

House Bill 288 (AS PASSED HOUSE AND SENATE)

By: Representative Boggs of the 145<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Ware County Water and Sewer Authority, approved October  
2 1, 2001 (Ga. L. 2001, p. 705), so as to change the name of the authority; to change the  
3 number of persons initially appointed to the authority; to change the method of appointing  
4 successors to and filling vacancies on the authority; to change the voting procedures; to  
5 change the annual auditing procedures; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the Ware County Water and Sewer Authority, approved October 1, 2001  
9 (Ga. L. 2001, p. 705), is amended by striking Section 1 thereof and inserting in its place the  
10 following:

11 "SECTION 1.

12 Short title.

13 This Act shall be known and may be cited as the 'Satilla Regional Water and Sewer  
14 Authority Act.'"

15 **SECTION 2.**

16 Said Act is further amended by striking Section 2 thereof and inserting in its place the  
17 following:

18 "SECTION 2.

19 Satilla Regional Water and Sewer Authority.

20 (a) There is created a public body corporate and politic, to be known as the 'Satilla  
21 Regional Water and Sewer Authority,' which shall be deemed to be a political subdivision

1 of the State of Georgia and a public corporation, and by that name, style, and title, said  
2 body may contract and be contracted with, sue and be sued, implead and be impleaded, and  
3 complain and defend in all courts of law and equity. The authority shall have perpetual  
4 existence.

5 (b) The authority shall consist of four members who shall be appointed by the Board of  
6 Commissioners of Ware County and a fifth member who shall be the chairperson of the  
7 Board of Commissioners of Ware County. The chairperson of the Board of Commissioners  
8 of Ware County shall serve as an ex officio member of the authority. The initial members  
9 of the authority shall be appointed by the Board of Commissioners of Ware County as  
10 follows: one member shall be appointed for a term of office expiring August 1, 2002; one  
11 member shall be appointed for a term of office expiring August 1, 2003; one member shall  
12 be appointed for a term of office August 1, 2004; and one member shall be appointed for  
13 a term of office expiring August 1, 2005. The initial members of the authority shall take  
14 office immediately upon their appointment and qualification and shall serve until their  
15 respective successors are duly appointed and qualified. Successors shall be appointed by  
16 the Board of Commissioners of Ware County from a list of three persons nominated by the  
17 authority in the month of July immediately preceding the expiration of a member's term  
18 of office and such successor shall take office on the first day of August for a term of five  
19 years and until his or her respective successor is duly appointed and qualified. In the event  
20 the Board of Commissioners of Ware County declines to select one of the three persons  
21 nominated by the authority, it shall notify the authority who shall then submit a new list of  
22 three nominees prior to the next board meeting of the Board of Commissioners of Ware  
23 County. Any member of the authority may be selected and appointed to succeed himself  
24 or herself. Immediately after such appointments, the members of such authority shall enter  
25 upon their duties. The members of the authority shall be entitled as compensation for their  
26 services an amount which shall be determined by the authority which shall not be less than  
27 \$50.00 per meeting attended, payable in monthly payments, and additionally all members  
28 shall be reimbursed for their actual expenses necessarily incurred in the performance of  
29 their duties. The authority shall have the power to establish bylaws and to promulgate and  
30 adopt rules and regulations necessary or desirable for the management and operation of the  
31 authority.

32 (c) To be eligible for appointment as a member of the authority, a person shall be at least  
33 21 years of age and not been convicted of a felony.

34 (d) The members of the authority shall elect one of their number as chairperson and  
35 another as vice chairperson. The members of the authority shall also elect a secretary, who  
36 need not be a member of the authority, and may also elect a treasurer, who need not be a  
37 member of the authority. The secretary may also serve as treasurer. If the secretary or

1 treasurer is not a member of the authority, such officer shall have no voting rights. Each  
 2 of such officers shall serve for a period of one year and until their successors are duly  
 3 elected and qualified. The chairperson of the authority shall be entitled to vote upon any  
 4 issue, motion, or resolution presented.

5 (e) Three members of the authority shall constitute a quorum. No vacancy on the authority  
 6 shall impair the right of the quorum to exercise all of the rights and perform all of the  
 7 duties of the authority.

8 (f) In the event of a vacancy by reason of death, disqualification, resignation, or other  
 9 reason, the Board of Commissioners of Ware County shall appoint a person to fill the  
 10 unexpired term of the member whose position has been vacated from a list of three persons  
 11 nominated by the authority. In the event the Board of Commissioners of Ware County  
 12 declines to select one of the three persons nominated by the authority, it shall notify the  
 13 authority who shall then submit a new list of three nominees prior to the next board  
 14 meeting of the Board of Commissioners of Ware County. A vacancy shall exist in the  
 15 office of any member of the authority who is convicted of a felony or who enters a plea of  
 16 nolo contendere thereto; who is convicted of a crime involving moral turpitude or enters  
 17 a plea of nolo contendere thereto; who moves his or her residence from Ware County; who  
 18 is convicted of any act of misfeasance, malfeasance, or nonfeasance of his or her duties as  
 19 a member of the authority; or who fails to attend any regular or special meeting of the  
 20 authority for a period of six months without excuse approved by a resolution of the  
 21 authority."

### 22 **SECTION 3.**

23 Said Act is further amended by striking paragraph (1) of Section 3 thereof and inserting in  
 24 its place the following:

25 "(1) 'Authority' means the Satilla Regional Water and Sewer Authority created by this  
 26 Act."

### 27 **SECTION 4.**

28 Said Act is further amended by striking Section 19 thereof and inserting in its place the  
 29 following:

#### 30 "SECTION 19.

31 Validation.

32 Bonds of the authority shall be confirmed and validated in accordance with the procedure  
 33 of the Revenue Bond Law, as amended. The petition for validation shall also make party

1 defendant to such action the State of Georgia or any municipality, county, authority,  
2 political subdivision, or instrumentality of the State of Georgia which has contracted with  
3 the authority for the services and facilities of the project for which bonds are to be issued  
4 and sought to be validated and the state or such municipality, county, authority, political  
5 subdivision, or instrumentality shall be required to show cause, if any exists, why such  
6 contract or contracts and the terms and conditions thereof should not be inquired into by  
7 a court and the contract or contracts adjudicated as a part of the basis for the security for  
8 the payment of any such bonds of the authority. The bonds, when validated, and the  
9 judgment of validations shall be final and conclusive with the respect to such bonds and  
10 the security for the payment thereof and interest thereon and against the authority issuing  
11 the same and the state and any municipality, county, authority, political subdivision, or  
12 instrumentality, if a party to the validation proceedings, contracting with the authority."

13 **SECTION 5.**

14 Said Act is further amended by striking Section 32 thereof and inserting in its place the  
15 following:

16 "SECTION 32.

17 Required annual audit.

18 The authority created by this Act shall ensure that an annual audit of the financial affairs,  
19 books, and records of the authority is conducted at the end of each fiscal year for the  
20 preceding year. The authority shall obtain either a certified public accountant or a firm of  
21 certified public accountants to conduct the audit. The auditor so appointed shall perform  
22 the audit in accordance with generally accepted accounting principles and shall submit a  
23 complete and final report and audit to the authority and to the Ware County Board of  
24 Commissioners not later than 180 days after the close of the fiscal year. The audit shall be  
25 certified to and shall include, but in no way be limited to, a full and complete audit  
26 containing a balance sheet, profit and loss statement, and statement of receipts and  
27 disbursements."

28 **SECTION 6.**

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