A BILL TO BE ENTITLED
AN ACT

House Bill 1585: To create the Brunswick-Glynn County Joint Water and Sewer Commission; to provide for membership, appointment, terms, cooperation, quorums, and officers of the commission; to provide for a director; to provide for purposes; to provide for powers; to expressly prohibit the exercise of eminent domain by the commission; to provide for ordinance proposals; to provide for tax exemption; to provide for construction; to provide for cumulative nature of powers; to provide for a referendum; to provide effective dates; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

House Bill 1271: To amend an Act creating the Brunswick-Glynn County Joint Water and Sewer Commission, approved April 19, 2006 (Ga. L. 2006, p. 3661), so as to provide for immunity for the commission and its officers, agents, and employees; to provide for changes to membership, appointment, election, terms, cooperation, quorum, salaries, and officers of the commission; to provide for notices and hearings to be conducted prior to any increase in rates, fees, tolls, or charges to customers for water or sewer system services; to provide for a performance audit or performance review; to provide for a referendum; to provide for submission of this Act to the United States Department of Justice for preclearance; to provide for related matters; to provide effective dates; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

House Bill 1114: To amend an Act creating the Brunswick-Glynn County Joint Water and Sewer Commission, approved April 19, 2006 (Ga. L. 2006, p. 3661), as amended, particularly by an Act approved April 11, 2012 (Ga. L. 2012, p. 5287), so as to provide immunity and exemption from liability for the commission; to change provisions relating to the terms of office, appointment, and election procedures, including nonpartisan elections, of members of the commission; to provide for notices and hearings regarding stipends of members of the commission; to require display of the commission's operating budget on the commission's website; to authorize enforcement of ordinances; to provide for solicitation and acceptance of donations and administration of same, including separate accounting and expenditure of excess
funds; to provide for assistance to customers in financial hardship and low-income customers; to
change procedures regarding the setting of customer rates; to provide for related matters; to
repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Brunswick-Glynn County Joint Water and
Sewer Commission Act."

SECTION 2.

There is hereby created a body corporate and politic, to be known as the Brunswick-Glynn
County Water and Sewer Commission, and by that 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 commission and its officers, agents, and employees
when in the performance of their public duties or work of the commission, shall in no event be
liable for any torts or negligent acts and shall have the same immunity and exemption from
liability for torts and negligence as Glynn County and its County Commissioners, nor shall the
commission be vicariously liable for any torts committed by its officers, agents, and employees.
The commission shall have perpetual existence, and shall be deemed a governmental body within
the meaning of the Georgia Revenue Bond Law, Article 3 of Chapter 3 of Title 36 of the
Official Code of Georgia Annotated, specifically under subparagraph (2)(C) of Code Section 36-
82-61."

SECTION 3.

As used in this Act, the following words and terms shall have the following meanings:

(1) 'Commission' shall mean the Brunswick-Glynn County Joint Water and Sewer
Commission created by Section 2 of this Act

(2) 'City' shall mean the City of Brunswick.

(3) 'County' shall mean Glynn County, Georgia.

(4) 'Project' shall mean the acquisition, construction, and equipping of a water system, sewer
system, or combined water and sewer system and all property used or useful in connection
therewith.

(5) 'Revenue bonds' and 'bonds' shall mean revenue bonds, certificates, and other obligations
of the commission, as defined and provided for in Article 3 of Chapter 3 of Title 36 of the
O.C.G.A., the "Revenue Bond Law," and such type of obligations may be issued by the
commission under this Act and as authorized under said article.
(6) 'System' means any water system or sewer system or combined water and sewer system of the commission.

(7) 'Unified system' shall mean the combined water and sewer systems of the City of Brunswick and Glynn County.

SECTION 4.

(a) The commission is continued, but shall be constituted as provided in this Act. On and after January 1, 2013, the commission shall consist of seven members as provided for in this Act.

(b) The governing authorities of the county and the city shall each appoint one of their members to the commission. The initial term of the member appointed by the city and the member appointed by the county shall be for a period of one year beginning January 1, 2013, and until their respective successors are selected and qualified, and all succeeding terms shall be for a period of two years and until their respective successors are selected and qualified, except that no member appointed to one of these two positions or their successors in office shall serve beyond their term in office as a member of the respective appointing body. There shall be no limit to the number of terms a person may serve as a member of the commission.

