

House Bill 35EX2

By: Representative Boggs of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To create the Ware County Water and Sewer Authority; to provide for a short title; to confer
2 powers and impose duties on the authority; to provide for the membership and the
3 appointment of members of the authority and their terms of office, qualifications, duties,
4 powers, compensation, and expenses; to provide for vacancies, organization, meetings, and
5 quorum; to provide for definitions; to provide for revenue bonds and their form,
6 denominations, signatures thereon, negotiability, sale, and use of proceeds from such sale;
7 to provide for trust indentures and a sinking fund; to provide for bondholder remedies and
8 protection; to provide for refunding bonds; to provide for bond validation; to provide venue
9 and jurisdiction; to provide for bondholder remedies and protection; to provide for trust
10 funds; to provide for authority purpose; to provide for charges; to provide for rules and
11 regulations; to provide for tort immunity; to provide for tax exemptions; to provide for
12 supplemental powers; to provide for effect on other governments; to provide for construction;
13 to provide for an annual audit; to provide for severability; to provide for other matters
14 relative to the foregoing; to provide for an effective date; to repeal conflicting laws; and for
15 other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Short title.

19 This Act shall be known and may be cited as the "Ware County Water and Sewer Authority
20 Act."

SECTION 2.**Ware County Water and Sewer Authority.**

(a) There is created a public body corporate and politic, to be known as the "Ware County Water and Sewer Authority," which shall be deemed to be a political subdivision of the State of Georgia and a public corporation, and by that name, style, and title, said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. The authority shall have perpetual existence.

(b) The authority shall consist of four members who shall be appointed by the Board of Commissioners of Ware County and a fifth member who shall be the chairperson of the Board of Commissioners of Ware County. The chairperson of the Board of Commissioners of Ware County shall serve as an ex officio member of the authority. The initial members of the authority shall be appointed by the Board of Commissioners of Ware County as follows: one member shall be appointed for a term of office expiring August 1, 2002; one member shall be appointed for a term of office expiring August 1, 2003; one member shall be appointed for a term of office expiring August 1, 2004; one member shall be appointed for a term of office expiring August 1, 2005; and one member shall be appointed for a term of office expiring August 1, 2006. The initial members of the authority shall take office immediately upon their appointment and qualification and shall serve until their respective successors are duly appointed and qualified. Successors shall be appointed by the Board of Commissioners of Ware County in the month of July immediately preceding the expiration of a member's term of office and such successor shall take office on the first day of August for a term of five years and until his or her respective successor is duly appointed and qualified. Any member of the authority may be selected and appointed to succeed himself or herself. Immediately after such appointments, the members of such authority shall enter upon their duties. The members of the authority shall be entitled as compensation for their services an amount which shall be determined by the authority which shall not be less than \$50.00 per meeting attended, payable in monthly payments, and additionally all members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The authority shall have the power to establish bylaws and to promulgate and adopt rules and regulations necessary or desirable for the management and operation of the authority.

(c) To be eligible for appointment as a member of the authority, a person shall be at least 21 years of age and not been convicted of a felony.

(d) The members of the authority shall elect one of their number as chairperson and another as vice chairperson. The members of the authority shall also elect a secretary, who need not be a member of the authority, and may also elect a treasurer, who need not be a member of

1 the authority. The secretary may also serve as treasurer. If the secretary or treasurer is not
2 a member of the authority, such officer shall have no voting rights. Each of such officers
3 shall serve for a period of one year and until their successors are duly elected and qualified.
4 The chairperson of the authority shall not be entitled to vote upon any issue, motion, or
5 resolution, except in the case of a tie vote of the other members voting on said motion,
6 resolution, or question.

7 (e) Three members of the authority shall constitute a quorum. No vacancy on the authority
8 shall impair the right of the quorum to exercise all of the rights and perform all of the duties
9 of the authority.

