



Ad Hoc Reconstitution Committee and Executive Committee

OJRSA Operations & Administration Building
Lamar Bailes Board Room
October 9, 2025 at 9:00 AM

This advisory committee was established by the OJRSA Board of Commissioners at its August 4, 2025 meeting to consider the reorganization recommendations as identified in the [Ad Hoc Sewer Feasibility Implementation Committee Final Recommendations](#) report. This committee can neither create policy nor make decisions on behalf of the OJRSA or other wastewater service providers within the area. The recommendations are available at www.ojrsa.org/info.

OJRSA commission and committee meetings may be attended in person at the address listed above. The OJRSA will also broadcast meetings live on its YouTube channel at www.youtube.com/@OconeeJRSA (if there is a technical issue preventing the livestreaming of the meeting, then a recording will be published on the channel as soon as possible). For those not able to attend in person, then the OJRSA Board or Committee Chair will accept public comments by mail (623 Return Church Rd, Seneca, SC 29678) or at info@ojrsa.org. Comments must comply with the public session instructions as stated on the meeting agenda and will be received up until one hour prior to the scheduled meeting. If there is not a public session scheduled for a meeting, then comments shall not be accepted.

Agenda

- A. Call to Order** – Kevin Bronson, Executive Committee Chair
- B. Approval of Minutes**
 - Ad Hoc Reconstitution Committee and Executive Committee Meeting of September 11, 2025
- C. Committee Discussion and Action Items**
 1. Consider updated master plan recommendations and consider action items listed in the new review summary section (pages 1-3) (Exhibit A) – Katherine Amidon, Committee Facilitator
 2. Update on discussion with Oconee County attorney regarding County Ordinance 34 - Utilities – Lawrence Flynn, OJRSA Attorney
 3. Update on outstanding municipal sewer debt – Lawrence Flynn, OJRSA Attorney
 4. Consider approving draft of recommended revisions to South Carolina Code of Laws Title 6 Chapter 35 (Joint Authority Water and Sewer Systems Act) and submitting to Oconee County Delegation for consideration (Exhibit B) – Lawrence Flynn, OJRSA Attorney
 5. Receive responses to questions and comments from the municipalities and county – Lawrence Flynn, OJRSA Attorney
 6. Consider initial and revisions to Corrective Action Plan and capital improvement plan updates as submitted to OJRSA by the cities beginning in 2024 for determining needs for technical and financial evaluation of systems – Kevin Bronson, Committee Chair
- D. Adjourn**

Upcoming Meetings

All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.

- Operations & Planning Committee – October 23, 2025 at 8:30 AM
- Finance & Administration Committee – October 28, 2025 at 9:00 AM
- Board of Commissioners – November 3, 2025 at 4:00 PM
- Reconstitution Committee and Executive Committee – November 13, 2025 at 9:00 AM



RECONSTITUTION COMMITTEE

Oconee County & Western Anderson County Sewer Master Plan Recommendations Review

REVIEW SUMMARY

The following is a summary of the status of each recommendation as of September 2025 based on feedback from the September 11, 2025, ad-Hoc meeting.

Next Steps: These recommendations were requested for consideration in concert with the reconstitution process.

1) Policy:

- 1f - Oconee County Code of Ordinances Update
 - *Discussions are underway between OJRSA's and Oconee County attorneys for the best path forward to avoid confusion between the two publicly available ordinances.*
- 1g - Land Use Regulation
 - *See also 2a and 2b*
 - *Oconee County and the City of Seneca are currently working on a pilot project to develop a plan for future land use regulation to acknowledge potential growth and annexation. The impact of disparate land-use regulations discourages development and creates confusion.*
 - *Proposed potential next steps:*
 - **Baseline Analysis:** *Review of current overlay zones, zoning, and future land use across the region to identify current challenges that exist. Acknowledge recent real examples to be used as an educational tool across all councils.*
 - **Peer Best Practices Review:** *Review similar jurisdictions for land use regulation tactics. Summarize findings including potential pros and cons to each strategy and provide to each municipality, Oconee County, and their councils for consideration.*
 - **Develop Regional Future Land Use:** *Continue efforts already begun with the City of Seneca and Oconee County pilot project or approach the full region to develop an agreed upon future land use map with supporting complimentary ordinances.*

