

House Bill 1329 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 158<sup>th</sup> and Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create the Bryan County Water and Sewer Authority; to provide a short title; to provide  
2 for definitions; to provide for the appointment of members of the board; to provide for  
3 organization and rules; to provide for powers and duties; to provide for financing of projects;  
4 to provide for revenue bonds; to provide for trust indentures and sinking funds; to provide  
5 for jurisdiction, venue, and remedies; to provide for validation; to provide for certain trust  
6 funds; to provide for audits; to provide for immunity; to provide for rules and regulations;  
7 to provide for construction; to provide for supplemental powers; to provide for other related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Short title.

10 This Act shall be known and may be cited as the "Bryan County Water and Sewer Authority  
11 Act."  
12  
13

**SECTION 2.**

Creation of the authority; membership.

14 (a) There is created a body corporate and politic, to be known as the Bryan County Water  
15 and Sewer Authority, which shall be deemed to be a political subdivision of the State of  
16 Georgia and a public corporation and by that name, style, and title said body may contract  
17 and be contracted with, sue and be sued, implead and be impleaded, and complain and defend  
18 in all courts of law and equity, except that the authority or the trustee acting under any trust  
19 indenture shall in no event be liable for any torts committed by its officers, agents, or  
20 employees.  
21

22 (b) The authority shall consist of six members. The board of commissioners of Bryan  
23 County shall appoint the members of the authority, each of whom shall reside in Bryan  
24 County. Two of the six members shall be incumbent members of the Board of  
25

1 Commissioners. The board of commissioners of Bryan County shall appoint two of the  
2 initial members for initial terms of three years, appoint two of the initial members for initial  
3 terms of two years, and appoint two of the initial members for initial terms of one year.  
4 Subsequent appointments shall be made for terms of office of three years. Vacancies shall  
5 be filled for an unexpired term by the board of commissioners of Bryan County.

6 (c) The authority shall elect from its members a chairperson, a vice chairperson, a secretary,  
7 and a treasurer or a secretary-treasurer. All officers shall be voting members. The members  
8 of the authority shall serve without compensation; however, they shall be reimbursed for all  
9 actual expenses incurred in the performance of their duties. The authority shall make rules  
10 and regulations for its own government. It shall have perpetual existence.

11 (d) Any authority member who is convicted of a felony shall be removed from the authority  
12 upon the date of conviction, regardless of the status of any appeal.

13 (e) A majority of the members shall constitute a quorum, and any action may be taken by  
14 the authority upon the affirmative vote of a majority of a quorum of the members. No  
15 vacancy on the authority shall impair the right of the quorum to exercise all of the rights and  
16 perform all of the duties of the authority. The authority shall be subject to all the provisions  
17 of Chapters 14 and 18 of Title 50 of the O.C.G.A., the open meetings and open records laws  
18 of the State of Georgia.

### 19 SECTION 3.

#### 20 Definitions.

21 (a) "Authority" means the Bryan County Water and Sewer Authority created by Section 2  
22 of this Act.

23 (b) "Cost of the project" means the cost of construction, the cost of all lands, properties,  
24 rights, easements, and franchises acquired; the cost of all machinery and equipment,  
25 financing charges, interest prior to and during construction and for one year after completion  
26 of construction; cost of engineering, architectural, fiscal, and legal expenses and of plans and  
27 specifications and of any other expenses necessary or incidental to determining the feasibility  
28 or practicability of the project; administrative expenses and such other expenses as may be  
29 necessary or incident to the financing authorized by this Act; the cost of the construction of  
30 any project, the placing of the same in operation, and the condemnation of property necessary  
31 for each construction and operation. Any obligation or expense incurred for any of the  
32 foregoing purposes shall be regarded as a part of the cost of the project and may be paid or  
33 reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this  
34 Act for such project.

