

House Bill 1139 (AS PASSED HOUSE AND SENATE)

By: Representatives Camp of the 135th and Mathiak of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Spalding County Water and Sewerage Facilities Authority,
2 approved April 13, 1982 (Ga. L. 1982, p. 4987), as amended, so as to rename the authority;
3 to revise the membership and compensation of the authority; to provide for powers; to
4 provide for enforcement; to provide for executions for rates and charges; to provide for
5 definitions; to revise a short title; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the Spalding County Water and Sewerage Facilities Authority, approved
10 April 13, 1982 (Ga. L. 1982, p. 4987), as amended, is amended by revising Sections 1
11 through 4 and adding a new section to read as follows:

12 **"SECTION 1.**

13 Short title.

14 This Act may be cited as the 'Spalding County Water Authority Act.'

SECTION 2.

Spalding County Water Authority.

(a) There is hereby created a public body corporate and politic, to be known as the 'Spalding County Water Authority,' which shall be deemed to be a public corporation and by such name, style and title, said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity, except that the authority or the trustee acting under any trust indenture shall in no event be liable for any torts committed by any of its officers, agents or employees.

(b)(1) In 1982, the Spalding County Water Authority was created and was initially composed of six members. From and after April 30, 1988, the authority was composed of seven members, with each having been appointed by the governing body of the County of Spalding for a six-year term and with the respective staggered terms of such seven members ending as follows: the terms of three such members end on December 31, 1993; the terms of two such members end on December 31, 1995; and the terms of the other two such members end on December 31, 1997. From and after April 30, 1993, the authority was composed of nine members, with the eighth such member of the authority being appointed by said governing body for an interim term ending on December 31, 1995, and thereafter such eighth member to be appointed by the governing body of Spalding County for terms of six years, with the first such six-year term ending on December 31, 2001. Upon the expiration of each such six-year term of said eight members, the governing body may reappoint the incumbent or appoint a successor for a six-year term. Any member whose term of office shall have expired may continue to serve in such office until such vacancy is filled. Any vacancy at any time in the office of any of the eight members, appointed by said governing body, shall be filled by the governing body. Each chairperson of the governing body of Spalding County, or a

40 designee and appointee of such chairperson, from time to time, shall serve as the ninth
41 member of said authority for terms of one calendar year.

42 (2) Since 2001, the Spalding County Water Authority has been composed of nine
43 members, eight of whom were appointed to six-year terms and one being the chairperson
44 of the governing body of Spalding County or their designee for one-year terms.

45 (3) From and after January 1, 2027, the governing body of Spalding County shall appoint
46 eight of the members to the Spalding County Water Authority for four-year staggered
47 terms after the end of each term as set forth below:

48 (A) The terms of members Wanda Howell and Jim Skinner or their successors shall
49 end on December 31, 2027;

50 (B) The term of member Fannie Delaney or her successor shall end on
51 December 31, 2028;

52 (C) The terms of members Jeff Brandon, Clay Davis, Cal Oxford or their successors
53 shall end on December 31, 2029; and

54 (D) The terms of members Wade Cannon and Dick Morrow or their successors shall
55 end on December 31, 2032.

56 (c) The members of the Spalding County Water Authority shall be residents of Spalding
57 County. The governing body of the County of Spalding shall appoint no more than one
58 member of its body to serve as a member of the Spalding County Water Authority, in
59 addition to the chairperson or his or her designee.

60 (d) The members of the authority shall elect one of their number as chairperson and
61 another as vice chairperson. The members shall also elect a secretary and a treasurer, or
62 a secretary-treasurer, who need not be members of the authority. An assistant secretary
63 may also be elected at the discretion of the authority. Five members of the authority shall
64 constitute a quorum. No vacancy on the authority shall impair the authority of the quorum
65 to exercise all of the rights and powers of and perform all of the duties and obligations of
66 the authority. The members of the authority shall be entitled to compensation to be set by

67 resolution in January of each calendar year. Should the authority fail to set its
68 compensation at its January meeting the compensation from the prior year shall continue
69 for that year. The compensation shall not be less than \$150.00 per member for attendance
70 at the regular monthly meeting and \$25.00 for attendance at any approved committee
71 meeting during any given month. Members shall not be paid for meetings which they did
72 not attend. The board chair shall receive no less than \$200.00 per month for serving as
73 chair, plus an additional \$25.00 for attendance at any approved committee meeting.
74 Member compensation shall not exceed 20 percent of the lowest paid Spalding County
75 Commissioner. The authority may make rules and regulations and adopt bylaws for its
76 own governance. The authority shall have perpetual existence.