2) Land Use Regulations:

- 2a Zoning and Future Land Use
 - *See 1g above*
- 2b Future Land Use Plan

- *See 1g above*
- 3) Failing Septic and Connections to Existing Development
 - None
- 4) Communications
 - None
- 5) Infrastructure Recommendations
 - 5e Conveyance System Optimization
 - *Suggest that this effort remains on-going throughout the reconstitution process and beyond. The immediate needs and associated estimated costs should be included as part of the valuation process.*
 - 5g Capital Improvements
 - *This is ongoing*
- 6) Future Assessment Considerations

Revisit After Reconstitution: These recommendations should be revisited for consideration after the reconstitution is complete. Many of these items could be included in a communication plan as part of the rollout for the reconstitution to the public. *Note, some of these items could require research about the baseline incentives/policies in place, as well as reviewing peer municipal/utility policies so that when decisions need to be made this work is complete. These items have an *asterisk next to them. The ad-Hoc Committee should determine if they would like to proceed with any of these items internally or solicited facilitator support.*

- 1) Policy:
 - 1b Sewer Planning Committee
 - 1c Sewer Use Regulation Communication
 - *Suggest adding this to any future communication to reiterate this change with the public.*
 - 1e Industry Recruitment Collaboration*
 - 1h Infill Incentivizing*
 - 1i Future Gravity for New Developments Policy*
- 2) Land Use Regulations:
 - 2c Annexation Policies*
- 3) Failing Septic and Connections to Existing Development
 - 3a Failing Septic Tanks
 - *Some members of the ad-Hoc committee felt that this should be addressed after the land use regulation work is complete and the reconstitution is complete. A review of what analysis has already been considered could take place today in preparation for future work.*
 - 3b Incentive Plan for Sewer Transition*
 - 3c Capacity Analysis
 - *This should be considered as needed during OJRSA expansion to new areas.*
- 4) Communications
 - 4a Educational Campaign – Types of Sewer Solutions
 - 4b Educational Campaign – Sewer and Growth
 - *This will be critical to the communication plan as a result of the reconstitution process.*
- 5) Infrastructure Recommendations
 - 5a Systemwide Routine Maintenance Strategy

- 5b, 5d, 5f Coneross Creek Improvements
- 5c Checkbook Calibration
 - *This was completed in 2023, will need to be revisited periodically as needed.*
- 6) Future Assessment Considerations
 - 6a Master Plan Update
 - 6b Public Sewer Stakeholder Committee

Complete or Ongoing: These recommendations do not require additional effort at this time

- 1) Policy
 - 1a Update Recommendations
 - 1d Oconee County Tax Audit

MASTER PLAN SECTION 7.0 RECOMMENDATIONS AND CONCLUSIONS

Note: Text in blue is from the original 2024 master plan. Text in orange represents draft comments based on the status of each recommendation as of August 2025.

These recommendations are based on the analysis completed, stakeholder conversations, and public engagement results for consideration for next steps. The results of the Feasibility Study will need to be considered as those may affect the recommendations made herein.

Items assigned to a specific entity are proposed and highlighted in yellow. Ownership could be delegated to another entity, committee, or consultant as appropriate; these are suggestions for conversation.

Items with an “*INCOMPLETE*” next to them denote items that are not complete.

Items with an “*IN-PROGRESS*” next to them denotes items that have begun.

Items with a “*COMPLETE*” next to them denote items that have been addressed.

1. Policy:
 - a) Implement the recommendations of the Feasibility Study and adjust the recommendations from this study accordingly using a stakeholder driven process. *Currently underway with the reconstitution committee*, adjustments to other recommendations noted herein are included in the text in orange under each recommendation. *IN-PROGRESS*
 - b) Consider developing a sewer planning committee for collaboration across the municipalities within the study area to align sewer development goals and develop/revise policies that comply with the results of this study to avoid contradictory policies. This should include coordination with the municipalities on sewer-related Comprehensive Planning goals. It is recommended that *OJRSA* revisit this upon the reconstitution of the board. Prior to the development of a committee an audit could be performed to identify current contradictory policies and a review of any updated Comprehensive Plan goals revisited to provide a committee with a starting point. *INCOMPLETE*
 - c) Consider communicating the recent OJRSA Sewer Use Regulation change to the public. As sewer infrastructure implementation occurs and existing septic users have the opportunity to connect onto new sewer, apply enforcement equitably across the county. This was completed via an OJRSA Board meeting. *COMPLETE*. *OJRSA* could develop a one-page tool to share with the

public should any citizens approach OJRSA with concern about having to connect. *INCOMPLETE*

