

ENROLLMENT

March 28, 1995

The Committee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

Richard O. Maralk

Chairman

Severin Howard

President of the Senate

Frank Eldridge Jr.

Secretary of the Senate

Thomas Murphy

Speaker of the House

Robert R. Rivers Jr.

Clerk of the House

Received Paul W. Wugly  
Secretary, Executive Department

This 28<sup>th</sup> day of March 19 95

Approved

Ken Miller

Governor

This 29<sup>th</sup> day of March 19 95

S.B. No. 472 Act No. 153

General Assembly



AN ACT

To create the Rockdale County Water and Sewerage Authority; to authorize the authority to acquire, construct, add to, extend, improve, equip, operate, and maintain projects embracing sources of water supply, small watershed projects, works of improvements of watersheds, projects for watershed protection and flood control and prevention, recreational facilities developed in connection therewith; and for other purposes.

IN SENATE

Read 1st time Mar. 8, 1995

Read 2nd time

Read 3rd time

And Passed 3/10/95

Yeas 42

Nays 0

Frank Eldridge Jr.  
Secretary of the Senate

IN HOUSE

Read 1st time Mar. 13, 1995

Read 2nd time Mar. 14, 1995

Read 3rd time Mar. 15, 1995

And Passed

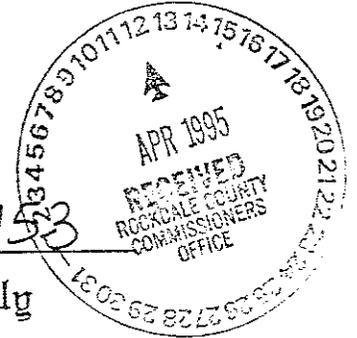
Yeas 144

Nays 0

Passed Both Houses

Robert R. Rivers Jr.  
Clerk of the House

By: Senators Crotts of the 17th and  
Guhl of the 45th



NOTICE OF INTENTION TO INTRODUCE  
LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 1995 session of the General Assembly of Georgia a bill to create the Rockdale County Water and Sewerage Authority; to authorize the authority to acquire, construct, add to, extend, improve, equip, operate, and maintain certain projects; to confer powers and to impose duties on the authority; to authorize the issuance of revenue bonds or obligations of the authority; to provide that no debt of Rockdale County or any municipality in Rockdale County shall be incurred in the exercise of any of the powers granted by this Act; to make the bonds or obligations of the authority exempt from taxation; to provide for the authority to condemn property of every kind; to authorize the issuance of refunding bonds or obligations; and for other purposes.

This 15 day of Feb., 1995.

Mike Crotts  
Senator Mike Crotts  
District 17

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Mike Crotts, who, on oath, deposes and says that he is Senator from the 17th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Rockdale Citizen, which is the official organ of Rockdale County, on the following date: February 17, 1995.

Mike Crotts  
MIKE CROTTS  
Senator, 17th District

Sworn to and subscribed before me,  
this 28th day of February,  
1995.

AN ACT

To create the Rockdale County Water and Sewerage Authority; to authorize the authority to acquire, construct, add to, extend, improve, equip, operate, and maintain projects embracing sources of water supply, small watershed projects, works of improvements for watersheds, projects for watershed protection and flood control and prevention, recreational facilities developed in connection therewith, the distribution and sale of water and related facilities to individuals, private concerns, municipal corporations, and the State of Georgia and its political subdivisions and instrumentalities thereof; to authorize the authority to acquire, construct, add to, extend, improve, equip, operate, and maintain sewerage systems, both sanitary and storm, sewage disposal and sewage treatment plants, and any and all other related facilities; to confer powers and to impose duties on the authority; to provide for the members of the authority and their term of tenure and compensation; to authorize the authority to contract with others pertaining to the use of the utilities and facilities of the authority and to execute leases and do all things deemed necessary or convenient for the operation of such undertakings or projects; to authorize the issuance of revenue bonds or obligations of the authority, payable from the revenues, tolls, fees, charges, and earnings of the authority and to pay the cost of such undertakings or projects and to authorize the collection and pledging of the revenues and earnings of the authority for the payment of such bonds or obligations and to authorize the execution of resolutions and trust indentures to secure the payment thereof and to define the rights of the holders of such bonds or obligations; to provide that no debt of Rockdale County or any municipality in Rockdale County shall be incurred in the exercise of any of the powers granted by this Act; to make the bonds or obligations of the authority exempt from taxation; to provide for the authority to condemn property of every kind; to authorize the issuance of refunding bonds or obligations; to fix the venue or jurisdiction of actions relating to any provisions of this Act and to provide that such bonds or obligations be validated as authorized by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; to provide for liberal construction; to

provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Short title.