10 (f) In the event of a vacancy by reason of death, disqualification, resignation, or other
11 reason, the Board of Commissioners of Ware County shall select and appoint a qualified
12 person to fill the unexpired term of the member whose position has been vacated. A vacancy
13 shall exist in the office of any member of the authority who is convicted of a felony or who
14 enters a plea of nolo contendere thereto; who is convicted of a crime involving moral
15 turpitude or enters a plea of nolo contendere thereto; who moves his or her residence from
16 Ware County; who is convicted of any act of misfeasance, malfeasance, or nonfeasance of
17 his or her duties as a member of the authority; or who fails to attend any regular or special
18 meeting of the authority for a period of six months without excuse approved by a resolution
19 of the authority.

20 **SECTION 3.**

21 **Definitions.**

22 As used in this Act, the term:

23 (1) "Authority" means the Ware County Water and Sewer Authority created by this Act.

24 (2) "Cost of the project" means and embraces the cost of construction; the cost of all lands,
25 properties, rights, easements, and franchises acquired; the cost of all machinery and
26 equipment; financing charges; interest prior to and during construction and for one year
27 after completion of construction; the cost of engineering, architectural, fiscal agents, and
28 legal expenses, and of plans and specifications, and other expenses necessary or incident
29 to determining the feasibility of practicability of the project; administrative expense; such
30 other expenses as may be necessary or incident to the financing herein authorized; the cost
31 of the acquisition or construction of any project; the placing of any project in operation;
32 and the condemnation of property necessary for such construction and operation. Any
33 obligation or expense incurred for any of the foregoing purposes shall be regarded as a part
34 of the cost of the project and may be paid or reimbursed as such out of the proceeds of
35 revenue bonds issued under the provisions of this Act for such project.

(3) "Project" means and includes the acquisition, construction, and equipping of water facilities for obtaining one or more sources of water supply, the treatment of water, and the distribution and sale of water to users and consumers, including, but not limited to, the State of Georgia and counties and municipalities for the purpose of resale, within and without the territorial boundaries of Ware County, and the operation, maintenance, additions, improvements, and extension of such facilities so as to ensure an adequate water utility system deemed by the authority necessary or convenient for the efficient operation of such type of undertaking. Project shall also mean and include the acquisition, construction, and equipping of all necessary and usual facilities useful and necessary for the gathering of waste matter of every type, including both individual and industrial, and the treatment of sewage of any and every type, including, but not limited to, the acquisition and construction of treatment plants, ponds, and lagoons, within and without the territorial boundaries of Ware County, and the operation, maintenance, additions, improvements, and extensions of such facilities so as to ensure an adequate sewerage system deemed by the authority necessary or convenient for the efficient operation of a sanitary sewer system. Water facilities and sewerage facilities, at the discretion of the authority, may be combined at any time into a water and sewerage system as one revenue-producing undertaking and operated and maintained as such.

(4) "Revenue bonds" and "bonds" mean revenue bonds as defined and provided in the Revenue Bond Law (Ga. L. 1957, p. 36, et seq.), as amended, amending the law formerly known as the Revenue Certificate Law of 1937 (Ga. L. 1937, p. 761, et seq.), as amended, and such type of obligations may be issued by the authority as authorized under said Revenue Bond Law and any amendments thereto, and in addition, shall also mean obligations of the authority the issuance of which are hereinafter specifically provided for in this Act.

(5) "Self-liquidating" means if, in the judgment of the authority, the revenues and earnings to be derived by the authority therefrom and all facilities used in connection therewith will be sufficient to pay the cost of operating, maintaining and repairing, improving, or extending the project and to pay the principal of and interest on the revenue bonds which may be issued to finance, in whole or in part, the cost of the project.

SECTION 4.

Powers.

