

Senate Bill 308

By: Senator Hamrick of the 30th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act known as the "Carroll County Water Authority Act," approved April 6,
2 1967 (Ga. L. 1967, p. 2861), as amended, particularly by an Act approved March 27, 1995
3 (Ga. L. 1995, p. 3606), so as to change the composition, qualifications, and terms of office
4 of members of that authority; to provide for nonvoting membership and abolition thereof; to
5 provide for quorum, vacancies, compensation, and reports and audits; to repeal conflicting
6 laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 An Act known as the "Carroll County Water Authority Act," approved April 6, 1967 (Ga.
10 L. 1967, p. 2861), as amended, particularly by an Act approved March 27, 1995 (Ga. L.
11 1995, p. 3606), is amended by striking Section 2 thereof and inserting in its place the
12 following:

13 **"SECTION 2.**

14 **The Carroll County Water Authority.**

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

20 (b)(1) As used in this subsection, the term 'commissioner district' means the
21 commissioner district for election of each member of the board of commissioners of
22 Carroll County as specified in an Act creating such board, approved February 28, 1989
23 (Ga. L. 1989, p. 3546), as amended, but means all of Carroll County with regard to the
24 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 3 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 3 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 shall continue to serve out
25 such member's term of office, which shall expire on December 31, 2001, and upon the
26 appointment and qualification of a successor. That successor shall be appointed by the
27 member of the board of commissioners of Carroll County who represents Commissioner
28 District 2 to serve for an initial term of office which expires December 31, 2003, and
29 upon the appointment and qualification of his or her successor.

30 (6) The position on the authority which had previously been filled by the appointment
31 by the board of commissioners of Carroll County and which position was vacant on
32 February 10, 2001, shall be filled by the appointment by the commissioner of Carroll
33 County who represents Commissioner District 1 to serve for an initial term of office
34 which expires December 31, 2002, and upon the appointment and qualification of his or
35 her successor.

36 (7) The chairperson of the board of commissioners of Carroll County shall appoint the
37 seventh member to serve on the authority to serve for an initial term of office which

1 expires December 31, 2002, and upon the appointment and qualification of his or her
2 successor, and the person so appointed may reside anywhere within Carroll County.

3 (8) The member of the authority who was appointed by the board of commissioners of
4 Carroll County and who resides in Commissioner District 3 and who is not the
5 chairperson of the authority on January 1, 2001, shall continue to serve out such
6 member's term of office, which shall expire on June 30, 2002, and upon the appointment
7 and qualification of his or her successor and until such successor takes office shall be
8 deemed to be serving from Commissioner District 4. That successor shall be appointed
9 by the member of the board of commissioners of Carroll County who represents
10 Commissioner District 4 for an initial term of office which expires December 31, 2003,
11 and upon the appointment and qualification of his or her successor.

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

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

36 (11) Vacancies in the voting membership of the authority shall be filled by appointment
37 by the member of the board of commissioners of Carroll County who represents the

1 commissioner district in which the vacancy occurs, which appointee shall serve the
2 remainder of the unexpired term and until a successor is appointed and qualified.
3 Vacancies in the nonvoting membership of the authority shall be filled in the same
4 manner as the original appointment for the remainder of the unexpired term and until a
5 successor is appointed and qualified.

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

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

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

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

20 **SECTION 2.**

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