35 (c) "Project" means the acquisition, construction, and equipping of water facilities for  
36 obtaining one or more sources of water supply, small watershed projects, works of

1 improvements for watersheds, projects for watershed protection and flood control and  
 2 prevention, recreational facilities developed in connection therewith, the treatment of water,  
 3 and the distribution and sale of water to users and consumers including, but not limited to,  
 4 the State of Georgia and counties and municipalities for the purpose of resale inside and  
 5 outside the territorial boundaries of Bryan County. The term "project" shall also include  
 6 additions to, improvements to, extensions of, and the operation and maintenance of the same  
 7 so as to assure an adequate water system, watershed protection and improvement, and flood  
 8 control and prevention; the acquisition, construction, and equipping of sewerage facilities  
 9 useful and necessary for the gathering of waste matter, and the treatment of sewage of any  
 10 and every type, including, but not limited to, the acquisition and construction of treatment  
 11 plants, ponds, and lagoons inside and outside the territorial boundaries of Bryan County; and  
 12 additions and improvements to and extensions of such facilities and the operation and  
 13 maintenance of the same so as to assure an adequate sewerage system. Said water facilities,  
 14 small watershed projects, projects for watershed protection and flood control and prevention,  
 15 recreational facilities developed in connection therewith, and sewerage facilities, at the  
 16 discretion of the authority, may be combined at any time as one revenue-producing  
 17 undertaking and operated and maintained as such.

18 (d) "Revenue bonds," "bonds," or "obligations" mean revenue bonds as defined and provided  
 19 for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law." Such  
 20 bonds and obligations may be issued by the authority as authorized under the "Revenue Bond  
 21 Law" and any amendments thereto. Such terms shall also mean obligations of the authority  
 22 the issuance of which are specifically provided for in this Act.

23 (e) "Self-liquidating" means that the revenues and earnings to be derived by the authority  
 24 therefrom and all properties used, leased, and sold in connection therewith will be sufficient  
 25 to pay the cost of operating, maintaining, repairing, improving, and extending the project and  
 26 to pay the principal and interest of the revenue bonds which may be issued for the cost of  
 27 such project or projects.

#### 28 **SECTION 4.**

##### 29 Powers.

30 The authority shall have the following powers:

- 31 (a) To have a seal and alter the same at its pleasure;
- 32 (b) To acquire by purchase, lease, gift, or otherwise, and to hold, operate, lease, maintain,  
 33 and dispose of real and personal property of every kind and character for its corporate  
 34 purposes;
- 35 (c) To acquire in its own name by purchase, on such terms and conditions and in such  
 36 manner as it may deem proper, real property or rights of easements therein or franchises

1 necessary or convenient for its corporate purposes; to use the same so long as its corporate  
2 existence shall continue; and to lease or make contracts with respect to the use of or dispose  
3 of the same in any manner it deems to the best advantage of the authority. No property shall  
4 be acquired under the provisions of this Act upon which any lien or encumbrance exists,  
5 unless at the time such property is so acquired a sufficient sum of money is deposited in trust  
6 to pay and redeem the fair value of such lien or encumbrance. If the authority shall deem it  
7 expedient to construct any project on any lands the title to which shall then be in Bryan  
8 County or in any municipality incorporated in said county, the governing authority or body  
9 of said county or of any of said municipalities, if such governing authority consents thereto,  
10 is authorized to convey title to such lands to the authority upon payment for the credit of the  
11 general funds of said county or municipalities the reasonable value of such lands;

12 (d) To enter into an agreement with the governing authority of Bryan County and any  
13 municipalities therein, with respect to acquiring a source of water supply; providing  
14 sewerage service; preparing engineering data, plans, and specifications for a water and  
15 sewerage system; extending water mains; apportioning the costs of constructing, extending,  
16 and maintaining a water or sewerage system, or both; providing for the testing and inspection  
17 of facilities constructed; providing for rates to be charged for water and sewerage services  
18 and keeping of permanent records; apportioning or designating the responsibility for any  
19 functions normally maintained by a water and sewerage system; providing for the ownership  
20 of the various facilities constructed or acquired; and providing for such other matters or  
21 contingencies as might be necessary or desirable in order to secure for Bryan County a  
22 satisfactory and reliable water and sewerage system at the most reasonable cost possible;

23 (e) To appoint, select, and employ such officers, agents, and employees as necessary in the  
24 judgment of the authority to accomplish the purposes of the authority. Such officers, agents,  
25 and employees may include engineering, architectural, and construction experts, fiscal  
26 agents, and attorneys, and the authority has the power to fix their respective compensation.  
27 The authority may require bond of any person handling funds of the authority;

