



**AGENDA ITEM: 10.2**

**AGENDA DATE: August 22, 2025**

**TO: Chairman and Members of the Board**  
**THRU: Michael A Kaigler, County Manager**  
**FROM: R. Jonathan Hart, County Attorney**

*Michael A. Kaigler*  
*R. Jonathan Hart*

**ISSUE:**

A Resolution to amend Local Act 323 passed as House Bill 756 (HB 756) at the 2025 Session of the Georgia General Assembly that unconstitutionally vacated the Board of Directors of the Chatham Area Transit Authority (CAT) in violation of the Transit Authority Act., O.C.G.A. §32-9-9 back to the law as it existed prior to Local Act 323, passed as House Bill 756 (HB 756).

**BACKGROUND:**

Local Act 323 (HB 756), amended the Chatham Area Transit Authority board membership from a board of nine (9) members comprised of *three (3) Chatham County Commissioners, one (1) resident of the unincorporated area of Chatham County appointed by the board of Commissioners, one (1) resident of Chatham County who shall be a person with a disability appointed by the board of commissioners, one (1) resident of Chatham County at large appointed by the board of Commissioners, one (1) member of the Board of Aldermen of the City of Savannah, one (1) resident of the City of Savannah appointed by the mayor and aldermen of said city, and one (1) resident of any municipality within Chatham County other than the city of Savannah which is included in a special district for transit services*; to a board of eleven (11) members, only five of whom are appointed by the City of Savannah and Chatham County. Local Act HB 736 reduces the Chatham County majority – in violation of the Transit Authority Act.

**FACTS AND FINDINGS:**

1. The Georgia Constitution Article IX Section II Paragraph I has vested Home Rule powers in Chatham County to be able to amend or repeal the local acts to its governing authority. The Georgia Constitution Article IX Section II Paragraph III is vested with the supplementary powers to provide Public Transportation.
2. In 1986, the General Assembly enacted House Bill 1698 (Ga. L. 1986, p. 5315) which granted the Chatham County Board of Commissioners the authority to establish a special district for transit services and allowed the County to set a millage rate for the special district for all cities and the unincorporated portion of the County using the transit services.
3. The Transit Authority Act, O.C.G.A. §32-9-9, is a the general law authorizing the creation of the Chatham Area Transit (CAT) through a special act, requiring that “the central city served by such mass rapid transit system and any county or counties whose territory or any part thereof lies within the territorial limits of such authority, as the same may be delimited in the special Act creating such authority, shall have the right to appoint the members of such authority, or a majority thereof.

4. Local Act 323 (HB 756), created a board of eleven (11) members, only five of whom are appointed by the City of Savannah and Chatham County, which is not a majority of the Board and is in violation of the Transit Authority Act.
5. The County is unable to approve the millage rate increase for an unconstitutionally created board that will not be able to legally conduct public transportation business in Chatham County. Therefore, the County amends the Local Act, under the authority provided by the Georgia Constitution, to the law existing prior to the 2025 amendment.

**BLUEPRINT ALIGNMENT:**

Quality of Life – Transparency in government.

**FUNDING:**

N/A

**ALTERNATIVES:**

1. Approve a Resolution to amend a Local Act 323 passed as House Bill 756 ("HB 756") at the 2025 Session of the Georgia General Assembly that unconstitutionally vacates the Board of Directors of the Chatham Area Transit Authority ("CAT") in violation of the Transit Authority Act., O.C.G.A. §32-9-9 back to the law existing prior to the 2025 amendment.
2. Do not approve a Resolution to amend a Local Act 323 passed as House Bill 756 ("HB 756") at the 2025 Session of the Georgia General Assembly that unconstitutionally vacates the Board of Directors of the Chatham Area Transit Authority ("CAT") in violation of the Transit Authority Act., O.C.G.A. §32-9-9 back to the law existing prior to the 2025 amendment.
3. Provide staff with other direction.

**POLICY ANALYSIS:**

Local Act 323 (HB 756), created a board of eleven (11) members, only five of whom are appointed by the City of Savannah and Chatham County, which is not a majority of the Board and in violation of the Transit Authority Act. The County is unable to approve the millage rate increase for an unconstitutionally created board that will not be able to legally conduct public transportation business in Chatham County.

**RECOMMENDATION:**

Approve Alternative #1.

#D: CAT repeal resolution 2025-Rev. 08.21.2025

#E: Georgia-2025-HB756-Enrolled

R. Jonathan Hart  
Danielle Hillery

Completed  
Skipped

08/14/2025 4:51 PM  
08/14/2025 10:52 AM

Out of office.

