

House Bill 795 (AS PASSED HOUSE AND SENATE)

By: Representatives Ralston of the 6th, White of the 3rd, Post 2, and Forster of the 3rd,
Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act known as the "Ellijay-Gilmer County Water and Sewerage Authority Act,"
2 approved March 31, 1987 (Ga. L. 1987, p. 5424), as amended, so as to change the number
3 of members of the authority; to provide for the appointment and terms of office of the
4 members; to change the provisions relating to quorums; to provide for the governing
5 authority appointing the majority of members to the authority to be responsible for any
6 liability resulting from the activities of the authority and to hold harmless all other member
7 governing authorities; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act known as the "Ellijay-Gilmer County Water and Sewerage Authority Act," approved
12 March 31, 1987 (Ga. L. 1987, p. 5424), as amended, is amended by striking subsections (b)
13 and (e) of Section 2 of said Act and inserting in their respective places the following:

14 "(b) Effective July 1, 2003, the authority shall be composed of five members as follows:
15 three members shall be appointed by the Board of Commissioners of Gilmer County; one
16 member shall be appointed by the governing authority of the City of East Ellijay; and one
17 member shall be appointed by the governing authority of the City of Ellijay. The terms of
18 the current members of the authority shall terminate on June 30, 2003. The terms of the
19 five members of the authority are staggered as follows: the three members appointed by the
20 Board of Commissioners of Gilmer County shall have terms ending on June 30, 2004, June
21 30, 2005, and June 30, 2006, respectively; the member appointed by the governing
22 authority of the City of East Ellijay shall have a term ending on June 30, 2007; the member
23 appointed by the governing authority of the City of Ellijay shall have a term ending on June
24 30, 2008. The members of the authority shall take office immediately upon their
25 appointment and qualification and shall serve until their respective successors are duly
26 appointed and qualified. Successors shall be appointed in the same manner as the initial

1 members in the month of June immediately preceding the expiration of a member's term
2 of office, and each such successor shall take office on the first day of July for a term of five
3 years and until his or her respective successor is duly appointed and qualified. Any
4 member of the authority may be selected and appointed to succeed himself or herself.
5 Immediately after such appointments, the members of such authority shall enter upon their
6 duties. The members of the authority shall be entitled to reimbursement for their actual
7 expenses necessarily incurred in the performance of their duties. The authority shall have
8 the power to establish bylaws and to promulgate and adopt rules and regulations necessary
9 or desirable for the management and operation of the authority."

10 "(e) A majority of the members of the authority shall constitute a quorum. No vacancy on
11 the authority shall impair the right of the quorum to exercise all of the rights and perform
12 all of the duties of the authority."

13 **SECTION 2.**

14 Said Act is further amended by adding a new Section 26.1 to read as follows:

15 "SECTION 26.1.

16 If any activity of the authority results in liability for a member's governing authority, the
17 governing authority having a majority of the members of the authority shall bear
18 responsibility for such liability and shall hold all other member governing authorities
19 harmless."

20 **SECTION 3.**

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