28 (f) To make and execute contracts, leases, and instruments, which shall be necessary or  
29 convenient, including contracts for acquisition and construction of projects and leases of  
30 projects or contracts with respect to the use of projects which it causes to be constructed or  
31 acquired. Any and all persons, firms, and corporations and any and all consolidated  
32 governments, political subdivisions, departments, institutions, or agencies of the state are  
33 authorized to enter into contracts, leases, or agreements with the authority upon such terms  
34 and for such purposes as they deem advisable. Without limiting the generality of the  
35 foregoing provisions of this subsection, authorization is specifically granted to consolidated  
36 governments, municipal corporations, and counties and to the authority to enter into  
37 contracts, lease agreements, or other undertakings relative to the furnishing of water or

1 sewerage service and facilities, or both, by the authority to such consolidated governments,  
2 municipal corporations, and counties for a term not exceeding 50 years. As to any  
3 consolidated government, political subdivision, department, institution, or agency of this  
4 state which shall enter into an agreement under the provisions of this subsection or in  
5 subsection (d) of this section, the obligation to perform and fulfill such agreement shall  
6 constitute a general obligation of such entity for which its full faith and credit shall be  
7 pledged;

8 (g) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,  
9 equip, operate, and manage its water and sewerage systems; with the cost of such systems  
10 to be paid in whole or in part from the proceeds of revenue bonds of the authority or from  
11 such proceeds and any grant from the United States of America or any agency or  
12 instrumentality thereof or from the State of Georgia or any agency or instrumentality thereof;

13 (h) To accept loans and grants of money or materials or property of any kind from the  
14 United States of America or any agency or instrumentality thereof, upon such terms and  
15 conditions as the United States of America or such agency or instrumentality may impose;

16 (i) To accept loans and grants of money or materials or property of any kind from the State  
17 of Georgia or any agency or instrumentality or political subdivision thereof, upon such terms  
18 and conditions as the States of Georgia or such agency or instrumentality or political  
19 subdivision may impose;

20 (j) To borrow money for any of its corporate purposes and to execute notes or other  
21 evidences of such indebtedness and to secure the same;

22 (k) To issue negotiable revenue bonds, payable solely from funds pledged for the purpose,  
23 and to provide for the payment of the same and for rights of the holders thereof;

24 (l) The authority and any trustee acting under any trust indenture are specifically authorized  
25 to sell, lease, grant, exchange, or otherwise dispose of any such surplus property, both real  
26 and personal, or interest therein not required in the normal operation of and usable in the  
27 furtherance of the purpose for which the authority was created, except as such right and  
28 power might be limited as provided elsewhere in this Act;

29 (m) Except as otherwise provided in this Act, the authority may exercise any of its powers  
30 or provide any of its services inside the service delivery boundaries of any local government  
31 within Bryan County only when authorized by contract with the governing authority thereof;

32 (n) To make and enforce rules and regulations for the management and operation of its  
33 publicly owned water and sewerage systems which now exist and as hereafter added to,  
34 extended, or improved by any project or projects constructed after the provisions of this Act;

35 (o) To prescribe, fix, and collect rates, fees, tolls, or charges of the authority and to revise  
36 from time to time and collect such rates, fees, tolls or charges for the services, facilities, or  
37 commodities furnished; and in anticipation of the collection of the revenues and income of

1 such undertakings or projects, to issue revenue bonds as provided in this Act to finance in  
2 whole or in part the acquisition, construction, reconstruction, improvement, betterment, or  
3 extension of its water and sewerage systems, a small watershed project, a project for  
4 watershed protection or flood control and prevention, or recreational facilities developed in  
5 connection therewith; and to pledge to the punctual payment of the bonds and interest  
6 thereon all or any part of the revenues of such undertaking or project, including the revenues  
7 of improvements, betterments, or extensions thereto; and to classify and differentiate such  
8 rates, fees, tolls, or charges in any reasonable manner, including, but not limited to, small,  
9 intermediate, and large consumers and industrial, commercial, and residential consumers and,  
10 with respect to sewer rates, according to the amount of suspended solids and the biological  
11 oxygen demand of sewerage users. Additionally, and not in limitation of any of the  
12 foregoing, the authority, in fixing water or sewerage rates, or both, shall be fully authorized  
13 and empowered to comply with any state or federal Acts and any lawful regulations adopted  
14 pursuant to any such Act. As a limitation of the power of the authority, however, if at any  
15 time there are issued and outstanding revenue bonds for the payment of which the revenues  
16 of the authority are pledged, the authority shall make no decrease in rates for water and sewer  
17 service which will in any way impair the obligations contained in the revenue bonds;