(c) Those persons serving as members of the commission on January 1, 2016, and any person filling a vacancy in such office shall continue to serve the remainder of their terms and until their respective successors shall be appointed and qualified.

(d) Five citizen members shall serve on the commission. The grand jury of Glynn County shall select and name three citizens to serve on the commission as provided by this Act. Citizen 1 and Citizen 3 appointed by the grand jury shall serve for a period of one year beginning January 1, 2013, and until their respective successors are appointed and qualified. Succeeding terms shall be for a period of two years and until their respective successors are appointed and qualified. Beginning January 1, 2018, Citizen 1 appointed by the grand jury shall serve for a period of four years and until his or her successor is appointed and qualified. Succeeding terms for Citizen 1 shall be for a period of four years and until his or her successor is appointed and qualified. Citizen 2 appointed by the grand jury shall serve for a period of two years beginning January 1, 2013, and until his or her successor is appointed and qualified. Succeeding terms for Citizen 2 shall be for a period of two years and until his or her successor is appointed and qualified. Beginning January 1, 2017, Citizen 2 appointed by the grand jury shall serve for a period of four years and until his or her successor is appointed and qualified. Succeeding terms for Citizen 2 shall be for a period of four years and until his or her successor is appointed and qualified. Beginning January 1, 2020, Citizen 3 appointed by the grand jury shall serve for a period of four years and until his or her successor is appointed and qualified. Succeeding terms for Citizen 3 shall be for a period of four years and until his or her successor is appointed and qualified. All grand jury appointments taking office on or after January 1, 2017, shall serve terms of four years and until his or her successor is appointed and qualified. Successors in office to the original three citizen members shall be selected in the same manner by the grand jury then sitting. The grand jury shall seek applications from residents of the city or county and select the citizen members from these applicants. The citizens shall be selected, if such persons apply for...
commission membership, from individuals possessing specialized engineering, finance, or
related business education or experience, including, but not limited to, accounting, public
relations, or other experience or education relating to the operation of a water and sewer
authority, industrial management, or related business.

(e) Prior to making appointments, the grand jury shall cause to be advertised citizen positions
on the commission setting forth the qualifications and application process. The grand jury shall
set a date certain to receive the applications and conduct interviews within 30 days of such
advertisement. The grand jury shall accept applications, conduct interviews, verify applicants'
information, and make selections no later than 90 days after the initial advertisement. Prior to
final membership selection, the grand jury shall also set a date and time for public comment and
the grand jury may consider comments from private citizens at such public hearings. The first
appointees shall begin their terms on January 1, 2013, and thereafter such selections shall be
made no later than the second Monday of December and each appointee's term shall begin the
following January of each year.

(f) The two additional members of the commission, Citizen 4 and Citizen 5, shall be elected
by the qualified electors of the entire county at a special election to be conducted in conjunction
with the state-wide general election in 2012. Citizen 4 and Citizen 5 shall be elected for two-year
terms of office and until their respective successors are elected and qualified. Such members
shall take office on January 1 following their election.

(g) Successors to the members elected under subsection (f) of this section shall be elected at
the general primary election next preceding the expiration of the term of office for terms of two
years and until their respective successors are elected and qualified. A run-off primary shall be a
continuation of the primary election. Commencing with the 2016 elections held in conjunction
with the general primary election, the term of office of Citizen 4 will be for two years
commencing on January 1, 2017, and the term of office of Citizen 5 will be for four years
commencing on January 1, 2017. Thereafter, successors in office to Citizen 4 and Citizen 5 will
serve four-year terms and until their respective successors are elected and qualified. Such
successors to Citizen 4 and Citizen 5 shall take office on January 1 following their election.

(h) Each citizen member of the commission shall, prior to his or her taking office, have been
a resident of the county for at least 12 months, shall be 21 years of age or older, and shall be
registered to vote in this state.

(i) Any person desiring to serve in a position on the commission shall either become a
candidate for election or an applicant for appointment by the grand jury, but not both, during any
year in which a vacancy or vacancies are to be filled.

(j) In the event of a vacancy, with the exception of those appointed by the governing
authority of the county and city, a member's successor shall be appointed by the grand jury of
Glynn County.

