

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 218
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Government Affairs April 2, 2007 with recommendation that House Committee Substitute for Senate Bill No. 218 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1108L.02C

AN ACT

To repeal sections 67.797 and 67.1451, RSMo, and to enact in lieu thereof two new sections relating to political subdivisions.

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

Section A. Sections 67.797 and 67.1451, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 67.797 and 67.1451, to read as follows:

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

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

15 2. The directors appointed to the regional recreation district shall hold office for
16 three-year terms, except that of the members first appointed, two shall hold office for one year,
17 two shall hold office for two years and three shall hold office for three years. The executives of
18 the counties within the regional recreational district shall meet to determine and implement a fair
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 and
34 on the expiration of any subsequent term, the resulting vacancies shall be filled by election at the
35 next regularly scheduled election date throughout the district. In the event that a vacancy exists
36 before the expiration of a term, the governing body of the county shall appoint a member for the
37 remainder of the unexpired term. Board members shall be elected for terms of three years. Such
38 elections shall be held according to this section and the applicable laws of this state. If no person
39 files as a candidate for election to the vacant office within the applicable deadline for filing as
40 a candidate, then the governing body of any such county shall appoint a person to be a member
41 of the board for a term of three years. Any appointed board members shall be eligible to run for
42 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 5. The board of directors may issue debt for the district pursuant to section 67.798.

59 6. If a county, or a portion of a county, not previously part of any district, shall enter a
60 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.

68 **7. Notwithstanding any other provisions in this section to the contrary, when a**
69 **regional recreational district is organized in only one county on land solely owned by the**
70 **county, the governing body of the county shall have the exclusive control of the**
71 **expenditures of all money collected to the credit of the regional recreational fund and of**
72 **the supervision, improvement, care, and custody of public parks, neighborhood trails,**
73 **recreational facilities and grounds owned, maintained, or managed by the county within**
74 **the district.**

67.1451. 1. If a district is a political subdivision, the election and qualifications of
2 members to the district's board of directors shall be in accordance with this section. If a district
3 is a not-for-profit corporation, the election and qualification of members to its board of directors
4 shall be in accordance with chapter 355, RSMo.

5 2. The district shall be governed by a board consisting of at least five but not more than
6 thirty directors. Each director shall, during his or her entire term, be:

7 (1) At least eighteen years of age; and

8 (2) Be either:

9 (a) An owner, as defined in section 67.1401, of real property or of a business operating
10 within the district; or

11 (b) [If in a home rule city with more than one hundred fifty-one thousand five hundred
12 but fewer than one hundred fifty-one thousand six hundred inhabitants, a legally authorized

13 representative of an owner of real property located within the district.] If there are less than five
14 owners of real property located within a district, the board may be comprised of up to five legally
15 authorized representatives of any of the owners of real property located within the district; or

16 (c) A registered voter residing within the district; and

17 (3) Any other qualifications set forth in the petition establishing the district.

18 3. If the district is a political subdivision, the board shall be elected or appointed, as
19 provided in the petition.

20 4. If the board is to be elected, the procedure for election shall be as follows:

21 (1) The municipal clerk shall specify a date on which the election shall occur which date
22 shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the
23 fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

24 (2) The election shall be conducted in the same manner as provided for in section
25 67.1551, provided that the published notice of the election shall contain the information required
26 by section 67.1551 for published notices, except that it shall state that the purpose of the election
27 is for the election of directors, in lieu of the information related to taxes;

28 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
29 the second Tuesday after the effective date of the ordinance establishing the district with the
30 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
31 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
32 ballot as a candidate for director;

33 (4) The director or directors to be elected shall be elected at large. The person receiving
34 the most votes shall be elected to the position having the longest term; the person receiving the
35 second highest votes shall be elected to the position having the next longest term and so forth.
36 For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for
37 a two-year term, one-half shall serve for a four-year term and if an odd number of directors are
38 elected, the director receiving the least number of votes shall serve for a two-year term, until
39 such director's successor is elected. For any district formed on or after August 28, 2003, for the
40 initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term
41 specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of
42 directors are elected, the director receiving the least number of votes shall serve for a two-year
43 term, until such director's successor is elected;

44 (5) Successor directors shall be elected in the same manner as the initial directors. The
45 date of the election of successor directors shall be specified by the municipal clerk which date
46 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
47 expiring director. Each successor director shall serve a term for the length specified prior to the
48 election by the district, which term shall be at least three years and not more than four years, and

49 shall continue until such director's successor is elected. In the event of a vacancy on the board
50 of directors, the remaining directors shall elect an interim director to fill the vacancy for the
51 unexpired term.

52 5. If the petition provides that the board is to be appointed by the municipality, such
53 appointments shall be made by the chief elected officer of the municipality with the consent of
54 the governing body of the municipality. For any district formed prior to August 28, 2003, of the
55 initial appointed directors, one-half of the directors shall be appointed to serve for a two-year
56 term and the remaining one-half shall be appointed to serve for a four-year term until such
57 director's successor is appointed; provided that, if there is an odd number of directors, the last
58 person appointed shall serve a two-year term. For any district formed on or after August 28,
59 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term,
60 and one-half shall be appointed to serve for the term specified by the district for successor
61 directors pursuant to this subsection, and if an odd number of directors are appointed, the last
62 person appointed shall serve for a two-year term; provided that each director shall serve until
63 such director's successor is appointed. Successor directors shall be appointed in the same manner
64 as the initial directors and shall serve for a term of years specified by the district prior to the
65 appointment, which term shall be at least three years and not more than four years.

66 6. If the petition states the names of the initial directors, those directors shall serve for
67 the terms specified in the petition and successor directors shall be determined either by the
68 above-listed election process or appointment process as provided in the petition.

69 7. Any director may be removed for cause by a two-thirds affirmative vote of the
70 directors of the board. Written notice of the proposed removal shall be given to all directors
71 prior to action thereon.

72 8. The board is authorized to act on behalf of the district, subject to approval of qualified
73 voters as required in this section; except that, all official acts of the board shall be by written
74 resolution approved by the board.

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