

House Bill 1468 (AS PASSED HOUSE AND SENATE)

By: Representative Scott of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Dade County Water and Sewer Authority, approved March 25,
2 1958 (Ga. L. 1958, p. 3260), as amended, so as to provide for the composition of the
3 authority; to provide for the selection of members of the authority; to provide for the terms
4 of office for members of the authority; to provide for vacancies; to provide for certain duties
5 of the authority; to provide for related matters; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the Dade County Water and Sewer Authority, approved March 25, 1958
10 (Ga. L. 1958, p. 3260), as amended, is amended by revising Section 2 as follows:

11 "SECTION 2.

12 (a) There is hereby created a body corporate and politic to be known as the Dade County
13 Water and Sewer Authority, which shall be deemed to be a political subdivision of the
14 State of Georgia and a public corporation, and by that name, style, and title, such body may
15 contract and be contracted with, sue and be sued, implead and be impleaded, and complain
16 and defend in all courts of law and equity. The authority shall consist of five members who
17 shall be appointed and serve as provided in this section. Other than the chairperson, the
18 members of the authority shall hold no other public office during their terms as members
19 of the authority.

20 (b) The terms of the members of the authority in office on the effective date of this Act
21 shall terminate on the effective date of this Act.

22 (c) On the effective date of this Act, the chairperson/county executive of the governing
23 authority of Dade County shall become the chairperson of the authority for a term that is
24 concurrent with his or her term as chairperson/county executive.

25 (d) On the effective date of this Act or as soon as practicable thereafter, the governing
26 authority of Dade County shall appoint four members to serve on such authority. Each
27 district commissioner shall nominate one person from such commissioner's district to serve
28 on the authority, and the governing authority shall ratify such nominations by majority vote
29 of the governing authority. Of the initial appointments by the governing authority under
30 this subsection, one member shall serve an initial term of office beginning on the date of
31 his or her appointment and ending December 31, 2011, and until a successor is appointed
32 and qualified; one member shall serve an initial term of office beginning on the date of his
33 or her appointment and ending December 31, 2012, and until a successor is appointed and
34 qualified; one member shall serve an initial term of office beginning on the date of his or
35 her appointment and ending December 31, 2013, and until a successor is appointed and
36 qualified; and one member shall serve an initial term of office beginning on the date of his
37 or her appointment and ending December 31, 2014, and until a successor is appointed and
38 qualified. The governing authority in making such initial appointments shall specify which
39 member of the authority shall serve which term of office. Thereafter, except for the
40 chairperson, appointments shall be made not more than 60 days prior to the expiration of
41 the term of office of a member of the authority by nomination by the district commissioner
42 in whose district the member whose term is expiring resides and ratification by majority
43 vote of the governing authority. Such successors to the initial members under this
44 subsection shall serve terms of office of four years and until a successor is appointed and
45 qualified. Except for the chairperson, members of the governing authority shall remain
46 residents of the districts from which they were appointed during their terms of office or
47 such offices shall be declared vacant.

48 (e) The seat of any member of the authority, except for the chairperson, who is absent
49 without being excused by the chairperson for two or more consecutive meetings of the
50 authority shall be declared vacant.

51 (f) Any member of the authority, except for the chairperson, may be removed from office
52 for cause upon a majority vote of the governing authority of Dade County.

53 (g) A vacancy on the authority, except for the chairperson, shall be filled for the remainder
54 of the unexpired term of office by nomination by the district commissioner in whose
55 district the member whose position is vacant resided and ratification by majority vote of
56 the governing authority.

57 (h) The members of the authority shall elect from among their number a vice chairperson
58 and may elect a secretary and a treasurer who need not necessarily be members of the
59 authority. Three members of the authority shall constitute a quorum. No vacancy on the
60 authority shall impair the right of the quorum to exercise all the rights and perform all of
61 the duties of the authority. The chairperson of the authority shall not be entitled to vote

62 upon any issue, motion, question, or resolution except in case of a tie vote of the other
63 members of the authority voting on such issue, motion, question, or resolution; provided,
64 however, that three affirmative votes shall be required to transact any business of the
65 authority.

66 (i) The members of the authority shall receive such compensation for their services as may
67 be provided by the Board of Commissioners of Dade County and all members shall be
68 reimbursed for their actual expenses necessarily incurred in the performance of their duties.
69 The authority shall make rules and regulations for its own governance. It shall have
70 perpetual existence."

71 **SECTION 2.**

72 Said Act is further amended by adding a new section to read as follows:

73 "SECTION 24A.

74 (a) The authority shall have the duty and responsibility of ensuring that all fire hydrants
75 connected to its water system are properly functioning at all times and have sufficient water
76 pressure.

77 (b) The authority shall be subject to the provisions of Chapter 14 of Title 50 of the
78 O.C.G.A., relating to open and public meetings, and Article 4 of Chapter 18 of Title 50 of
79 the O.C.G.A., relating to inspection of public records."

80 **SECTION 3.**

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

83 **SECTION 4.**

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