This Act shall be known and may be cited as the "Rockdale County Water and Sewerage Authority Act."

SECTION 2.

Rockdale County Water and Sewerage Authority.

(a) There is created a body corporate and politic to be known as the Rockdale County Water and Sewerage Authority, which shall be deemed to be a political subdivision of the State of Georgia and a public corporation by that name, style, and title and said 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, except that the authority or the trustee acting under the trust indenture shall in no event be liable for any torts committed by any of the officers, agents, or employees of the authority. The authority is granted the same exemptions and exclusions from taxes as are now granted to cities and counties for the operation of facilities similar to facilities to be operated by the authority as provided under the provisions of this Act.

(b) The authority shall consist of seven members who shall be selected so as to provide representation throughout Rockdale County and will be appointed by and serve at the pleasure of the Board of Commissioners of Rockdale County. To be eligible for appointment as a member of the authority, a person shall be at least 21 years of age, have been a resident of Rockdale County for at least two years prior to the date of his or her appointment, and shall not have been convicted of a felony. Any member of the authority may be selected and appointed to succeed himself or herself for a maximum of two consecutive three-year terms. The water and sewerage authority shall be composed of seven posts to be designated as Post No. 1, Post No. 2, Post No. 3, Post No. 4, Post No. 5, Post No. 6, and Post No. 7. The term of each member shall be three years and until a successor is appointed and qualified, except that the initial terms shall be as follows: the members from Post No. 1 and Post No. 2

shall be appointed initially for terms which shall expire December 31, 1996, or when their respective successors are appointed and qualified; the members from Post No. 3 and Post No. 4 shall be appointed for terms which shall expire on December 31, 1997, or when their respective successors are appointed and qualified; the members from Post No. 5, Post No. 6, and Post No. 7 shall be appointed for terms which shall expire on December 31, 1998, or when their respective successors are appointed and qualified. Successors shall be appointed by the governing authority of Rockdale County. Any vacancy on the authority shall be filled in the same manner as was the original appointment of the member whose termination of membership resulted in the vacancy, and the person so selected and appointed shall serve for the remainder of the unexpired term.

(c) The authority shall elect from its members a chairperson, a vice chairperson, a secretary, and a treasurer or a secretary-treasurer. Members of the authority may be compensated from funds of the authority; however, it is expressly provided that they shall be reimbursed for all actual expenses incurred in the performance of their duties. The authority shall make rules and regulations for its own government. It shall have perpetual existence. The initial compensation established for the authority members and any future increases in such compensation must be submitted to the Board of Commissioners of Rockdale County for approval.

(d) A majority of the members of the authority shall constitute a quorum and, except as provided in this subsection, any action may be taken by the authority upon the affirmative vote of a majority of a quorum of the members. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority. A majority vote of the total membership of the authority shall be required for the authority to create any debt or issue any negotiable revenue bonds.

(e) The authority shall be subject to all of the provisions of Chapters 14 and 18 of Title 50 of the O.C.G.A., the open meetings and open records laws of the State of Georgia.

(f) Each member of the authority shall, not later than March 31 of each year, submit to the Board of Commissioners of

Rockdale County a financial disclosure identical to that required of public officers by Code Section 21-5-50 of the O.C.G.A. as now or hereafter amended.

SECTION 3.

Definitions.

As used in this Act, the term:

(1) "Authority" or "water and sewerage authority" means the Rockdale County Water and Sewerage Authority created in Section 2 of this Act.

(2) "Cost of the project" shall embrace the cost of construction, the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction; cost of engineering, architectural, fiscal, and legal expenses and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses, and such other expenses as may be necessary or incident to the financing authorized by this Act; the construction of any project; the placing of the same in operation; and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this Act for such project.

