

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1494

92ND GENERAL ASSEMBLY

4214L.01T

2004

AN ACT

To repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to boards of directors for regional recreational districts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 67.797, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.797, to read as follows:

67.797. 1. When a regional recreational district is organized in only one county, the executive, as that term is defined in subdivision (4) of section 67.750, with the advice and consent of the governing body of the county shall appoint a board of directors for the district consisting of seven persons, chosen from the residents of the district. Where the district is in more than one county, the executives, as defined in subdivision (4) of section 67.750, of the counties in the district shall, with the advice and consent of the governing bodies of each county shall, as nearly as practicable, evenly appoint such members and allocate staggered terms pursuant to subsection 2 of this section, with the county having the largest area within the district appointing a greater number of directors if the directors cannot be appointed evenly. No member of the governing body of the county or official of any municipal government located within the district shall be a member of the board and no director shall receive compensation for performance of duties as a director. Members of the board of directors shall be citizens of the United States and they shall reside within the district. No board member shall be interested directly or indirectly in any contract entered into pursuant to sections 67.792 to 67.799.

2. The directors appointed to the regional recreation district shall hold office for three-year terms, except that of the members first appointed, two shall hold office for one year, two shall hold office for two years and three shall hold office for three years. The executives of the counties within the regional recreational district shall meet to determine and implement a fair

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

19 allocation of the staggered terms among the counties, provided that counties eligible to appoint
20 more than one board member may not appoint board members with identical initial terms until
21 each of a one-year, two-year and three-year initial term has been applied to such county. On the
22 expiration of such initial terms of appointment and on the expiration of any subsequent term, the
23 resulting vacancies shall be filled by the executives of the respective counties, with the advice
24 and consent of the respective governing bodies. All vacancies on the board shall be filled in the
25 same manner for the duration of the term being filled. Board members shall serve until their
26 successors are named and such successors have commenced their terms as board members.
27 Board members shall be eligible for reappointment. Upon the petition of the county executive
28 of the county from which the board member received his or her appointment, the governing body
29 of the county may remove any board member for misconduct or neglect of duties.

30 **3. Notwithstanding any other provision of sections 67.750 to 67.799, to the contrary,**
31 **after August 28, 2004, in any district located in whole or in part in any county of the first**
32 **classification with more than one hundred eighty-four thousand but less than one hundred**
33 **eighty-eight thousand inhabitants, upon the expiration of such initial terms of appointment**
34 **and on the expiration of any subsequent term, the resulting vacancies shall be filled by**
35 **election at the next regularly scheduled election date throughout the district. In the event**
36 **that a vacancy exists before the expiration of a term, the governing body of the county shall**
37 **appoint a member for the remainder of the unexpired term. Board members shall be**
38 **elected for terms of three years. Such elections shall be held according to this section and**
39 **the applicable laws of this state. If no person files as a candidate for election to the vacant**
40 **office within the applicable deadline for filing as a candidate, then the governing body of**
41 **any such county shall appoint a person to be a member of the board for a term of three**
42 **years. Any appointed board members shall be eligible to run for office.**

43 **4.** Directors shall immediately after their appointment meet and organize by the election
44 of one of their number president, and by the election of such other officers as they may deem
45 necessary. The directors shall make and adopt such bylaws, rules and regulations for their
46 guidance and for the government of the parks, neighborhood trails and recreational grounds and
47 facilities as may be expedient, not inconsistent with sections 67.792 to 67.799. They shall have
48 the exclusive control of the expenditures of all money collected to the credit of the regional
49 recreational fund and of the supervision, improvement, care and custody of public parks,
50 neighborhood trails, recreational facilities and grounds owned, maintained or managed by the
51 district. All moneys received for such purposes shall be deposited in the treasury of the county
52 containing the largest portion of the district to the credit of the regional recreational fund and
53 shall be kept separate and apart from the other moneys of such county. Such board shall have
54 power to purchase or otherwise secure ground to be used for such parks, neighborhood trails,

55 recreational grounds and facilities, shall have power to appoint suitable persons to maintain such
56 parks, neighborhood trails and recreational facilities and administer recreational programs and
57 fix their compensation, and shall have power to remove such appointees.

58 [4.] 5. The board of directors may issue debt for the district pursuant to section 67.798.

59 [5.] 6. If a county, or a portion of a county, not previously part of any district, shall enter
60 a district, the executives of the new member county and any previous member counties shall
61 promptly meet to apportion the board seats among the counties participating in the enlarged
62 district. All purchases in excess of ten thousand dollars used in the construction or maintenance
63 of any public park, neighborhood trail or recreational facility in the regional recreation district
64 shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo,
65 or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The
66 board of the district shall have the same discretion, powers and duties as the commissioner of
67 administration has in sections 34.040 and 34.042, RSMo.