

House Bill 670

By: Representative Allison of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Clayton-Rabun County Water and Sewer Authority, approved
2 April 17, 1992 (Ga. L. 1992, p. 6403), so as to provide for membership for such authority;
3 to provide for certain residential requirements to qualify for such membership; to provide for
4 terms; to provide for a procedure for selecting a chairman and vice chairman for such
5 authority; to provide that a unanimous vote is required to approve certain issues; to provide
6 for certain preconditions in order to authorize certain projects; to provide for ownership of
7 certain projects; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating the Clayton-Rabun County Water and Sewer Authority, approved April 17,
12 1992 (Ga. L. 1992, p. 6403), is amended by revising Section 2 as follows:

13 "SECTION 2.

14 (a) Clayton-Rabun County Water and Sewer Authority. There is created a public body
15 corporation to be called the Clayton-Rabun County Water and Sewer Authority and by
16 such name, style, and title, such body may contract and be contracted with, bring and
17 defend actions, implead and be impleaded, and complain and defend in all courts of law
18 and equity, except that the authority or the trustee acting under any trust indenture shall in
19 no event be liable for any torts committed by any of its officers, agents, or employees.

20 (b) The authority shall consist of six members, three of whom shall be appointed by the
21 governing authority of the City of Clayton, Georgia, and three of whom shall be appointed
22 by the governing authority of Rabun County. All authority members shall reside in Rabun
23 County. All appointees of the governing authority of the City of Clayton shall reside within
24 the City of Clayton, unless the Mayor and all City Council members approve a Rabun
25 County resident who does not live within the City of Clayton. All appointees of the

26 governing authority of Rabun County shall reside in Rabun County. With respect to the
27 initial appointments by the governing authority of the city, one member shall be appointed
28 for a term of three years, one member shall be appointed for a term of two years, and one
29 member shall be appointed for a term of one year. With respect to the initial appointments
30 by the governing authority of the county, one member shall be appointed for a term of three
31 years, one member shall be appointed for a term of two years, and one member shall be
32 appointed for a term of one year. Thereafter, all appointments shall be made for terms of
33 three years and until successors are appointed and qualified. If a member misses three
34 consecutive meetings unexcused, said member may be removed by the governing authority
35 which appointed him or her.

36 (c) Immediately after the passage of this Act and the appointment of the members by the
37 governing authorities of the City of Clayton and Rabun County, the members of the
38 authority shall enter upon their duties, and as soon as it is practicable thereafter, they shall
39 hold an organizational meeting. Every year the members of the authority shall elect one
40 of their number as chairman and another as vice chairman. In odd-numbered years, the
41 chairman shall be one of the appointees of the governing authority of the City of Clayton
42 and the vice chairman shall be one of the appointees of the governing authority of Rabun
43 County. In even-numbered years, the chairman shall be one of the appointees of the
44 governing body of Rabun County and the vice chairman shall be one of the appointees of
45 the governing body of the City of Clayton. The members shall also elect a secretary and
46 a treasurer, or a secretary-treasurer, who need not be members of the authority. Four
47 members of the authority shall constitute a quorum. No vacancy on the authority shall
48 impair the authority of the quorum to exercise all of the rights and powers of and perform
49 all of the duties and obligations of the authority, except for the rights and powers and duties
50 and obligations listed in subsection (d) of this section which shall require a unanimous
51 decision by all six authority members. The appointing governing authorities may provide
52 by joint resolution for compensation for the services of the members of the authority in
53 such amounts as they may deem appropriate; provided, however, that such members shall
54 be reimbursed for their actual expenses necessarily incurred in the performance of their
55 duties. The authority may make rules and regulations and adopt bylaws for its own
56 government. The authority shall have perpetual existence.

57 (d) Any decision made by the authority shall be made by unanimous vote of all six
58 members if the issue to be decided involves one or both of the following:

- 59 (1) Any decision to borrow money; or
- 60 (2) Any decision to provide water and/or sewer service outside the boundaries of Rabun
61 County.

62 (e) Any project proposed by the authority shall first be approved by the governing
63 authority of the City of Clayton, if such project is to be financed in whole or in part by the
64 authority increasing its monthly fee to produce water by any amount which would cause
65 the City of Clayton to have to raise its own water and/or sewer service rates or to otherwise
66 secure new funding to pay the authority's increased monthly fee.

67 (f) If any project of the authority involves construction of new water or sewer pipelines
68 after January 31, 2009, and if such project is to be paid for entirely by fees paid by the City
69 of Clayton, then the City of Clayton shall own such project and shall have the power to
70 determine which parties may receive service from such project. Similarly, if any project
71 of the authority involves construction of new water or sewer pipelines after January 31,
72 2009, and if such project is to be paid for entirely by fees paid by Rabun County, then
73 Rabun County shall own such project and shall have the power to determine which parties
74 may receive service from such project."

75 **SECTION 3.**

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