- d) Consider asking **Oconee County** to audit property taxes across the county. Many properties are grandfathered at the agricultural base rate, which potentially diminishes potential revenue for all types of capital improvement projects, including sewer. The County audits tax mileage annually by reviewing a quarter of the parcels; thus, every four years the full county has been reassessed.
- e) When recruiting industries and other desired economic development projects, as part of “their” incentive packages, consider providing funding to OJRSA for plant and/or conveyance system improvements so these costs do not fall entirely on the system’s ratepayers. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- f) **Oconee County** should remove or make note on their Code of Ordinances (2024) website that the old sewer use ordinance language as being invalid as this continues to be a source of some confusion for the general public. As of August 2025, Sec. 34-143. Of Oconee County’s code of ordinance has the old OJRSA Sewer Use Regulation language in municode requiring connection within 300 feet of the property line: Code of Ordinances. This is contrary to the current OJRSA Sewer Use Regulation. *INCOMPLETE*
- g) If land use regulations are not adopted to aid in informing sewer growth, OJRSA should work with **Oconee County** and the **municipalities** within the county to define areas to remain rural and on septic at a minimum for capital improvement investment. Although some individual jurisdictional efforts have been made, there is not a regional land use approach to growth within Oconee County. Consideration of urban growth boundaries and a revised future land use map could be reviewed using prior public feedback and potential additional public feedback. Recent developments in the region have been contentious, and a unified land use plan could be one potential tactic for consideration. Education to all jurisdictions councils could be needed. Some municipalities have been in conversation with Oconee County regarding this matter. *IN-PROGRESS*
- h) Consider an incentive for infill development with **each municipality**. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- i) Consider developing a policy for consideration to future gravity sewer infrastructure needs when new developments are proposed and permitted. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. **OJRSA** would develop this policy. *INCOMPLETE*

2. Land Use Regulations:

- a) Consider working with the **municipalities** to revisit the current guidelines for the **Oconee County** overlay districts along with the current zoning and future land use such that it supports the type of development and growth by location within the study area based on the public feedback. Consideration to similar surrounding county’s regulations for lessons learned could be a starting point for this effort. Different types of land use regulation including minimum lot sizes for septic

tank developments should be considered. Additional public feedback that is coupled with land use regulation education and examples is recommended. Similar feedback to the comment provided under 1.g. Some municipalities have been in conversation with Oconee County regarding this matter. Reconstitution does not need to be complete for this effort to be considered. A regional land use plan that reflects the constituent's growth desires and complements the supporting infrastructure growth needs (not just wastewater, but water, roads, police, fire, schools) could be considered. *IN-PROGRESS*

- b) Most of the respondents support growth with specific caveats, most of which revolve around land use regulations. Although not all respondents were in favor of zoning specifically, many want to see responsible growth; this also came up during the stakeholder meetings. Based on public and stakeholder comment, we recommend Oconee County and the municipalities collaborate on a future land use plan that can help better inform all the local utilities and the development community of what type of growth and where that growth should occur that is both desired and community supported. A regionalized supported land use plan will greatly increase the thoughtful allocation of funds for sewer rehabilitation and expansion. Similar comments to 1.g. and 2.a. Some municipalities have been in conversation with Oconee County regarding this matter. *IN-PROGRESS*
- c) There have been multiple, recent, large parcel subdivision developments proposed, permitted, or built in Oconee County that have met opposition by the public and council members. A regionalized approach that the municipal stakeholders support could be considered for how sewer is used as an incentive, as an annexation tool, and how developers could assist in the funding for sewer expansions. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. This does not have to be applied uniformly across the region but is good for consideration for each municipality within Oconee County. Walhalla recently passed an ordinance around this topic. *INCOMPLETE*

