

House Bill 168 (AS PASSED HOUSE AND SENATE)

By: Representatives Quick of the 117th, England of the 116th, Benton of the 31st, Williams of the 119th, Kirby of the 114th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Upper Oconee Basin Water Authority, approved April 14,
2 1994 (Ga. L. 1994, p.5123), so as to abolish the Upper Oconee Resource Management
3 Commission; to remove all references to same; to modify the composition of the Authority's
4 Board; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 An Act creating the Upper Oconee Basin Water Authority, approved April 14, 1994 (Ga. L.
8 1994, p.5123), is amended by revising paragraph (3) of subsection (a) of Section 5 as
9 follows:
10 "(3) Reserved."

11 style="text-align:center">**SECTION 2.**

12 Said Act is further amended by revising Section 6 as follows:

13 "**Section 6.** Board. (a) The Authority shall be governed by a board which shall exercise
14 all powers and duties of the Authority. The board shall manage the operations of the
15 Authority, and shall perform such other functions that may be provided for or authorized
16 by law.

17 (b) The board of the Authority shall be comprised of the following members having a total
18 of six votes:

19 (1) One board member shall be the chief elected official of each member county, unless
20 such official notifies the governing authority of that county that such official does not
21 wish to serve on the board, in which event that governing authority shall appoint one of
22 its members to serve on the board in place of that chief elected official. Each such
23 member shall have one vote. This group of board members shall collectively have four
24 votes.

25 (2) One board member shall be appointed by the governing authority of each member
26 county. Each such member shall have a proportion of one vote as prescribed in the vote
27 apportionment formula. The member appointed pursuant to this paragraph may be an
28 elected official of the member county's governing authority, an employee of the member
29 county's governing authority, a board member or employee of a related public entity
30 within the member county, a business owner within the member county, or a citizen of
31 the member county as determined by the governing authority. This group of four
32 members shall in combination have one vote.

33 (3) One board member shall be appointed by the previously identified eight members
34 (five votes) of the board, which member must be a resident of one of the member
35 counties, and who shall have one vote.

36 (4) No member county shall have more than two and one half votes on the board. Each
37 board member must reside within a member county or have a principal place of business
38 within the boundary of a member county.

39 (c) The regular terms of chief elected officials serving on the board, pursuant to paragraph
40 (1) of subsection (b) of this section, shall be concurrent with their terms of office. The
41 regular term of any elected official other than the chief elected official appointed to the
42 board pursuant to paragraph (1) or (2) of subsection (b) of this section shall be for one year
43 or until the end of that individual's elected term, whichever occurs first. The regular term
44 of any nonelected official appointed to the board pursuant to paragraph (2) of subsection
45 (b) of this section shall be for one year. The initial and regular term of the member of the
46 board appointed pursuant to paragraph (3) of subsection (b) of this section shall be for a
47 period of two years. Vacancies on the Authority shall be filled in the same manner as the
48 original appointment to the position vacated.

49 (d)(1) A majority of the total votes of the members of the board shall constitute the
50 quorum necessary for a meeting of the board. A majority of the quorum present shall be
51 necessary to approve matters coming before the board, except that any of the following
52 matters shall require a majority of the total votes of the board plus one additional vote:

53 (A) Purchases or contracts in excess of an amount established by the board of the
54 authority;

55 (B) Authorization for the issuance of bonds;

56 (C) Acquisition of property by condemnation; or

57 (D) The employment or removal of the executive director.

58 (2) The board members shall elect a chairperson and vice chairperson from among the
59 members thereof and shall also elect a secretary-treasurer who need not be a member of
60 the board.

61 (e) The chief elected official who is a member of the board pursuant to paragraph (1) of
 62 subsection (b) of this section shall designate a member of the governing authority of his or
 63 her respective county as his or her alternate. In the event that a chief elected official of a
 64 member county elects not to serve on the board and the governing authority of the member
 65 county has appointed one of its members to serve on the board in place of the chief elected
 66 official, said governing authority shall designate another of its members as the alternate for
 67 that board member. A county governing authority which appoints a county governing
 68 authority elected official, county government employee, board member or employee of a
 69 related public entity, local business owner, or county citizen to the board as its proportional
 70 vote shall designate another county governing authority elected official, county government
 71 employee, board member or employee of a related public entity, local business owner, or
 72 county citizen as an alternate for that board member. An alternate is authorized to attend
 73 meetings of the board when the board member for whom the alternate is designated so
 74 requests and is further authorized to vote, on behalf of the board member, on any issue
 75 coming before the board at such meetings.

76 (f) Members of the board shall serve on the board without compensation, but may be
 77 reimbursed by the Authority for their actual expenses properly incurred in the performance
 78 of their duties.

79 (g) The board is authorized to enact bylaws to govern its meetings, attendance and the
 80 removal of members for nonattendance, voting, quorum and voting requirements, and other
 81 matters relating to the conduct of its affairs not inconsistent with the provisions of this Act.

82 (h) The board shall meet on at least a quarterly basis. The board at the last regular board
 83 meeting each fiscal year shall adopt a schedule for its regular board meetings for the
 84 upcoming fiscal year. A notice providing the dates of the regular board meetings for the
 85 upcoming fiscal year shall be published in a newspaper of general circulation within each
 86 member county at least one week prior to the date of the first regular board meeting of that
 87 fiscal year."

88 **SECTION 3.**

89 Said Act is further amended by revising Section 9 as follows:

90 **"Section 9.** Reserved."

91 **SECTION 4.**

92 Said Act is further amended by revising Section 13 as follows:

93 **"Section 13.** Authority members not to be interested in contracts. The Authority is
 94 prohibited from entering into a contract for the purchase of goods, property, or services
 95 with any individual who serves on the board of the Authority, or is that individual's

96 employer, partner, principal, agent, servant, or employee, nor shall the Authority enter into
97 any contract in which such individual is financially interested, directly or indirectly. No
98 individual who serves on the board of the Authority, nor that individual's partner,
99 employer, principal, agent, servant, or employee, shall enter into any contract with the
100 Authority or sell to the Authority any goods, property, or service; provided, however, this
101 section shall not apply to goods or services purchased from any public utility which is
102 regulated by the Georgia Public Service Commission, nor to goods or services purchased
103 from any county, municipal corporation, consolidated government, public authority, or this
104 state. Any contract made in violation of this section shall be void."

105 **SECTION 5.**

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