18 (p) To adopt rules and regulations providing for the suspension of service to delinquent  
19 customers. The authority, through its executive director, or such other employees as the  
20 authority designates, shall have the right and power to issue executions for any past due  
21 charges, which executions shall be a lien upon and against the land and other properties of  
22 the assessed party which lien shall be of equal priority, rank, and dignity having the same  
23 attributes, rights, and powers as to collection and foreclosure thereof as an execution for  
24 unpaid ad valorem taxes of the State of Georgia or the County of Bryan; provided, however,  
25 that no such lien shall exist as to third parties until execution therefor shall have been issued  
26 by the Superior Court of Bryan County. In the event that sewerage service is discontinued  
27 pursuant to this section, the appropriate health authorities shall be immediately notified;

28 (q) To acquire insurance for its property; its authority members, and its officers and  
29 employees, including but not limited to fire, wind, storm, extended coverage insurance, and  
30 vehicular liability insurance; all other types of liability insurance; casualty insurance, fidelity  
31 insurance, comprehensive insurance, public officials' liability insurance, general public  
32 liability insurance covering all hazards, group life insurance, group accident insurance, group  
33 health insurance, group hospitalization insurance, group medical insurance, or any  
34 combination thereof; together with any and all other types of insurance on its property,  
35 officers, authority members, and employees as the authority in its judgment and discretion  
36 deems meet and proper in the conduct of its business; and on such terms and conditions and  
37 in such amounts as the authority deems appropriate in its judgment and discretion; and with

1 the payment of premiums and charges therefor; together with any other costs incident thereto,  
 2 to be paid in whole or in part by the authority and out of the general funds of the authority  
 3 as the authority may determine;

4 (r) To purchase, install, construct, repair, and replace fire hydrants on public property,  
 5 together with all needful and necessary accessories and adjuncts thereto, in connection with  
 6 existing or new water lines or mains of the authority and to defray and pay for any part or all  
 7 of the cost and expense thereof, labor, material, and otherwise, utilizing any available funds  
 8 of the authority therefor;

9 (s) To exercise any power usually possessed by private corporations performing similar  
 10 functions, including the power to incur short-term debt and to approve, execute, and deliver  
 11 appropriate evidence of any such indebtedness, provided that such power is not in conflict  
 12 with the Constitution and laws of this state; and

13 (t) To do all things necessary or convenient to carry out the powers expressly given in this  
 14 Act.

## 15 SECTION 5.

### 16 Financing Powers.

17 The authority, or any authority or body which has or which may in the future succeed to the  
 18 powers, duties, and liabilities vested in the authority created in this Act, shall have power and  
 19 is authorized to borrow money for the purpose of paying all or any part of the cost of the  
 20 project, as defined in this Act, of any one or more projects and to provide by resolution for  
 21 the issuance of negotiable revenue bonds for that purpose. The principal and interest of such  
 22 revenue bonds shall be payable solely from the special fund provided in this section for such  
 23 payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not  
 24 to exceed the maximum bond limit prescribed in Chapter 82 of Title 36 of the O.C.G.A., the  
 25 "Revenue Bond Law," as now or hereafter amended, shall be payable semiannually, and shall  
 26 be payable in such medium of payment as to both principal and interest as may be  
 27 determined by the authority and may be made redeemable before maturity, at the option of  
 28 the authority, at such price or prices and under such terms and conditions as may be fixed by  
 29 the authority in the resolution providing for the issuance of the bonds.

