

House Bill 869 (AS PASSED HOUSE AND SENATE)

By: Representatives Glanton of the 75<sup>th</sup>, Burnough of the 77<sup>th</sup>, Bazemore of the 63<sup>rd</sup>, Schofield of the 60<sup>th</sup>, Douglas of the 78<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Clayton County Water Authority, approved March 7, 1955  
2 (Ga. L. 1955, p. 3344), as amended, particularly by an Act approved April 13, 2001 (Ga.  
3 L. 2001, p. 4325), so as to provide that said authority is a body corporate and politic, a  
4 political subdivision of the state, and a public corporation; to provide corporate powers and  
5 purposes; to provide for sovereign immunity; to provide exemption for certain liabilities; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the Clayton County Water Authority, approved March 7, 1955 (Ga. L. 1955,  
10 p. 3344), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001,  
11 p. 4325), is amended by revising subsection (a) of Section 4 as follows:

12 "(a) There is created a body corporate and politic, to be known as the Clayton County  
13 Water Authority, which shall be deemed to be a political subdivision of the State of  
14 Georgia and a public corporation by that name, style, and title, which has as its purpose the  
15 administration of delegate powers of government as provided herein, and whose corporate  
16 purpose is in all respects for the public benefit of performing an essential governmental  
17 function in the exercise of the powers conferred upon it herein. The authority may contract  
18 and be contracted with, bring and defend actions, sue and be sued, implead and be  
19 impleaded, and complain and defend in all courts. Nothing in this subsection shall be  
20 construed to constitute a waiver of the authority's sovereign immunity, which immunity is  
21 extended to the authority to the same extent as Clayton County, Georgia; provided,  
22 however, that regardless of any waiver of the authority's sovereign immunity, the authority  
23 shall in no event be liable for any tort committed by its officers, agents, or employees. The  
24 authority shall construct, maintain, and operate the water system for and on behalf of  
25 Clayton County, Georgia. The authority shall consist of a seven-member board. The

26 members of the board shall be appointed by the governing authority of said county. The  
27 terms of the members shall be five years. The terms of the members shall be staggered.  
28 The staggering of the terms of future members shall be consistent with the staggered  
29 terms of those members in office on June 30, 2001. It is not the intent of this section to  
30 increase nor decrease the term of any member in office on June 30, 2001. It is the intention  
31 of this section to continue the mechanism existing on June 30, 2001, providing staggered  
32 terms. All members shall serve until their successors are appointed and qualified. The  
33 governing authority of the county shall fill any vacancy which occurs on the authority for the  
34 unexpired term. The members shall elect a chairperson, vice chairperson, and secretary who  
35 shall serve for such periods as shall be fixed by the authority. The authority shall make a  
36 report of its actions to the grand jury for the November term of the superior court of said  
37 county. A majority of the members shall constitute a quorum for the transaction of business.  
38 A regular meeting shall be held once each month on a day to be set by the authority. Either  
39 the chairperson or a majority of the other members of the authority shall have the right to call  
40 a special meeting. Each member of the authority shall be given at least 24 hours' notice of  
41 each special meeting. Such notice shall be delivered in person, by telephone, by fax, or by  
42 written notice delivered to such member's regular place of abode. The authority shall employ  
43 an attorney and provide for his or her compensation and shall employ such other employees  
44 as the authority shall deem proper for the transaction of business and provide the  
45 compensation therefor. All such compensation shall be payable out of the earnings of said  
46 authority. No member of the present Clayton County Water Authority shall be eligible to  
47 hold an elective public office of the state, the county, or a municipality unless first resigning  
48 as a member of the authority. No person shall be eligible for future appointment to the  
49 Clayton County Water Authority who is serving in an elective public office of the state, the  
50 county, or a municipality. The authority shall succeed to and be vested with all the powers,  
51 duties, and authority of the authority presently existing and it shall be a continuation of the  
52 presently existing authority."

53

**SECTION 2.**

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