

Senate Bill 254

By: Senators Tippins of the 37th, Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Thompson of the 33rd

**AS PASSED**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend an Act creating the Cobb County-Marietta Water Authority, approved February  
2 21, 1951 (Ga. L. 1951, p. 497), as amended, so as to change provisions relating to the terms  
3 of office of members of the authority; to change provisions relating to vacancies in office;  
4 to change provisions relating to removal of members for cause; to provide for related matters;  
5 to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 An Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951  
9 (Ga. L. 1951, p. 497), as amended, is amended by revising subsection (c) of Section 2 as  
10 follows:

11 "(c) The term of office of the chairperson of the Board of Commissioners of Cobb County  
12 as a member of the authority and the term of office of the chairperson of the Board of  
13 Commissioners of Paulding County as a member of the authority shall be concurrent with  
14 their terms of office as chairpersons except that the term of office of the chairperson of the  
15 Board of Commissioners of Paulding County shall begin on August 15, 2006. The member  
16 of the authority appointed by the governing authority of Marietta serving on July 1, 2006,  
17 shall serve until August 14, 2008, and until his or her successor is appointed and qualified.  
18 The member of the authority appointed by the governing authority of Smyrna shall begin  
19 serving on August 15, 2006, and shall serve until August 14, 2008, or until his or her  
20 successor is appointed and qualified. Thereafter, both the member of the authority  
21 appointed by Marietta and the member of the authority appointed by Smyrna shall serve  
22 for terms of four years and until their successors are appointed and qualified and shall  
23 assume office on August 15 following the expiration of the prior members' terms. The  
24 three members of the authority appointed by the members of the General Assembly from  
25 Cobb County serving on the effective date of the 2011 amendment to this subsection shall  
26 serve until their successors are appointed and qualified and until the following dates: the

27 member from unincorporated Cobb County shall serve until August 14, 2011; the member  
 28 from Cobb Commission District 2 or 3, excluding residents of Marietta and Smyrna, shall  
 29 serve until August 14, 2013; and the member from Cobb Commission District 1 or 4,  
 30 excluding residents of Marietta and Smyrna, shall serve until August 14, 2014. Thereafter,  
 31 the members of the authority appointed by the members of the General Assembly from  
 32 Cobb County shall serve for terms of four years and until their successors are appointed  
 33 and qualified and shall assume office on August 15 following the expiration of the prior  
 34 members' terms."

35 **SECTION 2.**

36 Said Act is further amended by revising Sections 2A and 2B as follows:

37 "SECTION 2A.

38 Vacancies.

39 In the event of a vacancy in the membership of the authority by reason of death,  
 40 resignation, disability, or removal for cause, said vacancy shall be filled by the governing  
 41 authority, chairperson of the governing authority, or caucus which originally selected the  
 42 vacating member in question.

43 SECTION 2B.

44 Removal of members.

45 The appointing authority may remove any members appointed by it for cause. No member  
 46 or the chairperson of the authority shall be thus removed unless he or she has been given  
 47 a copy of the charges against him or her and an opportunity to be publicly heard in his or  
 48 her own defense in person or by counsel with at least ten days written notice. A member  
 49 or the chairperson removed from office shall have the right of judicial review of his or her  
 50 removal by an appeal to the Superior Court of Cobb County but only on the ground of error  
 51 of law or abuse of discretion. In case of an abandonment of his or her office, conviction  
 52 of a crime involving moral turpitude, or a plea of nolo contendere thereto, the office of  
 53 such member or chairperson shall be declared vacant by the authority. A member or the  
 54 chairperson shall be deemed to have abandoned his or her office upon failure to attend any  
 55 regular or special meeting of the authority for a period of three months without excuse  
 56 approved by a resolution of the authority."

57 **SECTION 3.**

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