## 30 SECTION 6.

### 31 Revenue bonds; form; denominations; registration; place of payment.

32 The authority shall determine the form of the bonds, including any interest coupons to be  
 33 attached thereto, and shall fix the denomination or denominations of the bonds and the place  
 34 or places of payment of principal and interest thereof, which may be at any bank or trust  
 35 company inside or outside the state. The bonds may be issued in coupon or registered form,

1 or both, as the authority may determine, and provision may be made for the registration of  
2 any coupon bond as to principal alone and also as to both the principal and interest.

3 **SECTION 7.**

4 Revenue bonds; signatures; seal.

5 All such bonds shall bear the manual or facsimile signature of the chairperson of the  
6 authority and the attesting manual or facsimile signature of the secretary of the authority, and  
7 the official seal of the authority or a facsimile thereof shall be affixed thereto and any  
8 coupons attached thereto shall bear the facsimile signatures of the chairperson and the  
9 secretary of the authority. Any coupon may bear the facsimile signatures of such persons and  
10 any bond may be signed, sealed, and attested on behalf of the authority by such person as at  
11 the actual time of the execution of such bonds shall be duly authorized or hold the proper  
12 office, although at the date of such bonds such person may not have been so authorized or  
13 shall not have held such office. In case any officer whose signature shall appear on any  
14 bonds or whose signature shall appear on any coupon shall cease to be such officer before  
15 delivery of such bonds, such signature shall nevertheless be valid and sufficient for all  
16 purposes the same as if such officer had remained in office until such delivery.

17 **SECTION 8.**

18 Revenue bonds; negotiability; exemption from taxation.

19 All revenue bonds issued under the provisions of this Act shall have and are declared to have  
20 all the qualities and incidents of negotiable instruments under the laws of this state. Such  
21 bonds are declared to be issued for an essential public and governmental purpose and said  
22 bonds and the income therefrom shall be exempt from all taxation within the state.

23 **SECTION 9.**

24 Revenue bonds; sale; price.

25 The authority may sell such bonds in such manner and for such price as it may determine to  
26 be for the best interests of the authority.

27 **SECTION 10.**

28 Revenue bonds; proceeds of bonds.

29 The proceeds of such bonds shall be used solely for the payment of the costs of the project  
30 or projects, and unless otherwise provided in the resolution authorizing the issuance of the  
31 bonds or in any trust indenture, additional bonds may in like manner be issued to provide the  
32 amount of any deficit which, unless otherwise provided for in the resolution authorizing the  
33 issuance of the bonds or in any trust indenture, shall be deemed to be of the same issue and



1 shall be entitled to payment from the same fund without preference or priority of the bonds  
2 first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the  
3 amount required for the purpose for which such bonds are issued, the surplus shall be paid  
4 into the fund provided for in this Act to be used for paying the principal of and the interest  
5 on such bonds.

#### 6 **SECTION 11.**

7 Revenue bonds; interim receipts and certificates or temporary bonds.

8 Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue  
9 interim receipts, interim certificates, or temporary bonds, with or without coupons,  
10 exchangeable for definite bonds upon the issuance of the latter.

#### 11 **SECTION 12.**

12 Revenue bonds; replacement of lost or mutilated bonds.

13 The authority may also provide for the replacement of any bond which shall become  
14 mutilated or be destroyed or lost.

#### 15 **SECTION 13.**

16 Revenue bonds; conditions precedent to issue; object of issue.

17 Such revenue bonds may be issued without any other proceedings or the happening of any  
18 other conditions or things than those proceedings, conditions, and things which are specified  
19 or required by this Act. In the discretion of the authority, revenue bonds of a single issue  
20 may be issued for the purpose of any particular project. Any resolution providing for the  
21 issuance of revenue bonds under the provisions of this Act shall become effective  
22 immediately upon its passage and need not be published or posted, and any such resolutions  
23 may be passed at any regular, special, or adjourned meeting of the authority by a majority  
24 of the quorum as provided in this Act.

#### 25 **SECTION 14.**

26 Revenue bonds; credit not pledged; special power of contract.

27 Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a  
28 debt of Bryan County or a pledge of the faith and credit of the county, but the bonds shall be  
29 payable solely from the fund provided for in this Act, and the issuance of such revenue bonds  
30 shall not directly, indirectly, or contingently obligate the county to levy or to pledge any form  
31 of taxation whatever therefor or to make any appropriation for their payment, and all such  
32 bonds shall contain recitals on their face covering substantially the foregoing provisions of  
33 this section; provided, however, that the governing authority of Bryan County is authorized

1 to contract with the authority for any of the undertakings authorized in this Act. Such county  
2 may in connection therewith, jointly or severally, use any funds from any lawful source or  
3 from the proceeds of the issue and sale of bonds for such purpose.

