

Senate Bill 268

By: Senator Chapman of the 3rd

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the Brunswick-Glynn County Joint Water and Sewer Commission,
2 approved April 19, 2006 (Ga. L. 2006, p. 3661), so as to provide for immunity for the
3 commission and its officers, agents, and employees; to provide for ante litem notice; to
4 provide for notices and hearings to be conducted prior to any increase in rates, fees, tolls, or
5 charges to customers for water or sewer system services; to provide for an effective date; to
6 repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 An Act creating the Brunswick-Glynn County Joint Water and Sewer Commission, approved
10 April 19, 2006 (Ga. L. 2006, p. 3661), 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
13 Brunswick-Glynn County Joint Water and Sewer Commission, and by that name, style, and
14 title said body may contract and be contracted with, sue and be sued, implead and be
15 impleaded, complain and defend in all courts of law and equity, except that the commission
16 and its officers, agents, and employees when in the performance of their public duties or
17 work of the commission, shall in no event be liable for any torts or negligent acts and shall
18 have immunity therefrom, nor shall the commission be vicariously liable for any torts
19 committed by its officers, agents, and employees. The commission shall have perpetual
20 existence, and shall be deemed a governmental body within the meaning of the Georgia
21 Revenue Bond Law, Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia
22 Annotated, specifically under subparagraph (2)(C) of Code Section 36-82-61.

23 (b)(1) No person, firm, or corporation having a claim for money damages against the
24 commission on account of injuries to any person or property shall bring any action

25 against the commission for such injuries without first giving notice within six months of
26 the happening of the event upon which a claim is predicated.

27 (2) The person, firm, or corporation shall present the claim in writing to the governing
28 authority of the commission for adjustment, stating the time, place, and extent of the
29 injury, as nearly as practicable, and the negligence which caused the injury. No action
30 shall be entertained by the courts against the commission until the cause of action therein
31 has first been presented to the governing authority of the commission for adjustment.

32 (3) The commission shall have 30 days from the presentation of the claim to consider
33 and act upon the claim. Action by the commission, unless it results in the settlement
34 thereof, shall in no sense be a bar to an action therefor in the courts.

35 (4) The running of the statute of limitations shall be suspended during the time that the
36 demand for payment is pending before the commission without action on the part of the
37 commission."

38 **SECTION 2.**

39 Said Act is further amended by adding after Section 7 a new section to read as follows:

40 "SECTION 7A.

41 The commission shall not approve any increase in rates, fees, tolls, or charges to customers
42 for water or sewer system services except after notices and hearings as required by this
43 section. The commission shall conduct at least two public hearings within the territory of
44 Glynn County prior to approving any such increase, with at least one hearing conducted
45 at a location on the mainland and at least one hearing conducted during a different calendar
46 week on St. Simons Island. Notice of such hearings, specifying the dates, times, locations,
47 and subject matter thereof, shall be published in the legal organ of Glynn County at least
48 once a week for two successive weeks, with the first such notice being published not less
49 than 30 days in advance of the first such hearing. The notice shall be a prominently
50 displayed advertisement or news article and shall not be placed in that section of the
51 newspaper where legal notices appear. The contents of such notice shall also be included
52 at least once in bills for service to those persons who are water or sewer service customers
53 of the commission, at least one and not more than two billing cycles prior to the date of the
54 first hearing. The notices published in the legal organ and included in customers' bills shall
55 include a financial justification for any such proposed increase, with five-year projections
56 of future operating revenues and expenses with and without such proposed increase, along
57 with a history of the dates and amounts of any changes in customer rates, fees, tolls, or
58 charges previously approved by the commission during the five-year period immediately
59 preceding the effective date of the proposed increase."

60 **SECTION 3.**

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

63 **SECTION 4.**

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