

Senate Bill 138

By: Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Wiles of the 37th

**AS PASSED SENATE**

**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, and  
5 quorum provisions regarding the authority; to provide an effective date; 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 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 seven members who shall be determined and selected  
15 as 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;

20 (3) One member shall be selected by the governing authority of the City of Smyrna;

21 (4) One member shall be the chairperson of the Board of Commissioners of Paulding  
22 County;

23 (5) Three members shall be selected by a caucus consisting of all members of the  
24 General Assembly whose districts are wholly or partially within Cobb County. The three  
25 members so selected by the caucus shall include one member from Cobb Commission  
26 District 1 or 4, excluding residents of Marietta and Smyrna; one member from Cobb

1 Commission District 2 or 3, excluding residents of Marietta and Smyrna; and one  
2 member from unincorporated Cobb County.

3 (c) The term of office of the chairperson of the Board of Commissioners of Cobb County  
4 as a member of the authority and the term of office of the chairperson of the Board of  
5 Commissioners of Paulding County as a member of the authority shall be concurrent with  
6 their terms of office as chairpersons except that the term of office of the chairperson of the  
7 Board of Commissioners of Paulding County shall begin on August 15, 2005. The member  
8 of the authority appointed by the governing authority of Marietta serving on the effective  
9 date of this subsection shall serve until August 14, 2008, and until his or her successor is  
10 appointed and qualified. The member of the authority appointed by the governing authority  
11 of Smyrna shall begin serving on August 15, 2005, and shall serve until August 14, 2008,  
12 or until his or her successor is appointed and qualified. Thereafter, both the member of the  
13 authority appointed by Marietta and the member of the authority appointed by Smyrna shall  
14 serve for terms of four years and until their successors are appointed and qualified and shall  
15 assume office on August 15 following the expiration of the prior members' terms. The four  
16 members of the authority appointed by the members of the General Assembly from Cobb  
17 County serving on the effective date of this subsection shall serve until August 14, 2005,  
18 and until their successors are appointed and qualified. Thereafter, the members of the  
19 authority appointed by the members of the General Assembly from Cobb County shall  
20 serve for terms of four years and until their successors are appointed and qualified and shall  
21 assume office on August 15 following the expiration of the prior members' terms. The  
22 member of the authority appointed by the City of Acworth, Georgia, serving on the  
23 effective date of this subsection shall serve until August 14, 2005, and until the member  
24 of the authority appointed by the governing authority of Smyrna is appointed and qualified.

25 (d) The authority shall elect one of its members as chairperson and another as vice  
26 chairperson. The authority may also select a secretary and treasurer who need not  
27 necessarily be members of the authority. Except as otherwise provided in subsection (c)  
28 of this section, five members of the authority shall constitute a quorum. No vacancy on the  
29 authority shall impair the right of the quorum to exercise all the rights and perform all the  
30 duties of the authority."

## 31 SECTION 2.

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

34 "(a) In the event of a vacancy in the membership of the authority by reason of death,  
35 resignation, or disability, said vacancy shall be filled by the governing authority,

1 chairperson of the governing authority or the chairperson's designee, or caucus which  
2 originally selected the vacating member in question."

3 **SECTION 3.**

4 This Act shall become effective on July 1, 2005.

5 **SECTION 4.**

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