

House Bill 945 (AS PASSED HOUSE AND SENATE)

By: Representative Cheokas of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Schley County Utilities Authority, approved May 12, 2015
2 (Ga. L. 2015, p. 4204), so as to modify provisions related to appointment of authority
3 members; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 An Act creating the Schley County Utilities Authority, approved May 12, 2015 (Ga. L. 2015,
7 p. 4204), is amended by revising Section 3 as follows:

8 "SECTION 3.

9 Creation of the authority; membership; governance.

10 (a) There is created a body corporate and politic, to be known as the Schley County
11 Utilities Authority, which shall be deemed to be a political subdivision of the State of
12 Georgia and a public corporation, and by that name, style, and title, said body may contract
13 and be contracted with, own and dispose of all types of property, real and personal, sue and
14 be sued, implead and be impleaded, and complain and defend in all courts of law and
15 equity, except that the authority, its board members, or the trustee acting under any trust
16 indenture shall in no event be liable for any torts committed by its officers, agents, or
17 employees.

18 (b) The authority shall consist of five members, each of whom shall reside in Schley
19 County, shall be over the age of 21 years, and shall not have been convicted of a felony,
20 a misdemeanor of a high and aggravated nature, or a crime of moral turpitude.

21 (c) The Board of Commissioners of Schley County shall appoint the members of the
22 authority, one of whom may be the county manager and two of whom may be members of
23 the Board of Commissioners of Schley County. The Board of Commissioners of Schley
24 County shall appoint three of the initial members for initial terms of four years and two of
25 the initial members for initial terms of two years. Subsequent appointments shall be made

26 for terms of office of four years and such members shall serve until the successor is
27 appointed and qualified. Vacancies on the authority's board shall be filled for an unexpired
28 term by the Board of Commissioners of Schley County.

29 (d) Any authority member who is convicted of a felony, a misdemeanor of a high and
30 aggravated nature, or a crime of moral turpitude shall be removed from the authority upon
31 the date of conviction, regardless of the status of any appeal.

32 (e) The authority shall elect from its members a chairperson, a vice chairperson, a
33 secretary, and a treasurer or a secretary-treasurer. All officers shall be voting members.

34 (f) The members of the authority shall receive such compensation, if any, as determined
35 by the Board of Commissioners of Schley County; provided, however, that any such
36 compensation for any particular board member shall not be reduced during such board
37 member's term of office.

38 (g) A majority of the members shall constitute a quorum, and any action may be taken by
39 the authority upon the affirmative vote of a majority of a quorum of the members. No
40 vacancy on the authority shall impair the right of the quorum to exercise all of the rights
41 and perform all of the duties of the authority.

42 (h) The authority shall make rules and regulations for its own government.

43 (i) The authority shall be subject to all the provisions of Chapters 14 and 18 of Title 50 of
44 the O.C.G.A., the open meetings and open records laws of this state.

45 (j) The authority shall have perpetual existence."

46 **SECTION 2.**

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