The authority shall have the power:

- (1) To have a seal and alter the same at its pleasure;

1 (2) To acquire by purchase, lease, or otherwise, and to hold, lease, and dispose of real and
2 personal property of every kind and character for its corporate purposes;

3 (3) To acquire in its own name by purchase, on such terms and conditions and in such
4 manner as it may deem proper, or by condemnation, in accordance with the provisions of
5 any and all existing laws applicable to the condemnation of property for public use, real
6 property, or rights or easements therein, or franchises necessary or convenient for its
7 corporate purposes; to use the same so long as its corporate existence shall continue; to
8 lease or make contracts with respect to the use of or disposal of the same in any manner it
9 deems to the best advantage of the authority, the authority being under no obligation to
10 accept and pay for any property condemned under this Act except from the funds provided
11 under the authority of this Act, and in any proceedings to condemn, such orders may be
12 made by the court having jurisdiction of the suit, action, or proceedings as may be just to
13 the authority and to the owners of the property to be condemned. With respect to any
14 condemnation action against property upon which any lien or other encumbrance exists,
15 the authority shall act in accordance with the provisions of any and all existing laws
16 applicable to the condemnation of property for public use, real property, or rights or
17 easements therein, or franchises necessary or convenient for its corporate purposes;

18 (4) To appoint, select, and employ officers, agents, and employees, including engineering,
19 architectural, and construction experts, fiscal agents, and attorneys, and fix their respective
20 compensations;

21 (5) To execute contracts and leases and to execute all instruments necessary or convenient,
22 including contracts for construction of projects and leases of projects or contracts with
23 respect to the use of projects which it causes to be constructed, erected, or acquired. Any
24 and all persons, firms, and corporations and any and all political subdivisions, departments,
25 institutions, or agencies of the state are hereby authorized to enter into contracts, leases, or
26 agreements with the authority upon such terms and for such purposes as they deem
27 advisable; and without limiting the generality of the foregoing, authorization is specifically
28 granted to municipal corporation, counties, and other political subdivisions and to the
29 authority to enter into contracts, lease agreements, or other undertakings relating to the
30 furnishing of water and related services and facilities by the authority to such municipal
31 corporations, counties, and political subdivisions or for the purchase of water by the
32 authority therefrom for a term not exceeding 50 years, and also to enter into contracts, lease
33 agreements, or other undertakings relative to the gathering of waste matter and the
34 treatment of waste matter and sewage by the authority for such municipal corporations,
35 counties, and political subdivisions or by such municipal corporations, counties, or political
36 subdivisions for the authority. Likewise, without limiting the generality of the above and
37 foregoing, the same authorization above granted to municipal corporations, counties,

1 political subdivision and to the authority relative to entering into contracts, lease
2 agreements, or other undertakings, is hereby authorized between the authority and private
3 corporations, both within and without the State of Georgia, and the authority and public
4 bodies including counties and cities outside the State of Georgia;

5 (6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,
6 equip, operate, and manage projects, the cost of any project to be paid in whole or in part
7 from the proceeds of revenue bonds of the authority or from such proceeds and any grant
8 or contribution from the United States of America or any agency or instrumentality thereof
9 or from the State of Georgia or any agency or instrumentality thereof;

10 (7) To accept loans or grants or loans and grants of money or materials or property of any
11 kind from the United States of America or any agency or instrumentality thereof, upon such
12 terms and conditions as the United States of America or such agency or instrumentality
13 may require;

14 (8) To accept loans or grants or loans and grants of money or materials or property of any
15 kind from the State of Georgia or any agency or instrumentality or political subdivision
16 thereof, upon such terms and conditions as the State of Georgia or such agency or
17 instrumentality or political subdivision may require;

18 (9) To borrow money for any of its corporate purposes and to issue negotiable revenue
19 bonds payable solely from funds pledged for that purpose, and to provide for the payment
20 of the same and for the rights of the holders thereof;

21 (10) To exercise any power usually possessed by private corporations performing similar
22 functions, including the power to make short-term loans and approve, execute, and deliver
23 appropriate evidence of such indebtedness; provided, however, no such power is in conflict
24 with the Constitution or general laws of this state; and

25 (11) To do all things necessary or convenient to carry out the powers expressly given in
26 this Act.