(3) "Project" means and includes the acquisition, construction, and equipping of water facilities for obtaining one or more sources of water supply, small watershed projects, works of improvements for watersheds, projects for watershed protection and flood control and prevention, recreational facilities developed in connection therewith, the treatment of water, and the distribution and sale of water to users and consumers, including, but not limited to, the State of Georgia and counties and municipalities for the purpose of resale inside and outside the territorial boundaries of Rockdale County, and additions to, improvements to, extensions of, and the operation and

maintenance of same so as to assure an adequate water system, watershed protection and improvement, and flood control and prevention; the acquisition, construction, and equipping of sewerage facilities useful and necessary for the gathering of waste matter, and the treatment of sewage of any and every type, including, but not limited to, the acquisition and construction of treatment plants, ponds, and lagoons inside and outside the territorial boundaries of Rockdale County, and additions and improvements to and extensions of such facilities and the operation and maintenance of same so as to assure an adequate sewerage system. Said water facilities, small watershed projects, projects for watershed protection and flood control and prevention, recreational facilities developed in connection therewith, and sewerage facilities, at the discretion of the authority, may be combined at any time as one revenue-producing undertaking and operated and maintained as such.

(4) "Revenue bonds," "bonds," or "obligations" as used in this Act shall mean revenue bonds as defined and provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and such type of obligations may be issued by the authority as authorized under the "Revenue Bond Law" and any amendments thereto and, in addition, shall also mean obligations of the authority the issuance of which are specifically provided for in this Act.

(5) Any project shall be deemed "self-liquidating" if, in the judgment of the authority, the revenues and earnings to be derived by the authority therefrom and all facilities used in connection therewith will be sufficient to pay the cost of operating, maintaining and repairing, improving, and extending the project and to pay the principal of and interest on the revenue bonds which may be issued to finance, in whole or in part, the cost of such project or projects.

#### SECTION 4.

##### Powers.

The authority shall have the following powers:

- (1) To have a seal and alter the same at pleasure;

(2) To acquire by purchase, lease, gift, condemnation, or otherwise, and to hold, maintain, lease, operate, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property, or rights or easements therein or franchises 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 to dispose of the same in any manner it deems to be to the best advantage of the authority, the authority being under obligation to accept and pay for any property condemned under this Act from the funds provided under the authority of this Act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action, or proceedings as may be just to the authority and to the owners of the property to be condemned, 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 is deposited in trust to pay and redeem the fair value of such lien or encumbrance; and if the authority shall deem it expedient to construct any project on any lands the title to which shall then be in Rockdale County or in any municipality incorporated in said county, the governing authority or body of said county or of any of said municipalities, if the governing authority of said county or of any of said municipalities consents thereto, is authorized to convey title to such lands to the authority upon payment for the credit of the general funds of said county or municipalities the reasonable value of such lands. Notwithstanding anything to the contrary contained in this Act, the authority shall have the right, easement, and franchise of laying the necessary mains, pipes, conduits, and drains for waterworks, sewerage, and drainage systems purposes within the rights of way of streets, roads, and highways in the County of Rockdale or within the rights of way of streets, roads, and

highways in the corporate limits of any municipality incorporated in said county, without cost except that the authority shall repair all damage done by the authority by reason thereof;

(4) To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix their respective compensations;

(5) To make and execute contracts, leases, and instruments, which shall be necessary or convenient, including contracts for acquisition and construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed or acquired; and any and all persons, firms, and corporations, and the state and any and all political subdivisions, departments, institutions, or agencies of the state, are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations, counties, and other political subdivisions and to the authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of services and facilities by the authority to such municipal corporations, counties, and political subdivisions for a term not exceeding 50 years;

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

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

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

(9) To borrow money for any of its corporate purposes and to execute notes or other evidences of such indebtedness and to secure the same;

(10) To issue negotiable revenue bonds payable solely from funds pledged for the purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(11) To exercise any power usually possessed by private corporations performing similar functions, including the power to incur short-term debt and to approve, execute, and deliver appropriate evidence of any such indebtedness, provided that such power is not in conflict with the Constitution and laws of this state; and

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

SECTION 5.

Revenue bonds.

The authority, or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this Act, shall have power and is authorized at one time, or from time to time, to provide by resolution for the issuance of negotiable revenue bonds for the purpose of paying all or any part of the cost of any one or more projects, as defined in paragraph (2) of Section 3 of this Act. The principal of and interest on such revenue bonds shall be payable solely from the special fund provided for in this Act for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall provide for when interest shall be payable and when principal shall mature, and shall be payable in such medium of payment as to both principal and interest, all as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and

under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of the bonds. In addition, the authority shall have the power to issue revenue bonds or obligations pursuant to and in conformity with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law."