3. Failing Septic and Connections to Existing Development:

- a) Although information about failing septic tanks is not readily available, it would be beneficial to work with SCDES to further understand where failing septic systems within the study area may be located for a more proactive approach to sewer connections or septic repair/replacement. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. *INCOMPLETE*
- b) Develop an incentive plan for those that could transition onto public sewer through implementation of this master plan.
 - i) Should it be determined that the financial burden is unattainable for some residents, Oconee and Anderson County could consider an annual stipend or grants that provide assistance for residents to apply as an offset to the costs to connect to sewer. This could be beneficial to Oconee County as they are currently required to subsidize the operation and maintenance of the retail sewer in the county if OJRSA is not able to receive enough revenue from the connected users to offset these expenses. If more customers are connected, especially in areas where gravity sewer is already available, then more revenue is likely achieved and costs for each user should be reduced. Other funding mechanisms and grants should be researched as well. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. There are examples across the

state of programs that other utilities utilize to help with the financial burden to connect. The reconstitution committee could ask for a review of best management practices in this space for consideration. This should accompany a study to understand where pockets of failing septic tanks could be located for optimal outreach. OJRSA after the reconstitution may want to consider implementing a program for these efforts in partnership with the appropriate jurisdiction. *INCOMPLETE*

- c) Analysis should be performed to determine at each stage of sewer expansion if the wastewater system itself has the capacity to handle all the potential volume from property owners that could connect. This is to be completed as needed by project by OJRSA. *INCOMPLETE*

4. Communications:

- a) Public opinion was predominately in favor of growth, but their opinions were divided between strong opposition and strong support for where that investment should take place. There was also a clear divide between responders' opinions about which wastewater solution, septic or public sewer, was better for the environment. We suggest a partnership with other public entities including the Army Corps of Engineers, SCDES, Clemson University Center for Watershed Excellence, Oconee County, Lake Keowee Source Water Protection Team, Lake Hartwell Partners for Clean Water, Friends of Lake Keowee, and Upstate Forever for public outreach explaining the pros and cons to both, including publicly available supporting data. This could potentially be funded by a grant. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. Many of the entities identified about could be interested in a more targeted educational campaign about this topic. *INCOMPLETE*
- b) There are many misunderstandings of the public's understanding of who controls or does not control growth and sewer. Additional outreach is recommended. The Project Team suggests providing a document with Frequently Asked Questions on OJRSA's website to clarify these misconceptions. As of August 2025, it does not appear that an FAQ page has been added to OJRSA's website. The reconstitution committee should weigh in on recent public comments received and reconsider this recommendation after a clear path forward for reconstitution is decided upon to avoid additional public confusion. A communications package should be developed by OJRSA that is approved by each jurisdiction and used throughout the region to provide clear direction for the next steps to the public and the press. *INCOMPLETE*

5. Infrastructure Recommendations:

- a) A formal plan and budget for routine maintenance items for all sewer collection and treatment providers should be put in place to avoid future disagreements about upgrades and repairs to the existing system. This should also help avoid future consent orders within the system both internal and external to OJRSA's infrastructure. This should still be addressed by OJRSA even if full consolidation occurs. This is a critical component to the valuation process as debt needs to be evaluated. Each system throughout this reconstitution process should determine what infrastructure improvements need to be made immediately, prior to consolidation as part of their consent orders. Delaying this work for the consolidation to take place is not recommended. *INCOMPLETE*