77 SECTION 3.

78 Definitions.

79 As used in this Act, the term:

80 (1) 'Authority' shall mean the Spalding County Water Authority created by Section 2 of
81 this Act.

82 (2) 'Cost of the project' shall embrace the cost of construction, the cost of all lands,
83 properties, rights, easements and franchises acquired, the cost of all machinery and
84 equipment, financing charges, interest prior to and during construction, and for one year
85 after completion of construction, the cost of engineering, architectural, fiscal and legal
86 expenses, and of plans and specifications, and other expenses necessary or incident to
87 determining the feasibility or practicability of the project, administrative expense, and
88 such other expenses as may be necessary or incidental to the financing herein authorized,
89 the construction of the project, the placing of the same in operation, and the
90 condemnation of property necessary for such construction and operation. The cost of any
91 project may also include a fund or funds for the creation of a debt service reserve, a

92 renewal and replacement reserve and such other reserves as may be reasonably required
93 by the authority with respect to the financing and operating of its projects and as may be
94 authorized by any bond resolution or trust agreement or indenture pursuant to the
95 provisions of which the issuance of any such bonds may be authorized. Any obligation
96 or expense incurred for any of the foregoing purposes shall be regarded as a part of the
97 cost of the project and may be paid or reimbursed as such out of the proceeds of revenue
98 bonds issued under the provisions of this Act for such project.

99 (3) 'Project' shall be deemed to mean and include the acquisition and construction of
100 systems, plants, works, instrumentalities, and properties:

101 (A) Used or useful in connection with the obtaining of a water supply and the
102 conservation, treatment, distribution and sale of water for public and private uses; and

103 (B) Used or useful in connection with the collection, treatment and disposal of
104 sewerage, waste water and storm water; together with all parts of any such system,
105 plant, work, instrumentality and property and all appurtenances thereto, including lands,
106 easements, rights in land, water rights, contract rights, franchises, approaches, dams,
107 reservoirs, generating stations, sewerage disposal plants, intercepting sewers, trunk
108 connecting and other sewers and water mains, filtration works, pumping stations, and
109 equipment.

110 (4) 'Revenue bonds' and 'bonds' shall mean revenue bonds authorized to be issued
111 pursuant to this Act and revenue bonds may be issued by the authority as authorized
112 herein without any other actions or proceedings.

113 (5) 'Self liquidating' shall mean any project if, in the sole judgment of the authority, the
114 revenues and earnings to be derived by the authority therefrom, including but not limited
115 to any contractual payments, and all properties used, leased and sold in connection
116 therewith, together with any grants, will be sufficient to pay the cost of operating,
117 maintaining, repairing, improving and extending the project and to pay the principal and
118 interest of the revenue bonds which may be issued for the cost of such project or projects.

119 (6) 'Sewer system' shall be deemed to include facilities and services used or useful in
120 connection with the collection, conveyance, treatment, pretreatment, retention, discharge
121 and disposal of sewerage, waste, waste water and storm water, together with all parts of
122 any such system plant, work, instrumentality, and property and all appurtenances thereto,
123 including lands, easements, rights in land, water rights, contract rights, franchises,
124 approaches, dams, reservoirs, generating stations, sewerage disposal plants, intercepting
125 sewers, trunk connecting and other sewers and water mains, filtration works, pumping
126 stations, and equipment.

127 (7) 'Water system' shall be deemed to include facilities and services used or useful in
128 connection with the obtaining of a water supply and conservation, treatment, and disposal
129 of water for public and private uses in the authority's area of operation, whether within
130 or without the boundaries of Spalding County.

131 SECTION 4.

132 Powers.

133 The authority shall have the power:

- 134 (1) To have a seal and alter the same at its pleasure;
- 135 (2) To acquire by purchase, lease, gift or otherwise, and to hold, lease and dispose of real
136 and personal property of every kind and character for its corporate purposes;
- 137 (3) To acquire in its own name by purchase, on such terms and conditions and in such
138 manner as it may deem proper, or by condemnation in accordance with the provisions of
139 any and all existing laws applicable to the condemnation of property for public use, real
140 property or rights of easements therein or franchises necessary or convenient for its
141 corporate purposes, and to use the same so long as its corporate existence shall continue,
142 and to lease or make contracts with respect to the use of or dispose of the same in any
143 manner it deems to the best advantage of the authority, the authority being under no