(k) The commission may declare that any appointed member missing three consecutive
meetings of the commission has vacated his or her office. The commission may for good cause
shown excuse any absence of an individual member so that it does not count toward this limit. If
the commission declares an office vacated, it may request the county or the city, or grand jury as
appropriate, to name a successor to serve the balance of that former member's term. Within 30
days of receiving such a request, the governing commission of the county or the city or the grand
jury shall appoint a successor. Members of the commission shall be officers of the commission
when performing the functions of those offices and those members appointed from the city or
county shall not be deemed to be officers of the city or county.

(l) Except for those members appointed under subsection (b) of this section, all members
shall be paid a monthly stipend of $500.00 and shall be reimbursed for their actual expenses
necessarily incurred in the performance of their duties, including mileage reimbursed at the
standard business mileage rate as determined by the Internal Revenue Service and adopted by the
commission. Commencing on January 1, 2016, the commission shall evaluate the
appropriateness of the commissioners' stipends and expense reimbursement rates. Following this
evaluation, the commission is authorized to fix the stipends and expenses of the commissioners,
except those members appointed under subsection (b) of this section, at any properly noticed,
regularly scheduled commission meeting following the notices and public hearing outlined in
this section, and subject to the following conditions:

(1) Any change in stipend or expense reimbursements shall not be effective until the
first day of January of the year following the next general election held after the date on which
the action to change the stipend and expense reimbursement rates was taken;

(2) Any increase in stipend, salary, and expense reimbursement rates pursuant to this
subsection shall not be effective until approved by local act of the General Assembly;

(3) The commission shall take no action to change the stipend or expense
reimbursement rates of commissioners until notice of intent to change stipend and expense
reimbursement rates and the fiscal impact of such action has been published in a newspaper
designated as the legal organ of the county at least once a week for three consecutive weeks
immediately preceding the public hearing outlined in this section;

(4) The commission shall conduct a public hearing within the territory of Glynn
County prior to approving any such change in stipend and expense reimbursement rates;

(5) Notice of the public hearing required by this section shall specify the date, time,
location, and subject matter thereof, and be published along with the notice of intent to change
stipend and expense reimbursement rates in a newspaper designated as the legal organ of the
county at least once a week for three consecutive weeks immediately preceding the public
hearing; and

(6) Action to approve any increase in stipend and expense reimbursement rates shall
not be taken during the period of time beginning with the date that candidates for election as
members of the commission may first qualify as such candidates and ending with the first day of
January following the date of qualification.
(m) A quorum of the members of the commission shall be required to transact any business. Five members of the commission shall constitute a quorum. Meetings of the commission shall be conducted in accordance with Robert's Rules of Order.

(n) The commission shall elect a chairperson from its members to serve a one-year term. There shall be no limit to the number of terms, consecutive or otherwise, that the chairperson may serve.

SECTION 5.

The commission shall contract with an individual to serve as director to manage the unified system as its employee. The director shall not be a member of the commission and shall not be deemed to be an employee of either the county or the city.

SECTION 6.

Without limiting the generality of any provisions of this Act, the general purposes of the commission are declared to be those of acquiring, constructing, equipping, maintaining, and operating adequate water supply, treatment, and distribution facilities and sewerage collection, treatment, and distribution facilities; making such facilities and services available to public and private consumers and users located in the city and the county; and extending and improving such facilities as necessary.

SECTION 7.

After holding a public hearing regarding and prior to entering into an operational agreement with the city and county to operate the unified system and subsequently entering into such an agreement, the commission shall have the following powers and duties:

1. To have a seal and to alter same at its pleasure;

2. To operate a water and sewer system or systems including a unified water and sewer system utilizing the systems and assets of both the county and the city water and sewer systems and to provide water and sewer services to all citizens and customers in the county and the city and to citizens and customers in either political subdivision. The commission shall operate its system or systems in conformity with all applicable regulations, licenses, and permits and shall be liable to pay any fines or assessments resulting from failure to conform to the same;

3. To acquire by purchase, lease, gift, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

4. To acquire real or personal property in its own name by purchase, lease, exchange, gift, or otherwise on such terms and conditions and in such a manner as it may deem proper, necessary, or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of, or dispose of the same in any manner it deems to the best advantage of the commission, and no property shall
be acquired under the provisions of this Act upon which any lien or other encumbrance exists unless at the time such property is so acquired a sufficient sum of money shall be deposited in trust to pay and reduce the face value of such lien or encumbrance;