- b) The Project Team recommends OJRSA proceed with the improvements included in Scenario 4, which involves upgrading the Coneross Creek WRF and rerouting the Martin Creek Force Main directly to the plant. Constructing new plants at either Martin Creek or Beaverdam Creek do not appear to be the most optimal solution for treatment within the system during the 20-year study window. This recommendation is still valid at this time. OJRSA should begin the process of a plant upgrade as the flow demands increase. *INCOMPLETE*
 - c) Work with SCDES to recalibrate permitted flow Checkbook. This effort could enable OJRSA to delay the need for a treatment plant upgrade 1-2 years. This was recently assessed, and an adjustment was made in August 2023. An estimated 340,000 gallons per day were recaptured at this time. Recalibration can be revisited periodically with SCDES. Reduction with I&I will also assist with this as well which will allow for capacity to be recaptured due to the reduction in rainwater treatment. *COMPLETE*
 - d) Begin a Preliminary Engineering Report for an upgrade at Coneross Creek WRF within the next 12 months. One component of the analysis (that could be done prior to the PER) would be to review the SCDES water quality model for the plant to confirm that their assumptions are reasonable and appropriate. This has not begun, focus on addressing the consent order and O&M has remained priority for OJRSA. *INCOMPLETE*
 - e) Work with Member Cities to minimize the length of time (residence time) that wastewater travels through the conveyance system. Seneca Light & Water especially has many pump stations operated in series, in addition to ones OJRSA owns in the same area. This can cause long residence times that increases hydrogen sulfide concentrations that can be a significant safety hazard to OJRSA and Member City staff as well as a source of corrosion that increases O&M issues for staff and can require costly repairs. Where reduction or elimination of hydrogen sulfide issues is not possible from pumping modifications, chemical feed systems or some other means of hydrogen sulfide control should be considered for use. The reconstitution team is not aware if this has been considered. The reconstitution committee should clarify. This could be included as part of the evaluation of the system which will help identify some system optimization and potential O&M reduction. *INCOMPLETE*
 - f) Consider an engineering assessment to seek cost effective solutions that may present options for gaining additional treatment capacity without needing an upgrade. Upgrades to plant operations could be considered in the future for plant upgrades at a later date, but currently the focus for OJRSA is to address the consent order and O&M has remained priority. *INCOMPLETE*
 - g) The capital improvements identified and recommended within this study are intended to be high level and useful for budgeting purposes. It is recommended that the assumptions and flow projections for individual projects be reviewed and updated as necessary prior to detailed design being initiated. This should be completed as needed by OJRSA. Prioritization of projects has separately been identified – see separate supporting document. Additionally, identification of funding and allocation of funds needs to be determined. *IN-PROGRESS*
6. Future Assessment Considerations:
- a) At a minimum, this plan should be revisited every three years or after a major change to the area such as a catalyst project or development. This should be completed as needed by OJRSA. Any significant efforts made to the land use regulation recommendations, consolidation, or

large projects could influence an update. *IN-PROGRESS*

- b) We also recommend that the substantial stakeholder group established by this planning process continue to meet twice a year for a facilitated conversation regarding sewer to maintain the positive momentum and open lines of communication established during this project. It is recommended that the stakeholder group is reconvened by **OJRSA** after clear direction for consolidation is reached and a communications plan is established. Empowering this original group with the same information about the reconstitution process will be critical. *INCOMPLETE*

TO AMEND CERTAIN PROVISIONS OF TITLE 6, CHAPTER 25 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, TO AUTHORIZE CERTAIN CLARYIFYING AMENDMENTS REGARDING COMMISSIONERS, RECONSTITUTION, BOND APPROVAL AND DURATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6-25-20 shall be amended to add the following defined terms:

§ 6-25-20. Definitions.

(14) "Legislative Delegation" means all members of the South Carolina Senate and South Carolina House representing any county where a joint system is located.

(15) "Governor" means the Governor of the State of South Carolina.

SECTION 2. Section 6-25-50 shall be amended and restated as follows:

§ 6-25-50. ~~Agreement as to number of commissioners each member may appoint;~~ Application filed with Secretary of State; corporate certificate.

(A) The governing bodies of the members of a joint system shall form an agreement specifying the number of commissioners ~~each member may appoint to a commission created to govern the joint system pursuant to Section 6-25-60.~~

(B) ~~Two or more commissioners~~ The proposed members of a joint system shall jointly file an application with the Secretary of State ~~an application signed by the commissioner or each proposed member setting forth:~~

(1) ~~the names of~~ number of proposed members of the joint system, the number of proposed commissioners, and their respective appointed commissioners the method of appointment pursuant to Section 6-25-60(B);

(2) ~~(a) the a~~ certified copy of a resolution of each member determining it is in its best interest to participate in the proposed joint system; and

~~(b) the resolution appointing the member's commissioner;~~

(3) the desire that the joint system be organized as a public body corporate and politic under this chapter;

(4) the name which is proposed for the joint system; and

(5) the purpose for creation of the joint system.