Linda Cramer

Completed

08/20/2025 8:38 AM

Michael A. Kaigler

Completed

08/21/2025 1:50 PM

Board of Commissioners

Pending

08/22/2025 9:30 AM

A RESOLUTION TO AMEND A LOCAL ACT 323 PASSED AS HOUSE BILL 756 (“HB 756”) AT THE 2025 SESSION OF THE GEORGIA GENERAL ASSEMBLY THAT UNCONSTITUTIONALLY VACATED THE BOARD OF DIRECTORS OF THE CHATHAM AREA TRANSIT AUTHORITY (“CAT”) IN VIOLATION OF THE TRANSIT AUTHORITY ACT, O.C.G.A. §32-9-9

**WHEREAS**, Chatham County, Georgia (the “County”) is a political subdivision of the State of Georgia, duly constituted and existing pursuant to the Georgia Constitution; and

**WHEREAS**, the Georgia Constitution Article 9 Section 2 Paragraph I has vested Home Rule powers in Chatham County to be able to amend or repeal the local acts to its governing authority; and

**WHEREAS**, the Georgia Constitution Article 9 Section 2 Paragraph III is vested with the supplementary powers to provide Public Transportation; and

**WHEREAS**, in 1986, the General Assembly enacted House Bill 1698 (Ga. L. 1986, p. 5315) which granted the Chatham County Board of Commissioners the authority to establish a special district for transit services and allowed the County to set a millage rate for the special district for all cities and the unincorporated portion of the County using the transit services; and

**WHEREAS**, the Transit Authority Act, O.C.G.A. §32-9-9, the general law authorizing the creation of CAT by special act, requires that “the central city served by such mass rapid transit system and any county or counties whose territory or any part thereof lies within the territorial limits of such authority, as the same may be delimited in the special Act creating such authority, shall have the right to appoint the members of such authority, or a majority thereof; and

**WHEREAS**, Local Act 323 (HB 756), proposes a board of 11 members, only five of whom are appointed by the City of Savannah and Chatham County, which is not a majority of the Board and in violation of the Transit Authority Act; and

**WHEREAS**, the County is unable to approve any action by an unconstitutionally created board that will not be able to legally conduct public transportation business in Chatham County; and

**WHEREAS**, the County resolves to call for a special meeting to amend Local Act 323 (HB 756) as the County needs to be able to conduct County business vested by the powers granted by the Georgia Constitution.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Chatham County hereby will set a special meeting on September 5, 2025 at 9 am to amend the Local Act 323 passed as House Bill 756 at the 2025 Georgia General Assembly amending the membership ordinance as it violates the uniformity requirement of the Georgia Constitution and is therefore unconstitutional as it violates the Transit Authority Act.

Approved this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Chester A. Ellis, Chairman  
Chatham County Board of Commissioners

\_\_\_\_\_  
Clerk of the Commission

#D: CAT repeal resolution 2025-Rev. 08.21.2025 (7754 : Request board approval of Chatham Area Transit Resolution.)

House Bill 756 (AS PASSED HOUSE AND SENATE)

By: Representatives Jackson of the 165<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Petrea of the 166<sup>th</sup>, Gilliard of the 162<sup>nd</sup>, and Westbrook of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Chatham Area Transit Authority, approved March 28, 1986  
2 (Ga. L. 1986, p. 5082), as amended, particularly by an Act approved April 11, 2012  
3 (Ga. L. 2012, p. 5296), so as to abolish the current authority memberships; to provide for  
4 new board membership; to provide terms of office; to provide for related matters; to provide  
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the Chatham Area Transit Authority, approved March 28, 1986  
9 (Ga. L. 1986, p. 5082), as amended, particularly by an Act approved April 11, 2012  
10 (Ga. L. 2012, p. 5296), is amended by revising Section 2.2 as follows:

11 "SECTION 2.2.

12 Membership and terms of office.

13 (a)(1) The authority membership in office on June 30, 2025, shall vacate their offices,  
14 and such offices shall be abolished as of that date.

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15 (2) On July 1, 2025, the authority shall be governed by a new board that shall consist  
 16 of up to 11 members as follows:

17 (A) Two members of the Board of Commissioners of Chatham County appointed by  
 18 such board;

19 (B) One member of the Board of Aldermen of the City of Savannah appointed by such  
 20 board;

21 (C) One member of the City Council of the City of Port Wentworth appointed by such  
 22 council if such city exercises an option to participate under this Act;

23 (D) One member of the City Council of the City of Garden City appointed by such  
 24 council;

25 (E) One member appointed by the Savannah-Georgia Convention Center Authority;

26 (F) One member appointed by the Board of Commissioners of Chatham County who  
 27 shall be a person with a disability;

28 (G) One member appointed by the Board of Aldermen of the City of Savannah who  
 29 shall be a resident of said city;

30 (H) One member appointed by the Chatham County legislative delegation who shall  
 31 be a member or employee of a business advocacy organization;

32 (I) One member appointed by the Chatham County legislative delegation who shall be  
 33 a member or employee of a tourism advocacy organization; and

34 (J) One member appointed by the Chatham County legislative delegation who shall be  
 35 a resident of Chatham County.