144 obligation to accept and pay for any property condemned under this Act except from the
145 funds provided under the authority of this Act, and in any proceedings to condemn, such
146 orders may be made by the court having jurisdiction of the suit, action or proceedings as
147 may be just to the authority and to the owners of the property to be condemned, provided
148 no property shall be acquired under the provisions of this Act upon which any lien or
149 other incumbrance exists, unless at the time such property is so acquired a sufficient sum
150 of money be deposited in trust to pay and redeem the fair value of such lien or
151 encumbrance;

152 (4) To enter into an agreement with the City of Griffin, with Spalding County or with
153 any other political subdivision or municipal corporation of the state with respect to
154 acquiring a source of water supply, providing sewerage service, preparing engineering
155 data, plans and specifications for a water and sewerage system, extending water mains,
156 apportioning the costs of constructing, extending and maintaining a water or sewerage
157 system, or both, providing for the testing and inspection of facilities constructed,
158 providing for rates to be charged for water and sewerage services furnished to users of
159 said system, providing for the reading of meters and keeping of pertinent records,
160 apportioning or designating the responsibility for any functions normally maintained by
161 a water and sewerage system, providing for the ownership of the various facilities
162 constructed or acquired, and providing for such other matters or contingencies as might
163 be necessary or desirable in order to secure for Spalding County and the municipalities
164 therein, including the City of Griffin, and the residents of each a satisfactory and reliable
165 water and sewerage system at the most reasonable cost possible;

166 (5) To operate a water system and in connection therewith:

167 (A) To acquire, construct, own, operate, and maintain a water system, together with the
168 right to acquire property and interests in property in connection therewith, including
169 projects embracing sources of water supply and related facilities;

170 (B) To sell water and its related facilities to individuals, private concerns,
171 governmental agencies, and municipalities and counties in the State of Georgia, and to
172 accept franchises for that purpose granted by other municipalities and by counties of
173 the State of Georgia;

174 (C) To prescribe, fix, charge, impose, assess, and collect rates, fees, tolls, assessments,
175 and charges and to revise from time to time and collect such rates, fees, tolls,
176 assessments, or charges for the services, facilities, or commodities furnished by such
177 water system; to classify and differentiate such rates, fees, tolls, assessments, or charges
178 in any reasonable manner, taking into account such factors the authority deems
179 reasonable under the circumstances; to issue executions for amounts past due; and to
180 comply with any state or federal laws and regulations applicable thereto; which rates,
181 fees, tolls, assessments, and charges shall be sufficient to retire any revenue bonds or
182 other indebtedness incurred in the construction, maintenance, operation, and expansion
183 of such water system, and to provide for any reserves and funds required to be
184 maintained in connection with the issuance of any such revenue bonds, together with
185 sufficient amounts to pay the current operating costs of such water system;

186 (D) To adopt and establish by resolution or otherwise standards, rules, and regulations
187 with respect to the operation of such water system and to enforce same and to enforce
188 any other laws or ordinances of this state or Spalding County or any other political
189 subdivision thereof applicable to the water system;

190 (E) To inspect all on-site sewage disposal systems which have been installed on
191 property for which the authority provides water service for the purpose of ensuring the
192 proper operation of such systems; to have the right of entry to go onto such property for
193 the purposes of inspecting on-site sewage disposal systems and repairing such systems
194 under the authority granted by this section; to recommend repairs to such systems as are
195 necessary, in the opinion of the authority, to make such systems operate properly; to
196 perform such repairs as the authority considers necessary to make such systems operate

197 properly in the event that the property owner fails or refuses to perform the repairs
198 recommended by the authority; or to discontinue water service if determined
199 appropriate in the discretion of the authority; to assess the cost of any repairs performed
200 by the authority or its agents against the owner of the property on which such repairs
201 were performed and to impose a lien for the costs of such repairs upon the real estate
202 records of the clerk of the Superior Court of Spalding County or to proceed with any
203 other action to collect such sums; and to take any action in any court to enforce the
204 provisions of this section; and

205 (F) To take such other action as may be required to discharge all duties imposed by any
206 law or regulation on Spalding County or on the authority, or on any other county,
207 municipality, or other political subdivision contracting with the authority for such
208 purpose, in connection with the operation of a water system in the authority's area of
209 operation;

210 (6) To operate a sewer system and in connection therewith:

211 (A) To acquire, construct, own, operate, and maintain a sewer system, together with
212 the right to acquire property and interests in property in connection therewith;