27 **SECTION 5.**

28 Revenue bonds.

29 The authority, or any authority or body which has or which may in the future succeed to the
30 powers, duties, and liabilities vested in the authority created hereby, shall have power and
31 is hereby authorized to provide by resolution for the issuance of negotiable revenue bonds
32 of the authority for the purpose of paying all or any part of the cost as herein defined of any
33 one or more projects. The principal of and interest on such revenue bonds shall be payable
34 solely from the special fund hereby provided for such payment. The bonds of each issue
35 shall be dated, shall bear interest at such rate or rates per annum, payable at such time or

1 times, shall mature at such time or times not exceeding 40 years from their date or dates,
2 shall be payable in such medium of payment as to both principal and interest as may be
3 determined by the authority and may be redeemable before maturity, at the option of the
4 authority, at such price or prices and under such terms and conditions as may be fixed by the
5 authority in a resolution for the issuance of bonds.

6 **SECTION 6.**

7 Same; form; denomination; registration; place of payment.

8 The authority shall determine the form of the bonds, including any interest coupons to be
9 attached thereto, and shall fix the denomination or denominations of the bonds and the place
10 or places of payment of principal and interest thereon, which may be at any bank or trust
11 company within or without the state. The bonds may be issued in coupon or registered form,
12 or both, as the authority may determine, and provision may be made for the registration of
13 any coupon bond as to principal alone and also as to both principal and interest.

14 **SECTION 7.**

15 Same; signatures; seal.

16 In case any officer whose signature shall appear on any bonds or whose facsimile signature
17 shall appear on any coupon shall cease to be such officer before the delivery of such bonds,
18 such signature shall nevertheless be valid and sufficient for all purposes the same as if such
19 officer had remained in office until such delivery. All such bonds shall be signed by the
20 chairperson of the authority and the official seal of the authority shall be affixed thereto and
21 attested by the secretary of the authority and any coupons attached thereto shall bear the
22 facsimile signatures of the chairperson and secretary of the authority. Any coupon may bear
23 the facsimile signatures of such persons and any bond may be signed, sealed, and attested on
24 behalf of the authority by such persons as, at the actual time of the execution of such bonds,
25 shall be duly authorized or hold the proper office, although at the date of such bonds such
26 person may not have been so authorized or shall not have held such office.

27 **SECTION 8.**

28 Same; negotiability; exemption from taxation.

29 All revenue bonds issued under the provisions of this Act shall have and are hereby declared
30 to have all the qualities and incidents of negotiable instruments under the laws of this state.

Such bonds, their transfer, and the income therefrom shall be exempt from all taxation within the state.

SECTION 9.

Same; sale; price; proceeds.

The authority may sell bonds in such manner and for such price as it may determine to be for the best interest of the authority. The proceeds derived from the sale of bonds shall be used solely for any purpose provided in the resolutions and proceedings authorizing the issuance of such bonds.

SECTION 10.

Same; interim receipts and certificates or temporary bonds.

Prior to the preparation of any definitive bonds, the authority may, under like restrictions, issue interim receipts, interim certificates, or temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.

SECTION 11.

Same; replacement of lost or mutilated bonds.

The authority may provide for the replacement of any bonds or coupons which shall become mutilated or be destroyed or lost.

SECTION 12.

Same; conditions precedent to issuance.

Revenue bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, and things, which are specified or required by this Act. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members.

SECTION 13.

Credit not pledged.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of Ware County, Georgia, nor a pledge of the faith and credit of said county, but such revenue bonds shall be payable solely from the fund provided for in Section 16 of this Act and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate said county to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section.

SECTION 14.

Trust indenture as security.

In the discretion of the authority, any issuance of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for the protecting and enforcing of the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insuring of the project, and the custody, safeguarding, and application of all moneys; and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority and satisfactory to the original purchasers of the bonds issued therefor; and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers; and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such revenue bonds or pledge such securities as may be required by the authority. Such trust indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses

1 incurred in carrying out such trust indenture may be treated as a part of the cost of
2 maintenance, operation, and repair of the project affected by such trust indenture.

3 **SECTION 15.**

4 To whom proceeds of bonds shall be paid.

5 In a resolution providing for the issuance of revenue bonds or in a trust indenture, the
6 authority shall provide for the payment of the proceeds of the sale of the bonds to any officer
7 or person who, or an agency, bank, or trust company which, shall act as trustee of such funds
8 and shall hold and apply the same to the purposes thereof, subject to such regulations as this
9 Act and such resolution or trust indenture may provide.

