

Senate Bill 244

By: Senator Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

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

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

46 (d) Those persons not eligible to serve on the authority shall include:

- 47 (1) County or city elected officials;
 - 48 (2) County or city employees;
 - 49 (3) Dade County Water and Sewer Authority employees; and
 - 50 (4) Spouses, siblings, or children of those individuals disqualified in this subsection.
- 51 Members of the authority shall be and must remain residents of the city if a city
52 appointee, or of the county governing authority districts from which they were appointed
53 if a county appointee, during their terms of office, or such offices shall be declared
54 vacant.

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

58 (f) The city may remove from office the city appointee for cause upon a majority vote of
59 the city commission, and the county may remove from office any of the county appointees
60 for cause upon a majority vote of the county board of commissioners.

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 or county

63 governing authority, depending upon whether the vacancy is of the city member or a
64 county member of the authority.

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 regulation for its own governance. It shall have perpetual
76 existence."

77 **SECTION 2.**

78 Said Act is further amended by revising subsection (b) of Section 24A as follows:

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

85 **SECTION 3.**

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