213 (B) To provide sewer services to individuals, private concerns, governmental agencies,
214 and municipalities and counties in the State of Georgia, and to accept franchises for that
215 purpose granted by other municipalities and by counties of the State of Georgia;

216 (C) To prescribe, fix, charge, impose, assess, and collect rates, fees, tolls, assessments,
217 and charges and to revise from time to time and collect such rates, fees, tolls,
218 assessments, or charges for the services, facilities, or commodities furnished by such
219 sewer system; to classify and differentiate such rates, fees, tolls, assessments, or
220 charges in any reasonable manner, taking into account such factors the authority deems
221 reasonable under the circumstances; to issue executions for amounts past due; and to
222 comply with any state or federal laws and regulations applicable thereto; which rates,
223 fees, tolls, assessments, and charges shall be sufficient to retire any revenue bonds or

224 other indebtedness incurred in the construction, maintenance, operation, and expansion
225 of such sewer system, and to provide for any reserves and funds required to be
226 maintained in connection with the issuance of any such revenue bonds, together with
227 sufficient amounts to pay the current operating costs of such sewer system;

228 (D) To adopt and establish by resolution or otherwise standards, rules, and regulations
229 with respect to the operation of such sewer system and to enforce same and to enforce
230 any other laws or ordinances of this state or Spalding County or any other political
231 subdivision thereof applicable to the sewer system;

232 (E) To provide for the adoption, promulgation, establishment, and administration by
233 resolution, regulation, rule, or otherwise of standards and provisions for regulating,
234 enforcing, amending, monitoring, and compelling compliance with the terms,
235 conditions and provisions of a pretreatment program pertaining to the pretreatment of
236 industrial waste-water effluent that is to be delivered into the authority's sewerage
237 system and is to be treated by the waste-water treatment facilities of the authority;

238 (F) To make application to the Superior Court of Spalding County, Georgia, for
239 injunctive relief against any person who has engaged in or is about to engage in any act
240 or practice which constitutes or will constitute a violation of any provision of such
241 pretreatment resolutions, regulations, rules, or other standards and provisions by
242 seeking an order enjoining and restraining such act or practice; and upon a showing by
243 the authority that such person has engaged in or is about to engage in any such act or
244 practice, a permanent or temporary injunction, restraining order, or other order shall be
245 granted without the necessity of showing a lack of adequate remedy at law;

246 (G) To provide that any person, firm, or corporation that fails to comply with any of
247 the pretreatment standards or requirements set forth in such pretreatment regulations
248 or ordinances shall be liable to civil penalty not to exceed \$1,000.00 per day for each
249 day during which such noncompliance continues;

250 (H) To take such other action as may be required to discharge all duties imposed by
251 any law or regulation on Spalding County or on the authority, or on any other county,
252 municipality, or other political subdivision contracting with the authority for such
253 purpose, in connection with the collection, conveyance, treatment, pretreatment,
254 retention, discharge, and disposal of waste water in the authority's area of operation;
255 and

256 (I) To take such other action as may be required to discharge all duties imposed by any
257 law or regulation on Spalding County or on the authority, or on any other county,
258 municipality, or other political subdivision contracting with the authority for such
259 purpose, in connection with the operation of a sewer system in the authority's area of
260 operation;

261 (7) To appoint, select and employ, officers, agents and employees, including
262 engineering, architectural and construction experts, fiscal agents and attorneys, and fix
263 their respective compensations to include the power to employ and discharge a general
264 manager and delegate to the general manager the ability to employ and discharge
265 authority staff and oversee the management and operations of said staff and the office of
266 the authority;

267 (8) To make contracts, leases and to execute all instruments necessary or convenient,
268 including contracts for construction of projects and leases of projects or contracts with
269 respect to the use of projects which it causes to be erected or acquired, and any and all
270 persons, firms and corporations and any and all political subdivisions, departments,
271 institutions or agencies of the state and all special districts and all municipal corporations
272 located in Spalding County are hereby authorized to enter into contracts, leases or
273 agreements with the authority upon such terms and for such purposes as they deem
274 advisable; and without limiting the generality of the above, authority is specifically
275 granted to municipal corporations, special districts and counties and to the authority to
276 enter into contracts, lease agreements, or other undertakings relative to the furnishing of