The Secretary of State shall file the application if after examining it and determining that it complies with the requirements in this section and that the proposed name of the joint system is not identical with that of any other corporation of the State or any agency or instrumentality or so nearly similar as to lead to confusion and uncertainty.

After the application has been filed, the Secretary of State shall issue a corporate certificate that must be filed with the application, and the joint system then must be constituted a public body corporate and politic under the name proposed in the application. The corporate certificate shall set forth ~~the names of all voting member and~~ the name of the joint system. There also must be stated upon the corporate certificate the purpose for which it has been created, as set forth in the application. Notice of the issuance of such corporate certificate must be given to all members of the joint system by the Secretary of State.

In any suit, action, or proceeding involving the validity or enforcement of, or relating to, contract of a joint system, the joint system in the absence of establishing fraud shall be conclusively

considered to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Secretary of State. A copy of the certificate, duly certified by the Secretary of State, is admissible in evidence in any suit, action, or proceeding and is conclusive proof of the filing and contents.

SECTION 3. Section 6-25-60 shall be amended and restated as follows:

§ 6-25-60. Joint system to be managed and controlled by commission; appointment of commissioners; oath; records; seal; quorum; vacancies; expenses.

(A) The management and control of a joint system is vested in a commission that may consist of no fewer than five members and no more than eleven members. A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines. Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.

(B) As contemplated by the initial application to the Secretary of State, commissioners serving on the commission may be appointed under one of the following procedures:

(1) Appointment by member. The governing body of each voting member of a joint system shall appoint one or more a commissioners, ~~pursuant to Section 6-25-50(A),~~ to serve as a commissioner of the joint system. ~~A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines.~~ A commissioner serves at the pleasure of the governing body by which he was appointed. A commissioner, before entering upon his duties, shall take and subscribe to an oath before a person authorized by law to administer oaths to execute the duties of his office faithfully and impartially, and a record of each oath must be filed with the governing body of the appointing authority.

~~Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on the section's effective date and may add additional members as its commissioners determine.~~ Further, and notwithstanding the appointment requirements above, in the event there are an even number of members of a joint system (i.e. 4, 6, 8, 10), the project contract, bylaws or other similar agreement for the joint system may authorize one additional member of the commission; such additional commissioner shall be recommended by the legislative delegation from each county where the joint system is located, and upon receipt of such recommendation, such additional commissioner shall appointed by the Governor. Any gubernatorial appointment shall be for a term of four years and shall serve until a duly appointed successor is appointed and qualified. Any commissioner appointed by the Governor hereunder must reside within a household receiving utility services from the joint system or a member of the joint system. Any vacancy of such member must be filled for the remainder of the unexpired term in the same manner as the original appointment. If a new member of a joint system is added under the provisions hereof such that there becomes an odd number of members of a joint system, any gubernatorial appointed commissioner shall be deemed to automatically vacate his position as a commissioner as of the date of the admission of such new member of a joint system and their respective appointment of a new commissioner.

(2) Appointment by Governor. The commissioners may be appointed by the Governor in accordance with the following procedures:

(a) The Governor, based upon the recommendation of the legislative delegation from each county that the joint system operates, shall appoint each commissioner. Each appointed commissioner must reside within a household receiving utility services from the joint system or a member of the joint system. In making such appointments, there shall be at least one commissioner appointed by the Governor from the service area of each member of the joint system.

(b) Excepting the initial appointments as necessary to create a staggered commission which may be two or four years, respectively, each commissioner must be appointed and serve for a term of four years and until his successor is appointed and qualified, provided that the terms of the commissioners must be staggered such that approximately one-half of the total members appointed by the Governor must be appointed or reappointed every two years. A vacancy must be filled for the remainder of the unexpired term in the manner of the original appointment. Respecting the initial commission appointed herein, the minority portion of the staggered membership, representing those authorities with the lowest number of customers of the joint system, shall serve for an initial two-year term.