SECTION 6.

Revenue bonds; form; denomination;  
registration; place of payment.

The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company inside or outside the state. The bonds may be issued in coupon or registered form or both as the authority may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both the principal and interest.

SECTION 7.

Revenue bonds; signatures; seal.

All such bonds shall bear the manual or facsimile signature of the chairperson of the authority, attested by the manual or facsimile signature of the secretary of the authority, and the official seal of the authority or a facsimile thereof shall be affixed thereto and any coupons attached thereto shall bear the facsimile signatures of the chairperson and secretary of the authority. Any coupon may bear the facsimile signatures of such persons and any bond may be signed, sealed, and attested on behalf of the authority by such person as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such persons may not have been so authorized or shall not have held such office. In case any officer whose signature shall appear on any bonds or whose signature shall appear on any coupon shall cease to be such officer before delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

SECTION 8.

Revenue bonds; negotiability;

exemption from taxation.

All revenue bonds issued under the provisions of this Act shall have and are declared to have all the qualities and incidents of negotiable instruments under laws of this state. Such bonds are declared to be issued for an essential public and governmental purpose and said bonds and the income thereof shall be exempt from all taxation within the state.

SECTION 9.

Revenue bonds; sale; proceeds.

The authority may sell such bonds in such manner and for such price as it may determine to be for the best interest of the authority and the proceeds derived from the sale of such bonds shall be used solely for the purpose provided in the proceedings authorizing the issuance of such bonds.

SECTION 10.

Revenue bonds; interim receipts and certificates or temporary bonds.

Prior to the preparation of definitive bonds, the authority may under like restrictions issue interim receipts, interim certificates, or temporary bonds, with or without coupons exchangeable for definitive bonds upon the issuance of the latter.

SECTION 11.

Revenue bonds; replacement of lost or mutilated bonds.

The authority may also provide for the replacement of any bond or any coupons which shall become mutilated or be destroyed or lost.

SECTION 12.

Revenue bonds; conditions precedent to issuance.

Such revenue bonds shall be issued as required by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law." Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon passage; and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members.

SECTION 13.

Credit not pledged.

Revenue bonds issued under the provisions of this Act shall not constitute a debt of Rockdale County or any municipality in Rockdale County, nor a pledge of the faith and credit of said county or any such municipality, but such bonds shall be payable solely from the fund provided for in this Act and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate said county or any such municipality to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section.

SECTION 14.

Trust indenture as security.

In the discretion of the authority, any issue of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company inside or outside of the state. Such trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair, and insurance of the project, and the custody, safeguarding, and application of all moneys, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the

individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repair of the project affected by such indenture.

SECTION 15.

To whom proceeds of bonds shall be paid.

The authority shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person who or any agency, bank, or trust company which shall act as trustee of such funds and shall hold and apply the same to the purposes provided for in this Act, subject to such regulations as this Act and such resolution or trust indenture may provide.

SECTION 16.

Sinking fund.

The revenues, fees, tolls, and earnings derived from any particular project or projects, regardless of whether or not such fees, earnings, and revenues were produced by a particular project for which bonds have been issued unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged from whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture into a sinking fund, which said sinking fund shall be pledged to and charged with the payment of:

- (1) The interest upon which revenue bonds as such interest shall fall due;
- (2) The principal of the bonds as the same shall fall due;

(3) Any premium upon bonds acquired by redemption, payment, or otherwise;

(4) The necessary charges of the paying agent or agents for paying principal and interest; and

(5) Any investment fees or charges.

The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture, any surplus moneys in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be canceled and shall not be reissued, printed, and delivered.

#### SECTION 17.

##### Remedies of bondholders.

Any holder of revenue bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights given by this Act may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted by this Act or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture, to be performed by the authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, fines, and other charges for the use of the facilities and services furnished.

#### SECTION 18.

##### Refunding bonds.

The authority is authorized to provide by resolution for the issuance of bonds of the authority for the purpose of funding or refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with

accrued interest thereon and premium, if any. The issuance of such funding or refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.

SECTION 19.

Venue and jurisdiction.

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

SECTION 20.

