

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1439  
Committee Substitute Favorable 7/26/01  
Committee Substitute #2 Favorable 8/22/01

Short Title: Water and Sewer Authorities.

(Public)

Sponsors:

Referred to:

May 10, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE CREATION OF WATER AND SEWER  
AUTHORITIES IN CERTAIN URBAN COUNTIES AND TO INCREASE THE  
MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER  
AUTHORITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 1 of Chapter 162A of the General Statutes is amended  
by adding a new section to read:

**§ 162A-3.2. Creation of authorities in certain urban counties.**

(a) Two or more units of local government, at least one of which has fifty-one percent (51%) or more of its land area within a county with a population of 500,000 or over according to the most recent decennial federal census, and whose wastewater discharge flows downstream solely within this State, may organize an authority only under this section. Except as modified by this section, the remainder of this Article applies to any authority organized under this section.

(b) Any authority organized under this section shall be governed by a board consisting of one member appointed by the governing board of each of the participating political subdivisions. Each member so appointed shall have one vote.

(c) An authority organized under this section may issue revenue bonds under G.S. 162A-6(6) and revenue refunding bonds under G.S. 162A-6(7); may collect rates, fees, and other charges as provided by G.S. 162A-6(9); and may make special assessments against benefited property as provided by G.S. 162A-6(14a).

(d) Any authority organized under this section shall ensure that any water that is withdrawn by the authority from a river basin, as defined in G.S. 143-215.22G, is discharged into the same river basin.

(e) Any authority organized under this section shall not provide service in any county other than the county with a population of 500,000 or more without the permission, by resolution of the board of commissioners, of the additional county."

1           **SECTION 2.** G.S. 162A-5(c) reads as rewritten:

2           "(c) Each member of the authority before entering upon his duties shall take and  
3 subscribe an oath or affirmation to support the Constitution of the United States and of  
4 this State and to discharge faithfully the duties of his office, and a record of each such  
5 oath shall be filed with the secretary of the authority.

6           (c1) The authority shall select one of its members as chairman and another as  
7 vice-chairman and shall also select a secretary and a treasurer who may but need not be  
8 members of the authority. The offices of secretary and treasurer may be combined. The  
9 terms of office of the chairman, vice-chairman, secretary and treasurer shall be as  
10 provided in the bylaws of the authority.

11           (c2) A majority of the members of the authority shall constitute a quorum and the  
12 affirmative vote of a majority of all of the members of the authority shall be necessary  
13 for any action taken by the authority. No vacancy in the membership of the authority  
14 shall impair the right of a quorum to exercise all the rights and perform all of the duties  
15 of the authority. The members of the authority may be paid a per diem compensation set  
16 by the authority which per diem may not exceed the total amount of ~~two~~ four thousand  
17 dollars ~~(\$2,000)~~ (\$4,000) annually, and shall be reimbursed for the amount of actual  
18 expenses incurred by them in the performance of their duties."

19           **SECTION 3.** This act is effective when it becomes law. For each water and  
20 sewer authority organized under Article 1 of Chapter 162A of the General Statutes,  
21 Section 2 of this act applies on the first day of the fiscal year of the authority that begins  
22 on or after the date this act becomes effective.