10 **SECTION 16.**

11 Sinking fund.

12 The revenues, fees, tolls, and earnings derived from any particular project or projects,
13 regardless of whether or not such revenues, fees, tolls, and earnings were produced by a
14 particular project for which bonds have been issued unless otherwise pledged and allocated,
15 may be pledged and allocated by the authority to the payment of the principal and interest
16 on revenue bonds of the authority as a resolution authorizing the issuance of the bonds or in
17 a trust instrument may provide, and such funds so pledged from whatever source received,
18 which said pledge may include funds received from one or more or all sources, shall be set
19 aside at regular intervals as may be provided in the resolution or trust indenture, into a
20 sinking fund, which said sinking fund shall be pledged to and charged with the payment of:
21 (1) the interest upon such revenue bonds as such interest shall fall due; (2) the principal of
22 the bonds as the same shall fall due; (3) the necessary charges of paying an agent for paying
23 principal and interest and other investment charges; and (4) any premium upon bonds retired
24 by call or purchase. The use and disposition of such sinking fund shall be subject to such
25 regulations as may be provided in the resolution authorizing the issuance of the revenue
26 bonds or in the trust indenture, but, except as may otherwise be provided in such resolution
27 or trust indenture, such sinking fund shall be maintained as a trust account for the benefit of
28 all revenue bonds without distinction or priority of one over another. Subject to the
29 provisions of the resolution authorizing the issuance of the bonds or in the trust indenture,
30 any surplus moneys in the sinking fund may be applied to the purchase or redemption of
31 bonds, and any such bonds so purchased or redeemed shall forthwith be canceled and shall
32 not again be issued.

SECTION 17.

Remedies of bondholders.

Any holder of revenue bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or under such resolution or trust indenture and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture to be performed by the authority or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished.

SECTION 18.

Refunding bonds.

The authority is hereby authorized to provide by resolution for the issuance of bonds of the authority for the purpose of funding or refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon and premium, if any. The issuance of such funding or refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.

SECTION 19.

Validation.

Bonds of the authority shall be confirmed and validated in accordance with the procedure of the Revenue Bond Law, as amended. The petition for validation shall also make party defendant to such action the State of Georgia or any municipality, county, authority, political subdivision, or instrumentality of the State of Georgia which has contracted with the authority for the services and facilities of the project for which bonds are to be issued and sought to be validated and the state or such municipality, county, authority, political subdivision, or instrumentality shall be required to show cause, if any exists, why such contract or contracts and the terms and conditions thereof should not be inquired into by a court and the contract or contracts adjudicated as a part of the basis for the security for the payment of any such bonds of the authority. The bonds, when validated, and the judgment

1 of validations shall be final and conclusive with the respect to such bonds and the security
2 for the payment thereof and interest thereon and against the authority issuing the same and
3 the state and any municipality county, authority, political subdivision, or instrumentality, if
4 a party to the validation proceedings, contracting with the Ware County Water and Sewer
5 Authority.

6 **SECTION 20.**

7 Venue and jurisdiction.

8 Any action to protect or enforce any rights under the provisions of this Act or any suit or
9 action against such authority shall be brought in the Superior Court of Ware County,
10 Georgia, and any action pertaining to validation of any bonds issued under the provision of
11 this Act shall likewise be brought in said court, which shall have exclusive, original
12 jurisdiction of such actions.

13 **SECTION 21.**

14 Interest of bondholders protected.

15 While any of the bonds issued by the authority remain outstanding, the powers, duties, or
16 existence of said authority or its officers, employees, or agents shall not be diminished or
17 impaired in any manner that will affect adversely the interests and rights of the holders of
18 such bonds, and no other entity, department, agency, or authority will be created which will
19 compete with the authority to such an extent as to affect adversely the interest and rights of
20 the holders of such bonds, nor will the state itself so compete with the authority. The
21 provisions of this Act shall be for the benefit of the authority and the holders of any such
22 bonds and, upon the issuance of bonds under the provisions hereof, shall constitute a contract
23 with holders of such bonds.