Validation.

Bonds of the authority shall be confirmed and validated in accordance with the procedure of Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; the petition for validation shall also make party defendant to such action the State of Georgia or any municipality, county, authority, political subdivision, or instrumentality of the State of Georgia which has contracted with the authority for the services and facilities of the project for which bonds are to be issued and sought to be validated and the state or such municipality, county, authority, political subdivision, or instrumentality shall be required to show cause, if any, why such contract or contracts and the terms and conditions thereof shall not be inquired into by the court and the validity of the terms thereof be determined and the contract or contracts adjudicated as a part of the basis of the security for the payment of any such bonds of the authority. The bonds, when validated, and the judgment of validation shall be final and conclusive with respect to such bonds and the security for the payment thereof and interest thereon and against the authority issuing the same, the state and any municipality, county, authority, political subdivision, or instrumentality thereof, if a party to the validation proceedings, contracting with the Rockdale County Water and Sewerage Authority.

SECTION 21.

Interest of bondholders protected.

(a) While any of the bonds issued by the authority remain outstanding, the powers, duties, or existence of said authority or of its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interest and rights of the holders of such bonds, and no other entity, department, agency, or authority will be created which will compete with the authority to such an extent as to affect adversely the interest and rights of the holders of such bonds, nor will the state itself so compete with the authority.

(b) The provisions of this Act shall be for the benefit of the authority and the holders of any such bonds and, upon the issuance of bonds under the provisions of this Act, shall constitute a contract with the holders of such bonds.

SECTION 22.

Moneys received considered trust funds.

All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenues, income, fees, and earnings shall be deemed to be trust funds to be held and applied solely as provided in this Act.

SECTION 23.

Tort immunity.

To the extent permitted by law, the authority shall have the same immunity and exemption from liability for torts and negligence as Rockdale County, and the officers, agents, and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents, and employees of Rockdale County when in performance of their public duties or work of the county.

SECTION 24.

Tax exempt status of authority.

The properties of the authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the state and not for purposes of private or corporate benefit and income, and such properties and the authority shall be exempt from all taxes and special

assessment of any city, county, or the state or any political subdivision thereof.

SECTION 25.

Rates, charges, and revenues; use.

The authority is authorized to prescribe and revise from time to time rates, fees, tolls, and charges and to collect such rates, fees, tolls, and charges for the services, facilities, or commodities furnished and, in anticipation of the collection of the revenues and income of such undertakings or projects, to issue revenue bonds as provided by this Act to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, equipment, betterment, or extension of a water system, a small watershed project, a project for watershed protection or flood control and prevention, recreational facilities developed in connection therewith, a sewerage system, or a combined water and sewerage system, and to pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues and income of such undertakings or projects, including the revenues of improvements, betterments, or extensions thereto thereafter made.

SECTION 26.

Rules and regulations for operation of projects.

It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects acquired or constructed under the provisions of this Act, including the basis on which water service and facilities, sewerage service and facilities, or both shall be furnished.

SECTION 27.

Powers declared supplemental and additional.

The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized by this Act and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. This Act does not in any way take from Rockdale County or any municipality located therein or any adjoining county the authority to own, operate, and maintain a water system, small watershed project, project for watershed protection and flood control and prevention, recreational facilities developed in connection therewith, a

sewerage system, or a combined water and sewerage system or to issue revenue bonds as is provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law."

SECTION 28.

Liberal construction of Act.

This Act being for the welfare of various political subdivisions of the State of Georgia and their inhabitants shall be liberally construed to effect the purposes hereof.

SECTION 29.

Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 30.

Repealer.

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



## Secretary of State

Elections Division

Suite 1104, West Tower

2 Martin Luther King, Jr. Drive, S.E.

Atlanta, Georgia 30334-1505

Max Cleland  
SECRETARY OF STATE

H. Jeff Lanier  
DIRECTOR  
(404) 656-2871  
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TDD 1-800-551-8029

April 5, 1995

TO: CHAIRMAN, BOARD OF COMMISSIONS, ROCKDALE COUNTY

FROM: MAX CLELAND, SECRETARY OF STATE

SUBJECT: ENACTMENT OF THE GENERAL ASSEMBLY

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I am enclosing legislation which passed during the recent session of the General Assembly for your information.

Any time this office may be of service to you, please call on me.

MC:jb