~~(B)~~ (C) The commissioners of the joint system shall annually, or biennially, if provided in the bylaws of the joint system, elect, with each commissioner having one vote, one of the commissioners as chairman, another as vice chairman, and other persons who may, but need not be commissioners, as treasurer, secretary and, if desired, assistant secretary. The office of treasurer may be held by the secretary or assistant secretary. The commission may also appoint such additional officers as it deems necessary. The secretary or assistant secretary of the joint system shall keep a record of the proceedings of the joint system, and the secretary must be the custodian of all books, records, documents, and papers filed with the joint system, the minute book or journal of the joint system, and its official seal.

~~(C)~~ (D) A majority of the commissioners of the joint system shall constitute a quorum. A vacancy on the commission of the joint system shall not impair the right of a quorum to exercise all rights and perform all the duties of a joint system. Any action taken by the joint system under the provisions of this chapter may be authorized by resolution at any regular or special meeting held pursuant to notice in accordance with bylaws of the joint system, and each resolution shall take effect immediately and need not be published or posted. Except as is otherwise provided in this chapter or in the bylaws of the joint system, a majority of the votes which the commissioners present are entitled to cast, with a quorum present, shall be necessary and sufficient to take any action or to pass any resolution. No commissioner of a joint system shall receive any compensation solely for the performance of duties as a commissioner, but each commissioner may be paid per diem, mileage, and subsistence expenses, as provided by law for state boards, committees, and commissions, incurred while engaged in the performance of such duties.

(E) All commissioners shall hold the qualifications of an elector.

(F) Commissioners appointed under subsection (B)(2) above may not be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis. Separately, for commissioners appointed under subsection (B)(1) above, the members of the joint system may include a restriction in the project contract, bylaws or other agreement for the joint system that no commissioner may be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis.

(G) Any commissioner appointed hereunder shall be deemed to forfeit his respective position if such person (1) lacks, at any time during his term of office, any qualifications for the office prescribed by general law and the Constitution, or (2) is convicted of any crime, other than civil infractions or misdemeanors for which no imprisonment is imposed.

SECTION 4. Section 6-25-70 shall be amended and restated as follows:

SECTION 6-25-70. Change in membership of joint system.

(A) After the creation of a joint system, any other authority may become a member of the joint system upon:

(1) adoption of a resolution or ordinance by the governing body complying with the requirements of Section 6-25-40 including publication of notice;

(2) submission of an application to the joint system; and

(3) approval of the application by resolution of the governing body of each member of the joint system except in the case of a joint system organized for the purpose of creating a financing pool, in which case the application must be approved by resolution of the commission.

(B) A member may withdraw from a joint system by resolution or ordinance of its governing body. A contractual right acquired or contractual obligation incurred by a member while it was a member remains in full force and effect after the member's withdrawal.

(C) Notice of a change in membership must be filed in the Office of the Secretary of State. No change is final until this filing occurs. The filing is not required if a joint system is organized only for the purpose of creating a financing pool.

(D) If a new member of the joint system is added hereunder, the approval documentation required under subsection (A)(3) above shall determine whether any new commissioners shall be added to the commission as necessary to support such new member of the joint system. If a new commissioner is added, either by the member of the joint system or the Governor, as applicable, each such commissioner shall be appointed immediately.

SECTION 5. Section 6-25-80 shall be amended and restated as follows:

§ 6-25-80. Dissolution of system.

Whenever the commission of a joint system and the governing body of each of its members shall by resolution or ordinance determine that the purposes for which the joint system was formed have been substantially fulfilled and that all bonds issued and all other obligations incurred by the joint system have been fully paid or satisfied, the commission and members may declare the joint system to be dissolved. On the effective date of the resolution or ordinance, the title to all funds and other income and property owned by the joint system at the time of dissolution must be disbursed to the voting members of the joint system according to its bylaws.

In the discretion of the members of a joint system for the proper and efficient operation of any joint system, an existing joint system may be reconstituted by following the procedures for the creation of a new joint system, mutatis mutandis.

SECTION 6. Section 6-25-110 shall be amended and restated as follows:

§ 6-25-110. Authorization to incur debt and issue bonds.