24 **SECTION 22.**

25 Moneys received considered trust funds.

26 All moneys received pursuant to the authorization of this Act, whether as proceeds from the
27 sale of revenue bonds, as grants or other contributions, or as revenue, income, fees, and
28 earnings, shall be deemed to be trust funds to be held and applied solely as provided in this
29 Act.

SECTION 23.

Purpose of the authority.

Without limiting the generality of any provision of this Act, the general purpose of the authority is declared to be that of producing or acquiring an adequate source or sources of water supply, treatment of such water, and thereafter the distribution of the same to the various municipalities and citizens in Ware County and environs, including adjoining counties and municipalities located therein, and further for the general purpose of gathering and treatment of waste, both individual and industrial; but such general purpose shall not restrict the authority from selling and delivering water directly to consumers and from furnishing sewer facilities to such consumers in those areas where there does not now exist water distribution systems and areas where neither any county nor municipality deems it desirable or feasible to furnish water in such locality. The authority shall also have the authority, where it deems it feasible, to sell its products and services to customers, governmental agencies, or governmental instrumentalities of adjoining states, providing the laws of the adjoining states do not prohibit or tax said activity. The authority shall not have the authorization to construct water lines for the distribution of water directly to customers within any municipality without first obtaining the express written consent of the appropriate governing bodies of said municipality, and likewise, the authority shall not have the authorization to construct sewer lines for the collection of waste and sewage directly to customers within any municipality without first obtaining the express written consent of the appropriate governing body of said municipality.

SECTION 24.

Rates, charges, and revenues; use.

The authority is hereby authorized to prescribe and fix rates and to revise the same from time to time and to collect fees, tolls, and charges for the services, facilities, and commodities furnished and, in anticipation of the collection of the revenues of such undertaking or project, to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a water system, a sewerage system, or a combined water and sewerage system, and to pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues of such undertaking or project, including the revenues of improvements, betterments, or extensions thereto thereafter made.

SECTION 25.

Rules and regulations for operation of projects.

It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects constructed or acquired under the provisions of this Act, including the basis upon which water service and facilities, sewerage service and facilities, or both shall be furnished.

SECTION 26.

Tort immunity.

The authority shall have the same immunity and exemption from liability for torts and negligence as Ware County, Georgia; and the officers, agents, and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents, and employees of Ware County, Georgia, when in the performance of their public duties or work of the county.

SECTION 27.

Tax-exempt status of authority.

The properties of the authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the state and not for purposes of private or corporate benefit and income, and such properties and the authority shall be exempt from all taxes and special assessments of any city, county, or the state or any political subdivision thereof.

SECTION 28.

Powers declared supplemental and additional.

The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

SECTION 29.

Effect on other governments.

This Act shall not and does not in any way take from Ware County, Georgia, or any municipality located therein, or any adjoining county the authority to own, operate, and maintain a water system, a sewerage system, or a combined water and sewerage system, or to issue revenue bonds as is provided by the Revenue Bond Law, as amended.

SECTION 30.

Liberal construction of Act.

This Act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally constructed to effect the purposes of this Act.

SECTION 31.

Severability; effect of partial invalidity of Act.

The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 32.

Required annual audit.

The authority created by this Act shall ensure that an annual audit of the financial affairs, books, and records of the authority is conducted at the end of each fiscal year for the preceding year. The authority shall obtain either a certified public accountant or a firm of certified public accountants to conduct the audit. The auditor so appointed shall perform the audit in accordance with generally accepted accounting principles and shall submit a complete and final report and audit to the authority and to the Ware County Board of Commissioners not later than 90 days after the close of the fiscal year. The audit shall be certified to and shall include, but in no way be limited to, a full and complete audit containing a balance sheet, profit and loss statement, and statement of receipts and disbursements.

1 **SECTION 33.**

2 Effective date.

3 This Act shall become effective upon its approval by the Governor or upon its becoming law
4 without such approval.

5 **SECTION 34.**

6 General repealer.

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