

House Bill 1275 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Bryant of the 160th, Gordon of the 162nd, Watson of the 163rd, Stephens of the 161st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Chatham Area Transit Authority, approved March 28, 1986
2 (Ga. L. 1986, p. 5082), as amended particularly by an Act approved April 19, 2000 (Ga. L.
3 2000, p. 3587), so as to provide for board membership and staggered terms; to provide for
4 methods of transacting business; to provide for per diem allowances for members and
5 chairperson of the board; to provide for the election of a chairperson; to provide for the audit
6 of books and records of the authority; to repeal a provision providing for financial operations
7 and administrative matters to be performed by Chatham County; to provide for related
8 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act creating the Chatham Area Transit Authority, approved March 28, 1986 (Ga. L.
12 1986, p. 5082), as amended particularly by an Act approved April 19, 2000 (Ga. L. 2000, p.
13 3587), is amended by revising Section 2.2 as follows:

14 style="text-align:center">"SECTION 2.2.

15 style="text-align:center">Membership and terms of office.

16 (a) The authority shall consist of nine members as follows:

17 (1) Three members of the Board of Commissioners of Chatham County appointed by
18 such board of commissioners, who shall serve for terms of office of one year;

19 (2) One resident of the unincorporated area of Chatham County appointed by the board
20 of commissioners of said county. The first such member shall serve for an initial term
21 of office of two years and until the appointment and qualification of his or her successor,
22 and all successor members shall serve for terms of five years and until the appointment
23 and qualification of their successors;

24 (3) One resident of Chatham County who shall be a person with a disability appointed
 25 by the board of commissioners of said county. Such member shall serve for a term of
 26 five years and until the appointment and qualification of his or her successor;

27 (4) One resident of Chatham County at large appointed by the board of commissioners
 28 of said county. The first such member shall serve for an initial term of office of four
 29 years and until the appointment and qualification of his or her successor, and all
 30 successor members shall serve for terms of five years and until the appointment and
 31 qualification of their successors;

32 (5) One member of the Board of Aldermen of the City of Savannah appointed by the
 33 mayor and aldermen of said city. Such member shall serve for a term of one year and
 34 until the appointment and qualification of his or her successor;

35 (6) One resident of the City of Savannah appointed by the mayor and aldermen of said
 36 city. The first such member shall serve for an initial term of office of three years and
 37 until the appointment and qualification of his or her successor, and all successor members
 38 shall serve for terms of five years and until the appointment and qualification of their
 39 successors; and

40 (7) One resident of any municipality within Chatham County other than the City of
 41 Savannah which is included in a special district for transit services created by the board
 42 of commissioners of said county appointed by a majority of the governing authorities of
 43 such municipalities. The first such member shall serve for an initial term of office of one
 44 year and until the appointment and qualification of his or her successor, and all successor
 45 members shall serve for terms of five years and until the appointment and qualification
 46 of their successors.

47 (b)(1) Notwithstanding paragraph (3) of this subsection, any member of the authority
 48 appointed pursuant to paragraph (2), (3), (4), (6), or (7) of subsection (a) of this section
 49 who has served for two consecutive full terms of office, including a full initial term of
 50 less than five years, shall not be eligible for reappointment as a member of the authority
 51 until one full term of office has elapsed following that member's vacation of his or her
 52 seat on the authority.

53 (2) Notwithstanding paragraph (3) of this subsection, any member of the authority
 54 appointed pursuant to paragraph (1) or (5) of subsection (a) of this section who has served
 55 for five consecutive full terms of office shall not be eligible for reappointment as a
 56 member of the authority until one full term of office has elapsed following that member's
 57 vacation of his or her seat on the authority.

58 (3) Prior terms of service of members in office as of the effective date of this Act shall
 59 not be considered in calculating the limitations upon terms of office.

60 (c)(1) A member's seat on the authority shall be forfeited if:

- 61 (A) The member lacks at any time the qualifications for membership on the authority
62 provided by this Act;
- 63 (B) The member is convicted of any felony or other crime involving moral turpitude,
64 regardless of the sentence imposed; or
- 65 (C) The member fails to attend, without being excused by the authority:
- 66 (i) Four consecutive regular meetings of the authority; or
67 (ii) Fifty percent of the regular and special called meetings of the authority in any one
68 fiscal year.
- 69 (2) If the seat of a member of the authority becomes vacant because of death, resignation,
70 or forfeiture as provided in paragraph (1) of this subsection, or for any other reason, such
71 vacancy shall be filled for the unexpired term in the same manner that an appointment is
72 made for a full term as provided in this section.
- 73 (d) A majority of the members of the authority shall constitute a quorum for the
74 transaction of business. No vacancy on the authority shall impair the right of a quorum to
75 exercise all the rights and perform all the duties of the authority.
- 76 (e) No member of the authority shall vote on any matter before the authority in which such
77 member has a direct or indirect financial interest. Except for compensation received as an
78 employee, no employee of the authority shall have any direct or indirect financial interest
79 in or profit or benefit from any contract, work, or business of the authority or in the sale,
80 lease, or purchase of any property to or from the authority.
- 81 (f) Each member of the authority except the chairperson shall be paid a per diem
82 allowance by the authority in an amount equal to that provided by Code Section 45-7-21
83 of the O.C.G.A. for each day on which that member attends an official meeting of the
84 authority or of any committee of the authority; provided, however, that such per diem
85 allowance shall not be paid to any such member for more than 36 days in any one calendar
86 year. The chairperson of the authority shall be paid a per diem allowance by the authority
87 in the same amount for each day on which the chairperson engages in official business of
88 the authority, including, but not limited to, attendance of any authority or committee
89 meetings; provided, however, that such per diem allowance shall not be paid to the
90 chairperson for more than 60 days in any one calendar year. Members of the authority,
91 including the chairperson, shall also be entitled to reimbursement for actual and reasonable
92 expenses incurred on authority business, provided such expenses were authorized in
93 advance of being incurred.
- 94 (g) The members of the authority shall elect a chairperson and a vice chairperson. The
95 vice chairperson shall act in the absence or inability of the chairperson. Regular meetings
96 of the authority shall be held monthly, with the time, place, and notice of such meetings to
97 be fixed by the authority. All meetings shall be conducted in accordance with *Robert's*

98 *Rules of Order*, unless the authority adopts other rules. All motions, resolutions, and all
99 other proceedings of the authority and all documents in its possession shall be public
100 records and open to public inspection as provided in Article 4 of Chapter 18 of Title 50 of
101 the O.C.G.A.

102 (h) The chairperson of the authority shall be entitled to vote on any matter coming before
103 the authority."

104 **SECTION 2.**

105 Said Act is further amended by revising Section 2.4 as follows:

106 "SECTION 2.4.

107 Audits.

108 The authority shall cause the books and records of the authority to be audited annually by a
109 certified public accountant or a firm of certified public accountants selected by the authority."

110 **SECTION 3.**

111 Said Act is further amended by repealing and reserving Section 3.3.

112 **SECTION 4.**

113 This Act shall become effective on July 1, 2012.

114 **SECTION 5.**

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