A joint system may incur debt for any of its purposes and may issue bonds pledging to the payment as to both principal and interest the revenues, or any portion, derived or to be derived from all or any of its projects and any additions and betterments or extensions or contributions or advances from its members or other sources of funds available to it. A joint system may not undertake a project required to be financed, in whole or in part, with the proceeds of bonds without the approval of the governing bodies of each member which is obligated or to be obligated under any contract for the payment of amounts to be pledged as security therefore and a favorable vote of two-thirds of all commissioners. Notwithstanding the foregoing, when a commission is

appointed under Section 6-25-60(B)(2), no separate approval of the governing bodies of each member shall be required for the issuance of any bonds, and such bonds shall be authorized and approved by a simple majority of the commissioners. Any project may be preauthorized, preapproved or otherwise permitted under the terms of the project contract for the joint system, and such authority, approval or permission shall constitute all necessary approval of the respective governing bodies of each member herein. A joint system formed only for the purpose of creating a financing pool may issue notes in anticipation of the issuance of bonds by its members to the government.

SECTION 7. Section 6-25-128 shall be amended and restated as follows:

§ 6-25-128. Contracts between authority and joint system; duration.

An authority may contract to buy from the joint system water required for its present or future requirements, including the capacity and output, or a portion or share of one or more specified projects. An authority also may contract for the collection or treatment of wastewater, including present or future capacity, or a portion or share of another project. The creation of a joint system is an alternative method whereby an authority may obtain the benefits and assume the responsibilities of ownership in a project, so a contract may provide that the authority forming the contract is obligated to make a payment required by the contract whether or not a project is completed, operable, or operating notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the water contracted for, and that the payments under the contract are not subject to reduction, whether by offset or otherwise, and are not conditioned upon the performance or nonperformance of the joint system or any other member of the joint system under the contract or any other instrument. A contract with respect to the sale or purchase of capacity or output, or a portion or share of them, of a project entered into between a joint system and its member authorities also may provide that if an authority or authorities default in the payment of its or their obligations with respect to the purchase of the capacity or output, or a portion or share of them, in that event the remaining member authorities which are purchasing capacity and output under the contract are required to accept and pay for and are entitled proportionately to and may use or otherwise dispose of the capacity or output which was to be purchased by the defaulting authority.

A contract concerning the sale or purchase of capacity and output from a project may extend for a period not exceeding fifty years from the date of the contract and may be renewable and extended upon terms as the parties may agree for not exceeding an additional fifty years; and the execution and effectiveness is not subject to any authorizations or approvals by the State or any agency, commission, or instrumentality or political subdivision of them. Additionally, the contract may further provide that bonds or other indebtedness of the joint system may exceed the term of an initial or existing contract between or among the joint system and the respective members of the joint system, and in such event the contract, or at least the payment obligations of each member, shall be automatically extended to a period commensurate with the term of the bonds or other indebtedness.

Payments by an authority under a contract for the purchase of capacity and output from a joint system may be made from the revenues derived from the ownership and operation of the water system of the authority or from such other sources of funds as may be available, including any amounts received as payments in lieu of taxes. An authority may not pledge its full faith, credit, and taxing power to secure its obligations to the joint system or the bonds of the joint system. An authority is obligated to fix, charge, and collect rents, rates, fees, and charges for water or sewer services, facilities, and commodities sold, furnished, or supplied through its water or sewer system sufficient to provide revenues adequate to meet its obligations under any contract and to pay any

and all other amounts payable from or constituting a charge and lien upon the revenues, including amounts sufficient to pay the principal of and interest on general obligation bonds, if any, heretofore or hereafter issued by the authority for purposes related to its water or sewer system.

An authority that is a member of a joint system may furnish the joint system with money derived from the ownership and operation of its water or sewer system or facilities and provide the joint system with personnel, equipment, and property, both real and personal, and from any other sources legally available to it for such purposes. An authority also may provide services to a joint system.

A member of a joint system may contract for, advance, or contribute funds derived from the ownership and operation of its water or sewer system or facilities or from another legal source to a joint system as agreed upon by the joint system and the member, and the joint system shall repay the advances or contributions from the proceeds of bonds, operating revenue, or other funds of the joint system, together with interest as agreed upon by the member and the joint system.

SECTION 8. This act takes effect upon approval by the Governor.