#### 4 **SECTION 15.**

5 Revenue bonds; trust indenture as security.

6 In the discretion of the authority, any issue of such revenue bonds may be secured by a trust  
7 indenture by and between the authority and a corporate trustee, which may be any trust  
8 company or bank having the powers of a trust company inside or outside this state. Such  
9 trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the  
10 authority. Either the resolution providing for the issuance of the revenue bonds or such trust  
11 indenture may contain such provisions for protecting and enforcing the rights and remedies  
12 of the bondholders as may be reasonable and proper and not in violation of law, including  
13 covenants setting forth the duties of the authority in relation to the acquisition of property;  
14 the construction of the project; the maintenance, operation, repair, and insurance of the  
15 project; and the custody, safeguarding, and application of all moneys, and may also provide  
16 that any project shall be constructed and paid for under the supervision and approval of  
17 consulting engineers or architects employed or designated by the authority and may also  
18 contain provisions concerning the conditions, if any, upon which additional revenue bonds  
19 may be issued. It shall be lawful for any bank or trust company incorporated under the laws  
20 of this state to act as such depository and to furnish such indemnifying bonds or pledge such  
21 securities as may be required by the authority. Such indenture may set forth the rights and  
22 remedies of the bondholders and of the trustee and may restrict the individual right of action  
23 of bondholders as is customary in trust indentures securing bonds and debentures of  
24 corporations. In addition to the foregoing, such trust indenture may contain such other  
25 provisions as the authority may deem reasonable and proper for the security of bondholders.  
26 All expenses incurred in carrying out such trust indenture may be treated as a part of the cost  
27 of maintenance, operation, and repair of the project affected by such indenture.

#### 28 **SECTION 16.**

29 Revenue bonds; to whom proceeds of bonds shall be paid.

30 The authority shall, in the resolution providing for the issuance of revenue bonds or in any  
31 trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer  
32 or person or any agency, bank, or trust company acting as trustee of such funds and shall  
33 hold and apply the same to the purposes provided for in this Act, subject to such regulations  
34 as this Act and such resolution or trust indenture may provide.

**SECTION 17.**

Revenue bonds; sinking fund.

The revenues, fees, tolls, charges, and earnings derived from any particular project or projects, regardless of whether or not such fees, tolls, charges, earnings, and revenues were produced by a particular project for which bonds have been issued unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide. Such funds so pledged from whatever source received, which pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture into a sinking fund, which sinking fund shall be pledged to and charged with the payment of:

- (1) The interest upon the revenue bond as such interest shall fall due;
- (2) The principal of the revenue bonds as the same shall fall due;
- (3) Any premium upon the revenue bonds acquired by redemption, payment, or otherwise;
- (4) The necessary charges of the paying agent or agents for paying principal and interest; and
- (5) Any investment fees or charges.

The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture, any surplus moneys in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be canceled and shall not be reissued, printed, and delivered.

**SECTION 18.**

Revenue bonds; remedies of bondholders.

Any holder of revenue bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights given by this Act, may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted by this Act or under such resolution or trust indenture and may enforce and compel performance of all duties required by this Act or by such resolution or trust

1 indenture, to be performed by the authority or any officer thereof, including the fixing,  
2 charging, and collecting of revenues, fees, tolls, fines, and other charges for the use of the  
3 facilities and services furnished.

#### 4 **SECTION 19.**

##### 5 Revenue bonds; refunding bonds.

6 The authority is authorized to provide by resolution for the issuance of bonds of the authority  
7 for the purpose of funding or refunding any revenue bonds issued under the provisions of this  
8 Act and then outstanding, together with the accrued interest thereon and the premium, if any.  
9 The issuance of such funding or refunding bonds, the maturities and all other details thereof,  
10 the rights of the holders thereof, and the duties of the authority in respect to the same shall  
11 be governed by the foregoing provisions of this Act insofar as the same may be applicable.

