

The House Committee on State Planning & Community Affairs - Local Legislation offers the following substitute to HB 687:

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 nine members who shall be determined and selected as
15 follows:

16 (1) One member shall be the chairperson of the Board of Commissioners of Cobb
17 County, 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) One member shall be selected by the governing authority of the City of Smyrna, and
22 the member so selected may be a member of the governing authority of the City of
23 Smyrna;

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

1 (5) Beginning in 2004, one member shall be selected under this paragraph in each
2 even-numbered year by one of the governing authorities specified below in a
3 never-ending rotation and in the order indicated:

4 (A) The City of Acworth; followed two years later by

5 (B) The City of Austell; followed two years later by

6 (C) The City of Kennesaw; followed two years later by

7 (D) The City of Powder Springs; followed two years later by beginning the rotation
8 anew with a selection made under subparagraph (A) of this paragraph; and

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

11 (c) The term of office of the chairperson of the Board of Commissioners of Cobb County
12 as a member of the authority shall be concurrent with the term of office as chairperson of
13 the board of commissioners. The two members of the authority appointed by the governing
14 authorities of Marietta and the other appropriate municipality and serving on the effective
15 date of this subsection shall serve until August 14, 1996, and until their successors are
16 appointed and qualified. The four members of the authority appointed by the members of
17 the General Assembly from Cobb County serving on the effective date of this subsection
18 shall serve until August 14, 1998, and until their successors are appointed and qualified.
19 The initial member appointed pursuant to paragraph (3) of subsection (b) of this section
20 shall serve until August 14, 2006, and until that person's successor is appointed and
21 qualified. The initial member appointed pursuant to paragraph (5) of subsection (b) of this
22 section shall serve until August 14, 2006, and until that person's successor is appointed and
23 qualified. The initial member appointed pursuant to paragraph (6) of subsection (b) of this
24 section shall serve until August 14, 2006, and until that person's successor is appointed and
25 qualified. After the terms specified above, all members of the authority, other than the
26 chairperson of the Board of Commissioners of Cobb County, shall serve for terms of four
27 years, except that members appointed pursuant to paragraph (5) of subsection (b) of this
28 section shall serve for terms of two years, and until their successors are appointed and
29 qualified and shall assume office on August 15 following the expiration of the prior
30 members' terms. Notwithstanding the provisions of this subsection, the term of office of
31 a person appointed pursuant to paragraph (6) of subsection (b) of this section shall
32 automatically expire and that position be abolished at any time that Paulding County first
33 distributes any of its treated water from a source other than one approved by the authority,
34 whereupon the membership of the authority shall be reduced to eight members and the
35 quorum reduced to five members.

36 (d) The authority shall elect one of its members as chairperson and another as vice
37 chairperson. The authority may also select a secretary and treasurer who need not

1 necessarily be members of the authority. Except as otherwise provided in subsection (c)
2 of this section, six members of the authority shall constitute a quorum. No vacancy on the
3 authority shall impair the right of the quorum to exercise all the rights and perform all the
4 duties of the authority."

5 **SECTION 2.**

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

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

17 **SECTION 3.**

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