36 (3)(A) Members of the authority appointed pursuant to subparagraphs (E), (H), (I), and  
 37 (J) of paragraph (2) of this subsection shall serve two-year terms of office and until  
 38 their successors are appointed and qualified.

39 (B) Members of the authority appointed pursuant to subparagraphs (F) and (G) of  
 40 paragraph (2) of this subsection shall serve four-year terms of office and until their  
 41 successors are appointed and qualified.

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42 (C) Members of the authority appointed pursuant to subparagraphs (A) through (D) of  
 43 paragraph (2) of this subsection shall serve terms concurrent with their elective office,  
 44 unless otherwise removed from the authority by their relevant appointing authority.

45 (4) Except for the members appointed pursuant to subparagraphs (B) through (D) and  
 46 (G) of paragraph (2) of this subsection who are required to be residents or elected  
 47 officials of a designated municipality, members of the authority may reside in any part  
 48 of incorporated or unincorporated Chatham County.

49 (5) Elected or appointed officers or officials or employees of any county, municipality,  
 50 political subdivision, local authority, or state authority who meet the residency  
 51 requirements provided for in this subsection may serve as members of the authority.

52 (6) The board established pursuant to paragraph (2) of this subsection shall in all matters  
 53 be the successor to the authority membership abolished in paragraph (1) of this  
 54 subsection.

55 (b) For the purposes of subsection (a) of this Section, the Chatham County legislative  
 56 delegation shall be composed of all senators and representatives in the General Assembly  
 57 whose districts are wholly or partially in Chatham County.

58 (c) Any member of the authority who has served for two consecutive full terms of office  
 59 shall not be eligible for reappointment as a member of the authority until two years have  
 60 elapsed after such member has vacated his or her seat on the authority.

61 (d)(1) A member's seat on the authority shall be forfeited if:

62 (A) The member lacks at any time the qualifications for membership on the authority  
 63 provided by this Act;

64 (B) The member is convicted of any felony or other crime involving moral turpitude,  
 65 regardless of the sentence imposed; or

66 (C) The member fails to attend, without being excused by the authority:

67 (i) Four consecutive regular meetings of the authority; or

68 (ii) Fifty percent of the regular and special called meetings of the authority in any one  
69 fiscal year.

70 (2) If the seat of a member of the authority becomes vacant because of death, resignation,  
71 or forfeiture as provided in paragraph (1) of this subsection, or for any other reason, such  
72 vacancy shall be filled for the unexpired term in the same manner that an appointment is  
73 made for a full term as provided in this section.

74 (e) A majority of the members of the authority shall constitute a quorum for the transaction  
75 of business. No vacancy on the authority shall impair the right of a quorum to exercise all  
76 the rights and perform all the duties of the authority.

77 (f) No member of the authority shall vote on any matter before the authority in which such  
78 member has a direct or indirect financial interest. Except for compensation received as an  
79 employee, no employee of the authority shall have any direct or indirect financial interest  
80 in or profit or benefit from any contract, work, or business of the authority or in the sale,  
81 lease, or purchase of any property to or from the authority.

82 (g) Members of the authority, including the chairperson, shall not be entitled to  
83 compensation for their service on the board but shall be entitled to reimbursement for  
84 actual and reasonable expenses incurred on authority business, provided that such expenses  
85 were authorized in advance of being incurred.

86 (h) The members of the authority shall elect from among their membership a chairperson  
87 and a vice chairperson. The chairperson and vice chairperson shall each hold such offices  
88 for a term of two years. The chairperson shall preside over meetings of the authority. The  
89 vice chairperson shall act in the absence or inability of the chairperson. Regular meetings  
90 of the authority shall be held monthly, with the time, place, and notice of such meetings to  
91 be fixed by the authority. All meetings shall be conducted in accordance with *Robert's*  
92 *Rules of Order*, unless the authority adopts other rules. All motions, resolutions, and other  
93 proceedings of the authority and all documents in its possession shall be public records and  
94 open to public inspection as provided in Article 4 of Chapter 18 of Title 50 of the O.C.G.A.

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95 (i) The chairperson of the authority shall be entitled to vote on any matter coming before  
96 the authority."

97 **SECTION 2.**

98 This Act shall become effective on June 30, 2025.

99 **SECTION 3.**

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