

House Bill 609

By: Representative Moore of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Dade County Water and Sewer Authority, approved March 25,
2 1958 (Ga. L. 1958, p. 3260), as amended, particularly by an Act approved May 11, 2010 (Ga.
3 L. 2010, p. 3535), so as to provide for the composition of the authority; to provide for the
4 selection of members of the authority; to provide for the terms of office for members of the
5 authority; to provide for vacancies; to provide for certain duties of the authority; to provide
6 for related matters; to 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 Dade County Water and Sewer Authority, approved March 25, 1958
10 (Ga. L. 1958, p. 3260), as amended, particularly by an Act approved May 11, 2010 (Ga. L.
11 2010, p. 3535), is amended by revising Section 2 as follows:

12 "SECTION 2.

13 (a) There is hereby created a body corporate and politic to be known as the Dade County
14 Water and Sewer Authority, which shall be deemed to be a political subdivision of the
15 State of Georgia and a public corporation, and by that name, style, and title, such body may
16 contract and be contracted with, sue and be sued, implead and be impleaded, and complain
17 and defend in all courts of law and equity. The authority shall consist of five members who
18 shall be appointed and serve as provided in this section.

19 (b) The terms of the members of the authority in office on the effective date of this Act
20 shall terminate on such effective date.

21 (c) On the effective date of this Act, or as soon as practicable thereafter, the city
22 commission of the City of Trenton shall appoint one member to serve on such authority by
23 a majority vote of the city commission. The governing authority of Dade County shall
24 appoint four members to serve on such authority. Each district commissioner of the county
25 governing authority shall nominate one person from such commissioner's district to serve

26 on the authority, and the county governing authority shall ratify each such nomination by
27 majority vote of the county governing authority. The initial appointee of the city
28 commission shall serve an initial term of office beginning on the date of his or her
29 appointment and ending on December 31, 2020. The initial appointee of the county
30 governing authority from District 1 shall serve an initial term of office beginning on the
31 date of his or her appointment and ending on December 31, 2021. The initial appointee of
32 the county governing authority from District 2 shall serve an initial term of office
33 beginning on the date of his or her appointment and ending on December 31, 2022. The
34 initial appointee of the county governing authority from District 3 shall serve an initial term
35 of office beginning on the date of his or her appointment and ending on December 31,
36 2023. The initial appointee of the county governing authority from District 4 shall serve
37 an initial term of office beginning on the date of his or her appointment and ending on
38 December 31, 2024. Thereafter, appointments shall be made not more than 60 days
39 preceding the expiration of the term of office of a member of the authority by nomination
40 by the city commission for the city appointee, by a majority vote of the city commission
41 or by the district commissioner of the county governing authority in whose district the
42 member whose term is expiring resides, and ratification by a majority of the county
43 governing authority for the county governing authority appointees. Such successors to the
44 initial members under this subsection shall serve terms of office of five years and until a
45 successor is appointed and qualified.

46 (d)(1) The following individuals shall be ineligible to serve on the authority's board:

47 (A) Elected officials and employees of the City of Trenton or Dade County;

48 (B) Employees of the authority; and

49 (C) Spouses, siblings, or children of any individual identified in this paragraph.

50 (2) Members of the authority shall be and must remain residents of the City of Trenton
51 if a city appointee, or of the county governing authority districts from which they were
52 appointed if a county appointee, during their terms of office or such offices shall be
53 declared vacant.

54 (e) The seat of any member of the authority who is absent without being excused by the
55 chairperson for two or more consecutive meetings of the authority shall be declared vacant
56 by the appointing governing authority.

57 (f) The City of Trenton city commission may remove from office the city appointee for
58 cause upon a majority vote of such city commission, and the Dade County governing
59 authority may remove from office any county appointee for cause upon a majority vote of
60 such county governing authority.

61 (g) A vacancy on the authority shall be filled for the remainder of the unexpired term of
62 office in the same manner as appointment to the authority was made by the city

63 commission of the City of Trenton or Dade County, depending upon whether the vacancy
64 is of the city appointed member or a county appointed member.

65 (h) The members of the authority shall elect from among their number a chairperson and
66 vice-chairperson, and may elect a secretary and a treasurer who need not necessarily be
67 members of the authority. Three members of the authority shall constitute a quorum. No
68 vacancy on the authority shall impair the right of the quorum to exercise all the rights and
69 perform all of the duties of the authority. The chairperson of the authority shall be a full
70 voting member, entitled to vote on any issue, motion, question, or resolution. Three
71 affirmative votes shall be required to transact any business of the authority.

72 (i) The members of the authority shall receive such compensation for their services as set
73 by a duly approved resolution of the authority. All members shall be reimbursed for their
74 actual and reasonable expenses necessarily incurred in the performance of their duties. The
75 authority shall make rules and regulations for its own governance. It shall have perpetual
76 existence."

77 **SECTION 2.**

78 Said Act is further amended by revising Section 24A as follows:

79 "SECTION 24A.

80 (a) The authority shall have the duty and responsibility of ensuring that all fire hydrants
81 connected to its water system are properly functioning at all times with sufficient water
82 volume and pressure.

83 (b) The authority shall be subject to the provisions of Chapter 14 of Title 50 of the
84 O.C.G.A., relating to open and public meetings, and Article 4 of Chapter 18 of Title 50 of
85 the O.C.G.A., relating to inspection of public records. The authority shall have regularly
86 scheduled monthly meetings to be held at the meeting place of the governing authority of
87 Dade County and at such times as designated by the authority. Special meetings of the
88 authority may be called by the chairperson or by a majority of authority members."

89 **SECTION 3.**

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