

Senate Bill 99

By: Senators Moody of the 56th, Butler of the 55th and Reed of the 35th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, particularly by an Act approved March 16, 1971 (Ga. L. 1971, p. 2092), so as to change certain provisions regarding violations of the code of ethics; to add a certain provision regarding the removal of a member of the board of directors for violation of certain provisions regarding conflicts of interest; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, particularly by an Act approved March 16, 1971 (Ga. L. 1971, p. 2092), is amended by striking Section 15 and inserting in lieu thereof a new Section 15 to read as follows:

"SECTION 15.

Conflict of Interests.

(a) Every member of the Board and every employee of the Authority who knowingly has any interest direct or indirect in any contract to which the Authority is or is about to become a party, or in any other business of the Authority, or in any firm or corporation doing business with the Authority, shall make full disclosure of such interest to the Board and, if a Board member, to his appointing authority. Failure to disclose such an interest shall constitute cause for which a Board member may be removed from office by the appointing ~~power~~ authority or the Board, or an employee discharged or otherwise disciplined at the discretion of the Board.

(b) Provisions of the Act of the General Assembly approved March 10, 1964 (Ga. L. 1964, p. 261), as amended, regulating the conduct of officers, employees, and agents of political subdivisions, municipal and other public corporations, and other public organizations, shall be applicable to the conduct of its Board members, officers, employees and agents of the Authority.

(c) Any contract or transaction of the Authority involving a conflict of interest not disclosed under subsection (a) hereof, or a violation of the Act of the General Assembly approved March 10, 1964 (Ga. L. 1964, p. 261), as amended, or a violation of a provision of a code of ethics duly approved by the Board, or a violation of any other provision of law applicable to the Authority, its Board members, officers, or employees regulating conflicts of interest, shall be voidable by the Board. It is expressly provided, however, that this provision shall not apply to any indenture, agreement, contract, or transaction which constitutes security, direct or indirect, for the payment of bonds or other obligations of the Authority and the judgment and order confirming and validating any such bonds or other obligations, as in Section 10 hereof provided, shall constitute a final and conclusive adjudication as to any such security.

(d) The Board shall be authorized to determine that a conflict of interest not disclosed under subsection (a) of this section, or a violation of the Act of the General Assembly approved March 10, 1964 (Ga. L. 1964, p. 261), as amended, or a violation of a provision of a code of ethics duly approved by the Board, or a violation of any other provision of law applicable to the Authority, its Board members, officers, or employees regulating conflicts of interest, constitutes cause for which a member of the Board should be removed from office. A report of the Board's determination and the factual and legal basis therefor shall be delivered to the Board member's appointing authority together with a request that the appointing authority remove the Board member pursuant to Section 6(e) of this Act. If, within 60 days of its receipt of the Board's report and request, the appointing authority does not take action to approve or to deny removal of the Board member, the Board shall be authorized to remove the Board member. No Board member shall be thus removed unless he or she has been given a copy of the charges against him or her and an opportunity to be heard publicly in his or her own defense in person or by counsel with at least ten days written notice. A Board member thus removed from office shall have the right to a judicial review of his or her removal by an appeal to the superior court of the county of the local governing body that appointed him or her, but only on the ground of error of law or abuse of discretion."

SECTION 2.

This Act shall become effective on July 1, 2005.

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- SECTION 3.
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- All laws and parts of laws in conflict with this Act are repealed.