors. Those successors shall be
11 appointed by members of the board of commissioners of Carroll County who represent
12 Commissioner Districts 5 and 6, respectively, to serve for initial terms of office which
13 expire December 31, 2002, and upon the appointment and qualification of their respective
14 successors.

15 (4) The member of the authority who was appointed by the board of commissioners of
16 Carroll County, who is chairperson of the authority on January 1, 2001, and who resides
17 in Commissioner District 2 shall continue to serve out such member's term of office,
18 which shall expire on December 31, 2001, and upon the appointment and qualification
19 of a successor. That successor shall be appointed by the member of the board of
20 commissioners of Carroll County who represents Commissioner District 2 to serve for
21 an initial term of office which expires December 31, 2003, and upon the appointment and
22 qualification of his or her successor.

23 (5) The member of the authority who was appointed by the board of commissioners of
24 Carroll County and who resides in Commissioner District 2 but who is not the
25 chairperson of the authority on January 1, 2001, shall continue to serve out such
26 member's term of office, which shall expire on December 31, 2001, and upon the
27 appointment and qualification of a successor, and until such successor takes office shall
28 be deemed to be serving from Commissioner District 1. That successor to such position
29 on the authority shall be appointed by the member of the board of commissioners of
30 Carroll County who represents Commissioner District 1 to serve for an initial term of
31 office which expires December 31, 2003, and upon the appointment and qualification of
32 his or her successor.

33 (6) The position on the authority which had previously been filled by the appointment
34 by the board of commissioners of Carroll County and which position was vacant on
35 February 10, 2001, shall be filled by the appointment by the commissioner of Carroll
36 County who represents Commissioner District 4 to serve for an initial term of office

1 which expires December 31, 2002, and upon the appointment and qualification of his or
2 her successor.

3 (7) The chairperson of the board of commissioners of Carroll County shall appoint the
4 seventh member to serve on the authority to serve for an initial term of office which
5 expires December 31, 2002, and upon the appointment and qualification of his or her
6 successor, and the person so appointed may reside anywhere within Carroll County.

7 (8) The member of the authority who was appointed by the board of commissioners of
8 Carroll County and who resides in Commissioner District 3 shall continue to serve out
9 such member's term of office, which shall expire on June 30, 2002, and upon the
10 appointment and qualification of his or her successor. That successor shall be appointed
11 by the member of the board of commissioners of Carroll County who represents
12 Commissioner District 3 for an initial term of office which expires December 31, 2003,
13 and upon the appointment and qualification of his or her successor.

14 (9) Successors to members of the authority whose initial terms of office are to expire as
15 provided in paragraphs (3) through (8) of this subsection, and all future successors to
16 voting members of the authority whose terms of office are to expire, shall be appointed
17 by the member of the board of commissioners of Carroll County who represents the
18 commissioner district in which that authority member was required to reside, to terms of
19 office which begin on the first day of January immediately following the expiration of
20 that term to serve for a term of office of two years each and until their respective
21 successors are appointed and qualified. Notwithstanding the initial and other terms so
22 established, the term of office of a voting member of the authority shall expire upon the
23 election and qualification of a successor to that member of the board of commissioners
24 who appointed such authority member during such commissioner's term and upon such
25 successor's appointment of a member to the authority.

26 (10) The remaining members of the authority who were appointed by the governing
27 authority of any political subdivision within Carroll County contracting for the sale or
28 purchase of water to or from the authority shall continue to serve out their terms of office
29 and until their successors are appointed and qualified, but on and after the date this
30 paragraph becomes effective in 2001, they shall serve as nonvoting members of the
31 authority. The nonvoting members appointed to such positions after this paragraph
32 becomes effective in 2001 shall serve for terms of office of two years and until their
33 respective successors are appointed and qualified. If the political subdivision which
34 appoints such a member to the authority at any time ceases to contract for the sale or
35 purchase of water to or from the authority, that member's term of office on the authority
36 shall automatically expire and that member's position on the authority shall be
37 automatically abolished.

(11) Vacancies in the voting membership of the authority shall be filled by appointment by the member of the board of commissioners of Carroll County who represents the commissioner district in which the vacancy occurs, which appointee shall serve the remainder of the unexpired term and until a successor is appointed and qualified.

Vacancies in the nonvoting membership of the authority shall be filled in the same manner as the original appointment for the remainder of the unexpired term and until a successor is appointed and qualified.

(c) Immediately after their appointments, the members of the authority shall enter upon their duties. They shall elect from among their members a chairperson and a vice chairperson and may also elect a secretary and treasurer who need not necessarily be a member of the authority. A majority of the voting members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all of the rights and duties of the authority.

(d) The members of the authority shall be entitled to compensation for their services, out of authority funds, at the rate of \$100.00 for each meeting they attend, not to exceed a total of \$1,500.00 for each member in any calendar year.

(e) The authority shall make rules and regulations for its own government, and the authority shall have perpetual existence.

(f) The authority shall annually make a report, including a fiscal audit, of its activities to the grand jury for the November term of the Superior Court of Carroll County and to the board of commissioners of Carroll County."

SECTION 2.

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