277 water and sewerage service and facilities or either of them by the authority to such
278 municipal corporations, special districts and counties and by such municipal corporations,
279 special districts and counties to the authority for a term not exceeding 50 years. As to any
280 political subdivision, department, institution or agency of this state and all special
281 districts and municipal corporations located in Spalding County which shall enter into an
282 agreement under the authority granted herein or in subsection (d) above, the obligation
283 to perform and fulfill such agreement shall constitute a general obligation of such entity
284 for which its full faith and credit shall be and hereby is pledged;

285 (9) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,
286 equip, operate and manage projects, as hereinabove defined, the cost of any such project
287 to be paid in whole or in part from the proceeds of revenue bonds of the authority or from
288 such proceeds and any grant from the United States of America or any agency or
289 instrumentality thereof or from the State of Georgia or any agency, instrumentality or
290 political subdivision thereof;

291 (10) To make loans with, and accept grants or loans of money or materials or property
292 of any kind from, the United States of America or any agency or instrumentality thereof,
293 upon such terms and conditions as the United States of America or such agency or
294 instrumentality may impose;

295 (11) To make loans with, and accept grants or loans of money, materials or property of
296 any kind from, the State of Georgia or any agency, instrumentality or political
297 subdivision thereof, upon such terms and conditions as the State of Georgia or such
298 agency, instrumentality or political subdivision may impose;

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

302 (13) To exercise any power usually possessed by private corporations performing similar
303 functions, including the power to make short term loans and to approve, execute and

304 deliver appropriate evidence of any such indebtedness, providing, no such power is in
305 conflict with the Constitution or general laws of this state;

306 (14) To exercise within, throughout, and outside the territorial boundaries of Spalding
307 County the following governmental functions: the right to regulate, monitor, inspect, and
308 repair water or sewer utility systems and related appurtenances and facilities, pump
309 stations, on-site sanitary sewerage facilities, septic tanks, grease traps, pretreatment
310 facilities, retention and detention facilities, and any and all other related equipment,
311 facilities, and systems, and to determine whether any property or user has complied with
312 the ordinance, rules, regulations, and permits applicable to such person or user. The
313 authority shall the right, power, and authority to enforce such ordinances, rules,
314 regulations and permits on its own behalf and in its own name by levy of fines and
315 administrative or civil penalties, issuance of stop-work orders, suspension or revocation
316 of permits, or any other means determined by the authority to be appropriate and
317 necessary and otherwise as authorized by law. Any executions provided for by this Act
318 or owing to the authority by virtue of the powers enumerated herein, the interest thereon
319 and the expenses of collection, including without limitation reasonable attorney fees and
320 out-of-pocket expenses, shall constitute a lien upon and against the land and other
321 properties of the assessed party which lien shall be of equal priority, rank, and dignity and
322 having the same attributes, rights, and powers as to collection and foreclosure thereof as
323 an execution for unpaid ad valorem taxes of the State of Georgia or Spalding County.
324 Without limiting the foregoing, the authority shall be further authorized to contract with
325 any other county, municipality, special district, or other political subdivision, or the State
326 of Georgia, or any department, agency, or instrumentality of the State of Georgia, or the
327 federal government or any department, agency, or subsidiary corporation of the federal
328 government, with respect to such governmental functions, and in such case shall be fully
329 authorized to exercise such functions on behalf of any such entity throughout the territory
330 contemplated by such contract;

331 (15) To exercise enforcement powers over its water system and sewer system. The
332 authority, through its agents and employees, shall have the right of entry onto public or
333 private property for the purposes of surveying, testing, evaluating, and appraising for
334 suitability for water and sewer services and facilities, or for determining compliance with
335 the ordinances, rules, and regulations adopted by the authority pursuant to the power
336 granted by this Act or by Spalding County or by any other county, municipality, or other
337 political subdivision contracting with the authority as provided by this Act, or for
338 determining compliance with any permits issued by or to the authority or by or to
339 Spalding County or any other county, municipality, or other political subdivision
340 contracting with the authority. The authority shall have the right, power, and authority
341 to adopt and to enforce ordinances, standards, rules, and regulations; to require permits;
342 and to perform all other acts which are necessary, proper, or incidental to the efficient
343 ownership, operation, and development of the authority's water and sewer systems; and
344 this Act shall be construed liberally to that end. The authority shall have the right, power,
345 and authority to issue stop-work orders, to deny, suspend, or revoke permits, and to
346 provide by rule or regulation for the assessment, imposition, and collection of
347 assessments, fees, charges, tolls, and other amounts in connection with water and sewer
348 services and facilities and the cost of collection, including without limitation all
349 reasonable attorneys' fees and out-of-pocket expenses incurred in connection therewith;

