

Senate Bill 333

By: Senators Douglas of the 17th and Hudgens of the 47th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the Walnutgrove-Youth Water Authority, now known as the
 2 Walton County Water and Sewerage Authority, approved April 3, 1972 (Ga. L. 1972, p.
 3 3623), as amended, particularly by an Act approved April 5, 1994 (Ga. L. 1994, p. 4675), so
 4 as to continue in existence and reconstitute the authority; to provide for legislative findings;
 5 to provide for the termination of the terms of members of the authority appointed under
 6 previous law; to provide for the appointment of members and their qualifications, terms,
 7 chairperson, quorum, meetings, vacancies, and compensation; to provide for perpetual
 8 existence of the authority; to provide for ratification of outstanding revenue bond debt; to
 9 revise the powers of the authority; to provide that the authority shall exercise its powers with
 10 the consent of the Board of Commissioners of Walton County; to expressly authorize lease
 11 of the assets of the authority, transfer of the authority's employees, and the provision of
 12 advice and recommendations to the Board of Commissioners of Walton County; to provide
 13 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
 14 purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

16 **SECTION 1.**

17 An Act creating the Walnutgrove-Youth Water Authority, now known as the Walton County
 18 Water and Sewerage Authority, approved April 3, 1972 (Ga. L. 1972, p. 3623), as amended,
 19 particularly by an Act approved April 5, 1994 (Ga. L. 1994, p. 4675), is amended by
 20 inserting a new section to be designated Section 1.1 to read as follows:

21 "Section 1.1. The General Assembly finds that it is advantageous to reconstitute the Walton
 22 County Water and Sewerage Authority for the following reasons:

- 23 (1) The exceptionally rapid growth of the county requires careful planning for
 24 infrastructure, which would be made easier by reconstituting the authority;
 25 (2) The planning and construction of a reservoir designed to fulfill the county's water
 26 needs for the next several decades inaugurates a new era for the county and the authority,

1 and renders obsolete the election of three members of the authority by users of the
 2 authority's facilities, since it is now more important that the members of the authority
 3 represent the entire county;

4 (3) The appointment of three members of the authority by the governing authorities of
 5 the City of Monroe, the City of Loganville, and the City of Social Circle is also obsolete,
 6 since these cities manage their own water and sewer systems; and

7 (4) Close coordination of expansion of the sewerage system with planning for
 8 commercial and business development would be more feasible with a reconstituted
 9 authority."

10 SECTION 2.

11 Said Act is further amended by striking Section 2 and inserting in lieu thereof the following:

12 "Section 2. (a) This Act continues the existence of a body corporate and politic, known as
 13 the Walton County Water and Sewerage Authority, which is deemed to be a political
 14 subdivision of the State of Georgia and a public corporation and by that name, style, and
 15 title said body may contract and be contracted with, sue and be sued, implead and be
 16 impleaded, and complain and defend in all court of law and equity.

17 (b) The terms of members of the authority appointed under the provisions of prior law and
 18 serving on the authority on the effective date of this Act shall terminate at noon on the
 19 effective date of this Act. On and after 12:01 P.M. of the effective date of this Act, the
 20 authority shall consist of seven members appointed by the Board of Commissioners of
 21 Walton County, one of such members appointed by each district commissioner and one of
 22 such members appointed by the chairperson of the board of commissioners.

23 (c) Each member of the authority shall be a resident of Walton County and shall live
 24 within the service area of the authority. Members of the authority shall be appointed for
 25 terms of one year and until their successors are appointed and qualified. Members of the
 26 authority shall serve at the will and pleasure of the Board of Commissioners of Walton
 27 County. Any member of the authority may be appointed to succeed himself or herself.

28 (d) The members of the authority shall elect one of their number as chairperson. Four
 29 members shall constitute a quorum. No vacancy on the authority shall impair the right of
 30 the quorum to exercise all the rights and perform all the duties of the authority. The
 31 authority shall meet at least annually in the month of January of each year and at such other
 32 times as the authority may deem necessary.

33 (e) In the event of a vacancy on the authority for any reason, a replacement member to
 34 complete the unexpired term shall be appointed in the same manner as the member whose
 35 absence created the vacancy.

1 (f) The members of the authority shall be compensated in the amount of \$75.00 for each
 2 meeting of the authority attended by a member. All compensation shall be from funds
 3 available to the authority.

4 (g) The authority shall have perpetual existence. The authority as reconstituted by this Act
 5 continues in existence the authority created by the 1972 Act, despite the changes in name
 6 and membership. All revenue bond debt of the authority outstanding on the effective date
 7 of this Act is expressly ratified and confirmed as revenue bond debt of the authority
 8 reconstituted by this Act."

