

House Bill 670 (AS PASSED HOUSE AND SENATE)

By: Representative Allison of the 8th

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"SECTION 2.

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

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

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

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

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

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

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

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

SECTION 3.

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