

House Bill 838

By: Representatives Bonner of the 72nd, Mathiak of the 73rd, Stover of the 71st, Bazemore of the 63rd, and Jackson of the 64th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the Peachtree City Water and Sewerage Authority, approved
 2 March 31, 1987 (Ga. L. 1987, p. 5085), as amended, particularly by an Act approved
 3 April 1, 1996 (Ga. L. 1996, p. 3828), so as to revise the membership of the authority; to
 4 provide for a quorum; to provide for the officers of the authority; to provide for certain rights
 5 and privileges of members of the authority; to provide for the approval of certain agreements;
 6 to provide for certain exemptions and the applicability of certain laws; to provide for related
 7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating the Peachtree City Water and Sewerage Authority, approved March 31, 1987
 11 (Ga. L. 1987, p. 5085), as amended, particularly by an Act approved April 1, 1996
 12 (Ga. L. 1996, p. 3828), is amended by revising Section 2 as follows:

13 "SECTION 2.

14 Water and sewerage authority.

15 (a) There is created the Peachtree City Water and Sewerage Authority as a public body
 16 corporation and by such name, style, and title, said body may contract and be contracted
 17 with, sue and be sued, implead and be impleaded, complain and defend in all courts of law
 18 or 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) Upon the effective date of this Act, the sole members of the authority shall be the
 21 members of the city council of the City of Peachtree City, who shall be ex officio members,
 22 and all members of the board of the authority in office upon the effective date of this Act
 23 are hereby removed. The membership, or any interest in such office, shall not be
 24 assignable or otherwise transferable. Membership on the authority shall not confer upon

25 any member any benefits or any rights or interests in or to any of the assets or properties
26 of the authority.

27 (c) Immediately after the effective date of this Act, the members of the authority shall
28 enter upon their duties, and as soon as is practicable thereafter, they shall hold an
29 organizational meeting. The mayor of the City of Peachtree City shall be the chairman, and
30 the members of the authority shall elect one of their number as vice chairman. The
31 members shall also elect a secretary and a treasurer, or a secretary-treasurer, who need not
32 be a member of the authority. An assistant secretary may also be elected at the discretion
33 of the authority. Four members of the authority shall constitute a quorum. No vacancy on
34 the authority shall impair the authority of the quorum to exercise all of the rights and
35 powers of and perform all of the duties and obligations of the authority. The members of
36 the authority shall not be entitled to any compensation for their services but shall be
37 reimbursed for their actual expenses necessarily incurred in the performance of their duties.
38 The authority may make rules and regulations and adopt bylaws for its own government.
39 The authority shall have perpetual existence."

40

SECTION 2.

41 Said Act is further amended by revising paragraph (4) of Section 4 as follows:

42 "(4) To enter into an agreement with any other political subdivision or municipal
43 corporation of the state with respect to acquiring a source of water supply; providing
44 sewerage service; preparing engineering data, plans, and specifications for a water and
45 sewerage system; extending water mains; apportioning the costs of constructing, extending,
46 and maintaining a water or sewerage system, or both; providing for the testing and
47 inspection of facilities constructed; providing for rates to be charged for water and
48 sewerage services furnished to users of the said system; providing for the reading of meters
49 and keeping of pertinent records; and apportioning or designating the responsibility for any
50 functions normally maintained by a water and sewerage system at the most reasonable cost
51 possible; provided, however, that any such agreement shall be approved by the city council
52 of the City of Peachtree City;".

53 **SECTION 3.**

54 Said Act is further amended by revising Section 5 as follows:

55 "SECTION 5.

56 Financing projects.

57 The authority or any authority or body which has or which may in the future succeed to the
 58 powers, duties, and liabilities vested in the authority created by this Act shall have power
 59 and is authorized at one time, or from time to time, to borrow money for the purpose of
 60 paying all or any part of the cost, as herein defined, of any one or more projects and to
 61 provide by resolution for the issuance of negotiable revenue bonds for that purpose. The
 62 principal and interest of such revenue bonds shall be payable solely from the special fund
 63 herein provided for such payment. The bonds of each issue shall be dated, shall mature at
 64 such time or times not exceeding 40 years from their date or dates, shall be payable in such
 65 medium of payment as to both principal and interest as may be determined by the authority,
 66 and may be redeemable before maturity, at the option of the authority, at such price or
 67 prices and under such terms and conditions as may be fixed by the authority in the
 68 resolution providing for the issuance of the bonds. The interest rate or rates to be borne by
 69 any bonds and the time of payment of such interest shall be fixed and, with respect to any
 70 interest rate which floats in response to a variable, the method of calculation shall be fixed
 71 by the authority in the resolution providing for the issuance of the bonds."

72 **SECTION 4.**

73 Said Act is further amended by revising Section 8 as follows:

74 "SECTION 8.

75 Same – Negotiability; exemption from taxation.

76 All revenue bonds issued under the provisions of this Act shall have and are declared to
 77 have all the qualities and incidents of negotiable instruments under the laws of the State of
 78 Georgia pertaining to negotiable instruments. Such bonds are declared to be issued for an
 79 essential public and governmental purpose and said bonds, their transfer, and the income
 80 therefrom shall be exempt from all taxation if so allowed by applicable state and federal
 81 laws."

82 **SECTION 5.**

83 Said Act is further amended by adding a new section to read as follows:

84 "SECTION 22A.

85 Same – Conflicts with Georgia law.

86 To the extent that Sections 6 through 22 of this Act, pertaining to the issuance of bonds,
87 conflict with the provisions of Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the
88 'Revenue Bond Law,' the provisions of the Revenue Bond Law shall control with respect
89 to the issuance of bonds."

90 **SECTION 6.**

91 Said Act is further amended by revising Section 26 as follows:

92 "SECTION 26.

93 Tax-exempt status of authority.

94 The properties of the authority, both real and personal, are declared to be public properties
95 used for the benefit and welfare of the people of the State of Georgia and not for purposes
96 of private or corporate benefit and income, and such properties and the authority shall be
97 exempt from all taxes and special assessments of any city, county, or the state or any
98 political subdivision thereof as allowed by Georgia law."

99 **SECTION 7.**

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