

SECOND REGULAR SESSION

# HOUSE BILL NO. 1692

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KORMAN.

5446H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 247.060 and 247.080, RSMo, and to enact in lieu thereof two new sections relating to public water supply districts.

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

Section A. Sections 247.060 and 247.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 247.060 and 247.080, to read as follows:

247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his **or her** election[, or if not a voter or resident of said district, shall have received service from the district at his or her primary place of residence one whole year immediately prior to his or her election]. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board,

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.

17 shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to  
18 the board. The vacancy shall be filled as other vacancies occurring in the board.

19 3. The initial members of the board shall be appointed by the circuit court and one shall  
20 serve until the immediately following first Tuesday after the first Monday in April, two shall  
21 serve until the first Tuesday after the first Monday in April on the second year following their  
22 appointment and the remaining appointees shall serve until the first Tuesday after the first  
23 Monday in April on the third year following their appointment. On the expiration of such terms  
24 and on the expiration of any subsequent term, elections shall be held as otherwise provided by  
25 law, and such elections shall be held in April pursuant to section 247.180.

26 4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first  
27 Tuesday after the first Monday in June until the first Tuesday in April of the third year following  
28 the year of their election. All directors elected thereafter shall serve from the first Tuesday in  
29 April until the first Tuesday in April of the third year following the year of their election.

30 5. Each member of the board may receive an attendance fee not to exceed one hundred  
31 dollars for attending each regularly called board meeting, or special meeting, but shall not be  
32 paid for attending more than two meetings in any calendar month, except that in a county of the  
33 first classification, a member shall not be paid for attending more than four meetings in any  
34 calendar month. However, no board member shall be paid more than one attendance fee if such  
35 member attends more than one board meeting in a calendar week. In addition, the president of  
36 the board of directors may receive fifty dollars for attending each regularly or specially called  
37 board meeting, but shall not be paid the additional fee for attending more than two meetings in  
38 any calendar month. Each member of the board shall be reimbursed for his or her actual  
39 expenditures in the performance of his or her duties on behalf of the district.

40 6. In no event, however, shall a board member receive any attendance fees or additional  
41 compensation authorized in subsection 5 of this section until after such board member has  
42 completed a minimum of six hours training regarding the responsibilities of the board and its  
43 members concerning the basics of water treatment and distribution, budgeting and rates, water  
44 utility planning, the funding of capital improvements, the understanding of water utility financial  
45 statements, the Missouri sunshine law, and this chapter.

46 7. The circuit court of the county having jurisdiction over the district shall have  
47 jurisdiction over the members of the board of directors to suspend any member from exercising  
48 his or her office, whensoever it appears that he or she has abused his or her trust or become  
49 disqualified; to remove any member upon proof or conviction of gross misconduct or  
50 disqualification for his or her office; or to restrain and prevent any alienation of property of the  
51 district by members, in cases where it is threatened, or there is good reason to apprehend that it  
52 is intended to be made in fraud of the rights and interests of the district.

53           8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon  
54 petition, filed by or at the instance of any member of the board, or at the instance of any ten  
55 voters residing in the district who join in the petition, verified by the affidavit of at least one of  
56 them. The petition shall be heard in a summary manner after ten days' notice in writing to the  
57 member or officer complained of. An appeal shall lie from the judgment of the circuit court as  
58 in other causes, and shall be speedily determined; but an appeal does not operate under any  
59 condition as a supersedeas of a judgment of suspension or removal from office.

247.080. 1. The exercise of the powers conferred upon the district by sections 247.010  
2 to 247.220 shall be by its board of directors, acting as a board.

3           2. The board shall have power and it shall be its duty to employ necessary help and to  
4 contract for such professional service as the demands of the district require in creating and  
5 operating a waterworks system contemplated in this law, and shall pay out of the funds of the  
6 district available for such purposes reasonable compensation for the service rendered. It shall  
7 have made by a competent accountant an annual audit of the receipts and expenditures of the  
8 district. All persons employed shall serve for an indefinite term and at the will of the board, and  
9 party politics shall not enter into the selection of employees.

10          3. The board shall have regular monthly meetings and the president thereof may call  
11 special meetings as occasion requires. It shall establish an office for its meeting place and for  
12 the transaction of business.

13          4. All persons charged with handling of funds shall be required to give bond to be fixed  
14 and approved by the board, but at the expense of the district.

15          5. All contracts made by the district shall conform to [law] **section 432.070** governing  
16 contracts [of other municipal corporations]. It shall have power to authorize and enter into all  
17 contracts in behalf of the district, and shall provide an official seal for district, and all official  
18 documents shall be attested by the seal.

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