(5) To appoint, select, and employ such officers, agents, and employees as shall be necessary in the judgment of the commission to accomplish the purposes of the commission, including accountants, auditors, attorneys, consulting engineers, and other professionals; to fix their respective compensation; and to provide for pension and retirement plans for these officers, agents, and employees. After the commission enters into an agreement to operate the unified system, existing water and sewer employees of the county and the city and former employees of the county who are employees of the company operating the county's water and sewer system shall be offered employment with the commission. The position offered to such persons and the terms of compensation are entirely within the discretion of the commission;

(6) To formulate and adopt an annual operating budget of all its revenues and expenses and, upon adoption, display it for viewing on the commission's website;

(7) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed, erected, or acquired. Any and all persons, firms, and corporations and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the commission upon such terms and for such purposes as they deem advisable;

(8) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, as defined in this Act and to pay the cost of the project in whole or in part from the proceeds of revenue bonds of the commission or from such proceeds and any grant or contribution from the United States of America or any agency or instrumentality thereof or from the State of Georgia or any political subdivision, agency, or instrumentality thereof;

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

(10) To exercise any power usually possessed by private corporations performing similar functions, including the power to make short-term loans and approve, execute, and deliver appropriate evidence of such indebtedness, provided no such power is in conflict with the Constitution or general laws of this state;

(11) To enter into an operational agreement with the county and the city detailing the power of the commission to operate the unified system and the rights of the county, the city, and the commission during the period of such operation. The term of such agreement shall not exceed 50 years;
(12) To be liable for payment of all charges and expenses of operating the unified system and to receive all income from the operation of the unified system, except that the county and the city shall continue to receive income necessary to retire any existing indebtedness of their systems;

(13) To prescribe, fix, and collect rates, fees, tolls, charges, or penalties, and to revise from time to time and collect such rates, fees, tolls, charges, or penalties provided that such rates, fees, tolls, charges, or penalties shall be calculated to cover only the cost of providing services; to provide capital to expand facilities; to maintain, replace, or expand existing facilities; to provide a reasonable reserve for operations; to fund bond sinking funds; or to fund sinking funds for other debt of the county or the city incurred to provide capital portions of their water or sewer system; to enforce the City of Brunswick Water and Sewer Ordinances and Glynn County Water and Sewer Ordinances as outlined in such ordinances. The commission shall not operate the unified system at a profit;

(14) To accept grants of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof upon terms and conditions as the United States of America or such agency or instrumentality may impose;

(15) To accept grants of money, materials, or property of any kind from the State of Georgia or any agency or instrumentality or political subdivision thereof upon terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may impose;

(16) To accept grants of money, materials, or property of any kind from the city, the county, or any agency or instrumentality thereof upon terms and conditions as the city, the county, or such agency or instrumentality may impose;

(17) To accept grants of money, materials, or property of any kind from any other source, private or public, provided that such grant or gift is not encumbered with any terms or conditions;

(18) To solicit and accept donations, contributions, and gifts of money from any source including, but not limited to, current customers for the following purposes:

(A) To provide assistance in bill paying to residential customers in times of financial hardship (hereinafter 'Group 1') as determined by a third-party administrator;

(B) To provide assistance in bill paying to low-income residential customers (hereinafter 'Group 2') as determined by a third-party administrator;

(C) To enable Group 1 and Group 2 customers to receive water and waste-water services of the commission by whatever means necessary to effectuate efficiency and retain integrity in the delivery system of such services, including, but not limited to, repair and replacement of the customer's infrastructure; and

(D) To obtain or maintain water or waste-water service for Group 1 and Group 2 customers who have been unable to do so;
(19) To create a separate interest-bearing account (hereinafter 'service fund') to accomplish the purposes set forth in paragraph (18) of this section; interest earned on moneys in the fund shall accrue to the benefit of the commission; distribution of the funds may be through a state sponsored agency or through an independent entity selected by the commission using a public bid process, and as provided for in paragraph (21) of this section;

(20) To contribute to the service fund in such amounts as the commission deems to be in the public interest;

(21) To utilize excess moneys from the service fund in low-income neighborhoods as determined by the commission for the repair and replacement of public infrastructure and appurtenances thereto; for purposes of this paragraph, 'excess moneys' means any amounts remaining uncommitted in the service fund at the end of a fiscal year in excess of $3 million;

(22) To insure its interest and the interest of the county and the city or any other entity with which it contracts in all assets leased or utilized by it; and

(23) To do all things necessary or convenient to carry out the powers and duties expressly given in this Act.