350 (16) To adopt rules and regulations for the purposes of ensuring water quality and
351 watershed protection in Spalding County and to enforce the same throughout the area of
352 its operation. In the event that the authority determines noncompliance with any such
353 watershed protection or water quality rules or regulations, the authority may redress any
354 such noncompliance as provided for enforcement by this Act, subject to the appeals
355 procedures also provided for by this Act. Without limiting the generality of the foregoing,
356 the authority is hereby authorized to refuse to provide water or sewer service, or in areas
357 where it is already providing water or sewer service, to discontinue such service, within

358 any portion of the area of its operation if the authority determines in its sole discretion
359 that the ordinances, rules, and regulations of the authority or of Spalding County adopted
360 to assure adequate water quality in Spalding County are not being complied with in such
361 areas. Furthermore, if any other political subdivision with zoning authority in such area
362 of the authority's operations shall adopt zoning ordinances that fail to meet the standards
363 of the authority's water protection rules or regulations or shall fail to enforce or shall by
364 variance or otherwise waive the requirements of such zoning ordinance so that the
365 authority's water protection rules or regulations are not being complied with in such areas,
366 then in addition to and not in lieu of any other enforcement powers granted to the
367 authority by this Act or by any other provision of law, in any and all such cases the
368 authority is hereby authorized to refuse to provide water or sewer service, or in areas
369 where it is already providing water or sewer service, to discontinue such service in such
370 area; and
371 (17) To do all things necessary or convenient to carry out the powers expressly given in
372 this Act.

373 **SECTION 4.1.**

374 Enforcement.

375 (a) In the event the authority determines that a violation of any rule, regulation, or standard
376 adopted or promulgated by the authority pursuant to the authority granted by this Act may
377 have occurred, the general manager of the authority, or such other agent or employee the
378 authority designates as its hearing officer, after a hearing shall determine whether or not
379 any such person is in noncompliance of any such standard or requirement and may, upon
380 a proper finding, issue his or her order imposing such civil penalties as provided in this
381 Act. Any person so penalized is entitled to judicial review. In this connection, all hearings
382 and proceedings for judicial review shall be in accordance with Code Section 50-13-19 of

383 the O.C.G.A. and venue shall be in the Superior Court of Spalding County. All penalties
384 recovered by the authority shall be paid into the authority's water and sewerage revenue
385 fund, as the authority may determine based upon the nature of the violation. Upon the
386 issuance of any order assessing a civil penalty and after the expiration of 30 days following
387 the date of any such order, with no appeal taken as provided in Chapter 13 of Title 50 of
388 the O.C.G.A., the 'Georgia Administrative Procedure Act,' the authority, by and through
389 its general manager or such other employee as the authority designates, shall have the right
390 and power to issue executions on any such order assessing a civil penalty, and in the
391 amount thereof such execution shall be enforceable as provided in subsection (b) of this
392 section.

393 (b) Any such executions provided for by subsection (a) of this section, and any other rates,
394 fees, charges, tolls, assessments, or other amounts authorized by this Act or owing to the
395 authority by virtue of the powers enumerated by this Act, the interest thereon and the
396 expenses of collection, including without limitation reasonable attorney fees and
397 out-of-pocket expenses, shall constitute a lien upon and against the land and other
398 properties of the assessed party which lien shall be of equal priority, rank, and dignity and
399 having the same attributes, rights, and powers as to collection and foreclosure thereof as
400 an execution for unpaid ad valorem taxes of the State of Georgia or Spalding County.

401 (c) Nothing in this Act is to be construed to authorize the authority to levy or assess fines
402 or civil penalties against Spalding County or its property."

403 **SECTION 2.**

404 Said Act is further amended by revising Section 25 as follows:

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"SECTION 25.

406

Rates, charges and revenues; use.

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The authority is hereby authorized to prescribe and fix and collect rates, fees, tolls or

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charges, and to revise from time to time and collect such rates, fees, tolls or charges for the

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services, facilities or commodities furnished, to issue executions for amounts past due, and

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to comply with any state or federal laws and regulations applicable thereto, and in

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anticipation of the collection of the revenues of such undertaking or project, to issue

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revenue bonds as herein provided to finance in whole or in part the cost of the acquisition,

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construction, reconstruction, improvement, betterment or extension of the water and

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sewerage system, and to pledge to the punctual payment of said bonds and interest thereon,

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all or any part of the revenues of such undertaking or project, including the revenues of

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improvements, betterments or extensions thereto thereafter made."

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SECTION 3.

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