9 SECTION 3.

10 Said Act is further amended by striking Section 4 and inserting in lieu thereof the following:

11 "Section 4. The authority shall have the following powers to be exercised with the consent
 12 of the Board of Commissioners of Walton County:

13 (1) To have a seal and alter the same at pleasure;

14 (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
 15 personal property of every kind and character for its corporate purposes;

16 (3) To acquire in its own name by purchase, on such terms and conditions and in such
 17 manner as it may deem proper, or by condemnation in accordance with the provisions of
 18 any and all laws applicable to the condemnation of property for public use, real property,
 19 or rights or easements therein, or franchises necessary or convenient for its corporate
 20 purposes, and to use the same so long as its corporate existence shall continue and to
 21 lease or make contracts with respect to the use of or dispose of the same in any manner
 22 it deems to be the best advantage of the authority;

23 (4) To appoint, select, and employ officers, agents, and employees, including
 24 engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix
 25 their respective compensations;

26 (5) To make contracts, leases, or agreements and to execute all instruments necessary or
 27 convenient, including contracts for construction of projects and leases of projects or
 28 contracts with respect to the use of projects which it causes to be constructed or acquired,
 29 and any and all persons, firms, and corporations and the state and any and all political
 30 subdivisions, departments, institutions, or agencies of the state are hereby authorized to
 31 enter into contracts, leases, or agreements with the authority upon such terms and for such
 32 purposes as they deem advisable; and without limiting the generality of the above,
 33 authority is specifically granted to municipal corporations, counties, and other political
 34 subdivisions and to the authority to enter into contracts, lease agreements, or other
 35 undertakings relative to the furnishing of services and facilities by the authority to such

1 municipal corporations, counties, and political subdivisions for a term not exceeding 50
2 years;

3 (6) To acquire, construct, own, repair, add to, extend, improve, equip, operate, maintain,
4 and manage projects, as hereinabove defined, the cost of any such project to be paid, in
5 whole or in part, from the proceeds of revenue bonds of the authority or from such
6 proceeds and any grant or contribution from the United States of America or any agency
7 or instrumentality thereof or from the State of Georgia or any agency or instrumentality
8 thereof;

9 (7) To make loans with, and accept loans and grants of money or materials or property
10 of any kind from, the United States of America or any agency or instrumentality thereof,
11 upon such terms and conditions as the United States of America or such agency or
12 instrumentality may require;

13 (8) To make loans with, and accept loans and grants of money or materials or property
14 of any kind from, the State of Georgia or any agency or instrumentality or political
15 subdivision thereof, upon such terms and conditions as the State of Georgia or such
16 agency or instrumentality or political subdivision may require;

17 (9) To borrow money for any of its corporate purposes and to issue negotiable revenue
18 bonds payable solely from funds pledged for that purpose, and to provide for the payment
19 of the same and for the rights of the holders thereof;

20 (10) To exercise any power usually possessed by private corporations performing similar
21 functions that is not in conflict with the Constitution and laws of this state; and

22 (11) To do all things necessary or convenient to carry out the powers expressly granted
23 by this Act."

24 **SECTION 4.**

25 Said Act is further amended by inserting a new section to be designated Section 4.1 to read
26 as follows:

27 "Section 4.1. (a) Without limiting the generality of paragraph (5) of Section 4 of this Act,
28 the authority is expressly authorized to enter into a written lease agreement with the Board
29 of Commissioners of Walton County for the lease of all of the assets of the authority and
30 the management of the operations of such assets in exchange for payments by the board of
31 commissioners sufficient to service the current and future debts and other liabilities of the
32 authority.

33 (b) In the event that the authority enters into a lease agreement as described in subsection
34 (a) of this section, all persons employed by the authority immediately prior to the execution
35 of such agreement shall become employees of the Board of Commissioners of Walton
36 County, and members of the civil service system of such county, except for the director and

1 department heads, who shall serve at the will and the pleasure of the board of
2 commissioners. For purposes of computing the length of service and for all other purposes
3 under such civil service system, such employees shall be deemed to have been employees
4 of the county for all periods of time they were employed by the authority.

5 (c) In the event that the authority enters into a lease agreement as described in subsection
6 (a) of this section, the authority is authorized to provide advice and recommendations to
7 the board of commissioners regarding infrastructure developments and the review of plans
8 for water and sewer requests in the county."

9 **SECTION 5.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval.

12 **SECTION 6.**

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