#### 12 **SECTION 20.**

##### 13 Revenue bonds; jurisdiction and venue.

14 Any action to protect or enforce any rights under the provisions of this Act or any suit or  
15 action against such authority shall be brought in the Superior Court of Bryan County,  
16 Georgia, and any action pertaining to validation of bonds issued under the provisions of this  
17 Act shall likewise be brought in said court which shall have exclusive, original jurisdiction  
18 of such actions.

#### 19 **SECTION 21.**

##### 20 Revenue bonds, validation.

21 Bonds of the authority shall be confirmed and validated in accordance with the procedure of  
22 Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law." The petition  
23 for validation shall also make party defendant to such action the State of Georgia or any  
24 municipality, county, authority, political subdivision, or instrumentality of the State of  
25 Georgia which has contracted with the authority for the services and facilities of the project  
26 for which bonds are to be issued and sought to be validated. The state or such municipality,  
27 county, authority, political subdivision, or instrumentality shall be required to show cause,  
28 if any, why such contract or contracts and the terms and conditions thereof shall not be  
29 inquired into the court, and validity of the terms thereof shall be determined and the contract  
30 or contracts shall be adjudicated as a part of the basis for the security for the payment of any  
31 such bonds of the authority. The bonds, when validated, and the judgment of validation shall  
32 be final and conclusive with respect to such bonds and the security for the payment thereof  
33 and the interest thereon and against the authority issuing the same, the state, and any

1 municipality, county, authority, political subdivision, or instrumentality thereof, if a party to  
2 the validation proceedings, contracting with the authority.

3 **SECTION 22.**

4 Revenue bonds; interest of bondholders protected.

5 (a) While any of the bonds issued by the authority remain outstanding, the powers, duties,  
6 or existence of said authority or its officers, employees, or agents shall not be diminished or  
7 impaired in any manner that will affect adversely the interests and rights of the holders of  
8 such bonds. No other entity, department, agency, or authority will be created which will  
9 compete with the authority to such an extent as to affect adversely the interest and rights of  
10 the holders of such bonds, nor will the state itself so compete with the authority.

11 (b) The provisions of this Act shall be for the benefit of the authority and the holders of any  
12 such bonds and, upon the issuance of bonds under the provisions of this Act, shall constitute  
13 a contract with the holders of such bonds.

14 **SECTION 23.**

15 Moneys received considered trust funds.

16 All moneys received pursuant to the authority of this Act, whether as proceeds from the sale  
17 of revenue bonds, as grants or other contributions, or as revenue, income, fees, and earnings  
18 shall be deemed to be trust funds to be held and applied solely as provided in this Act.

19 **SECTION 24.**

20 Tort immunity.

21 To the extent permitted by law, the authority shall have the same immunity and exemption  
22 from liability for torts and negligence as Bryan County, and the officers, agents, and  
23 employees of the authority when in the performance of the work of the authority shall have  
24 the same immunity and exemption from liability for torts and negligence as the officers,  
25 agent, and employees of Bryan County when in performance of their public duties or work  
26 of the county.

27 **SECTION 25.**

28 Rules and regulations for operation of projects.

29 It shall be the duty of the authority to prescribe rules and regulations for the operation of the  
30 project or projects acquired or constructed under the provisions of this Act, including the  
31 basis on which water service and facilities, sewerage service and facilities, or both, shall be  
32 furnished.

**SECTION 26.**

Powers declared supplemental and additional.

The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized by this Act and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. This Act does not in any way take from Bryan County, any municipality located therein, any other adjoining county, or any private individual or corporation the authority to own, operate, add to, extend, improve, or maintain any water system, small watershed project, project for watershed protection and flood control and prevention, recreational facilities developed in connection therewith, sewerage system, or its service area combined water and sewerage system; nor does it in any way take from any of said political subdivisions of the state the authority to issue revenue bonds as provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law."

**SECTION 27.**

Liberal construction of Act.

This Act being for the welfare of various political subdivisions of the State of Georgia and its inhabitants, shall be liberally construed to effect the purposes thereof.

**SECTION 28.**

Repealer.

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