SECTION 7A.

The commission shall not approve any increase in the variable rates to customers for water or sewer system services except after notices and hearings as required by this section. The commission shall conduct two public hearings within the territory of Glynn County prior to approving any such increase, with one hearing conducted at a location on the mainland and one hearing conducted on Saint Simons Island. Notice of such hearings, specifying the dates, times, locations, and subject matter thereof, shall be published in the legal organ of Glynn County not more than 20 days or less than ten days prior to the date of the hearings and posted on the commission's website. The notice shall also be a prominently displayed advertisement or news article or placed in that section of the newspaper where legal notices appear. The contents of such notice shall also be included at least once in bills for service to those persons who are water or sewer service customers of the commission, at least one and not more than two billing cycles prior to the date of the first hearing. The notices published in the legal organ and included in customers' bills shall include a financial justification for any such proposed increase, with five-year projections of future operating revenues and expenses with and without such proposed increase, along with a history of the dates and amounts of any changes in customer rates, fees, tolls, or other charges previously approved by the commission during the five-year period immediately preceding the effective date of the proposed increase.

SECTION 7B.

The commission shall provide for a continuing performance audit or performance review. The first of such audits or performance reviews shall be conducted according to this provision within one year after the effective date of this Act, and every four years thereafter. The commission
shall contract with an outside auditor, consultant, or other provider for such performance audit or
performance review. The performance audit or performance review contract shall:

(1) Include a goal of ensuring to the maximum extent possible that the commission is
operating as efficiently and economically as possible; and

(2) Provide for the issuance of periodic public recommendations, not less often than once
every four years, for improvements in meeting the goal specified in paragraph (1) of this section.
The results of the performance audit or performance review shall be published on the
commission website and shall be made available for inspection at the office of the commission
within 60 days of the completion of such audit or review.

SECTION 8.

The commission shall not have or exercise any power of eminent domain.

SECTION 9.

The commission shall be charged with formulating a proposal for the standardization of county
and city ordinances relating to water and sewer services. Such ordinances shall become effective
only upon adoption by the governing authorities of the county and the city.

SECTION 10.

The commission, or any commission, authority, or other entity or body which has or which may
in the future succeed to the powers, duties, and liabilities vested in the commission created in this
Act, shall have power and is authorized at one time, or from time to time, to borrow money for
the purpose of paying all or any part of the cost, as defined in this Act, of any one or more
projects and to provide by resolution for issuance of revenue bonds for that purpose. The bonds
of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their
date or dates, shall be payable in such medium of payment as to both principal and interest as
may be determined by the commission; and may be made redeemable before maturity, at the
option of the commission, at such price or prices and under such terms and conditions as may be
fixed by the commission in the resolution providing for the issuance of the bonds. The interest
rate or rates to be borne by any bonds and the time of payment of such interest shall be fixed, and
with respect to any interest rate which floats in response to a variable, the method of calculation
shall be fixed by the commission in the resolution providing for the issuance of all bonds.

SECTION 11.

The commission is authorized to provide by resolution for the issuance of refunding bonds of the
commission for the purpose of refunding any revenue bonds issued under the provisions of this
Act and then outstanding, together with accrued interest thereon, and to refund any revenue
bonds issued by the city, the county, or the commission with respect to any facilities to be
acquired by the commission from the city, county, or other political subdivision or authority.
SECTION 12.

Any action to protect or enforce any rights under the provisions of this Act or any action against the commission shall be brought in the Superior Court of Glynn County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in such court, which shall have exclusive, original jurisdiction of such actions.

SECTION 13.

Bonds of the commission shall be confirmed and validated in accordance with the procedure provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," as now or hereafter amended.

SECTION 14.

The properties of the commission, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the city and county and not for purposes of private or corporate benefit and income. Such properties and the commission shall be exempt from all taxes of any city, county, the state, or any political subdivision thereof.

SECTION 15.

This Act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 16.

This Act does not in any way take from the county or the city the authority to own, operate, and maintain water, sanitary sewerage, and water pollution control facilities or to issue revenue bonds as provided by Chapter 82 or Title 36 of the O.C.G.A., the "Revenue Bond Law"; but the powers granted by this Act to the commission shall be in addition to and cumulative of all other powers now or hereafter given to any municipal corporation or political subdivision of this state.