Senate Bill 244
By: Senator Mullis of the 53rd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Dade County Water and Sewer Authority, approved March 25, 1958 (Ga. L. 1958, p. 3260), as amended, particularly by an Act approved May 11, 2010 (Ga. L. 2010, p. 3535), is amended by revising Section 2 as follows:

SECTION 2.

(a) There is hereby created a body corporate and politic to be known as the Dade 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, such 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 consist of five members who shall be appointed and serve as provided in this section.

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

(c) On the effective date of this Act, or as soon as practicable thereafter, the City Commission of the City of Trenton shall appoint one member to serve on such authority by a majority vote of the city commission. The governing authority of Dade County shall appoint four members to serve on such authority. Each district commissioner of the county governing authority shall nominate one person from such commissioner's district to serve
on the authority, and the county governing authority shall ratify such nomination by majority vote of the county governing authority. The initial appointment by the city commission shall serve an initial term of office beginning on the date of his or her appointment and ending December 31, 2020. The initial appointment by the county governing authority from District 1 shall serve an initial term of office beginning on the date of his or her appointment and ending December 31, 2021. The initial appointment by the county governing authority from District 2 shall serve an initial term of office beginning on the date of his or her appointment and ending December 31, 2022. The initial appointment by the county governing authority from District 3 shall serve an initial term of office beginning on the date of his or her appointment and ending December 31, 2023. The initial appointment by the county governing authority from District 4 shall serve an initial term of office beginning on the date of his or her appointment and ending December 31, 2024. Thereafter, appointments shall be made not more than 60 days prior to the expiration of the term of office of a member of the authority, by nomination by the city commission for the city appointee, by a majority vote of the city commission, or by the commissioner of the county governing authority in whose district the member whose term is expiring resides and ratification by a majority of the county governing authority for the county governing authority appointees. Such successors to the initial members under this subsection shall serve terms of office of five years and until a successor is appointed and qualified.

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

(1) County or city elected officials;
(2) County or city employees;
(3) Dade County Water and Sewer Authority employees; and
(4) Spouses, siblings, or children of those individuals disqualified in this subsection.

Members of the authority shall be and must remain residents of the city if a city appointee, or of the county governing authority districts from which they were appointed if a county appointee, during their terms of office, or such offices shall be declared vacant.

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

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

(g) A vacancy on the authority shall be filled for the remainder of the unexpired term of office in the same manner as appointment to the authority was made by the city or county.
governing authority, depending upon whether the vacancy is of the city member or a county member of the authority.

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

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

SECTION 2.

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

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

SECTION 3.

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