

FIRST REGULAR SESSION

# HOUSE BILL NO. 148

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOVIS.

0290H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 204.300 and 204.610, RSMo, and to enact in lieu thereof two new sections relating to sewer districts.

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

Section A. Sections 204.300 and 204.610, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 204.300 and 204.610, to read as follows:

204.300. 1. In all counties except counties of the first classification which have a  
2 charter form of government and which contain all or any portion of a city with a population of  
3 three hundred fifty thousand or more inhabitants, the governing body of the county, by  
4 resolution, order, or ordinance, shall appoint five trustees, the majority of whom shall reside  
5 within the boundaries of the district. In the event the district extends into any county  
6 bordering the county in which the greater portion of the district lies, the presiding  
7 commissioner or other chief executive officer of the adjoining county shall be an additional  
8 member of the appointed board of trustees. **Subject to the provisions of section 105.454**, the  
9 trustees may be paid reasonable compensation by the district for their services~~]; except that,~~  
10 ~~any compensation schedule shall be approved by resolution of the board of trustees]~~ **outside**  
11 **their duties as trustees. Each trustee of the board may receive an attendance fee not to**  
12 **exceed one hundred dollars for attending each regularly called board meeting, or special**  
13 **meeting, but shall not be paid for attending more than two meetings in any calendar**  
14 **month, except that in a county of the first classification, a trustee shall not be paid for**  
15 **attending more than four meetings in any calendar month. However, no trustee shall be**  
16 **paid more than one attendance fee if such trustee attends more than one board meeting**  
17 **in a calendar week. Each trustee of the board shall be reimbursed for his or her actual**

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.

18 **expenditures in the performance of his or her duties on behalf of the district.** The board  
19 of trustees shall be responsible for the control and operation of the sewer district. The term of  
20 each board member shall be five years; except that, members of the governing body of the  
21 county sitting upon the board shall not serve beyond the expiration of their term as members  
22 of such governing body of the county. The first board of trustees shall be appointed for terms  
23 ranging from one to five years so as to establish one vacancy per year thereafter. If the  
24 governing body of the county with the right of appointment under this section fails to appoint  
25 a trustee to fill a vacancy on the board within sixty days after receiving written notice from  
26 the common sewer district of the existence of such vacancy, then the vacancy may be filled by  
27 a majority of the remaining members then in office of the board of trustees of such common  
28 sewer district. **Subject to the provisions of section 105.454,** the trustees may be paid  
29 reasonable compensation by the district for their services[; ~~except that, any compensation~~  
30 ~~schedule shall be approved by resolution, order, or ordinance of the governing body of the~~  
31 ~~county. Any and all expenses incurred in the performance of their duties shall be reimbursed~~  
32 ~~by the district]~~ **outside their duties as trustees. Each trustee of the board may receive an**  
33 **attendance fee not to exceed one hundred dollars for attending each regularly called**  
34 **board meeting, or special meeting, but shall not be paid for attending more than two**  
35 **meetings in any calendar month, except that in a county of the first classification, a**  
36 **trustee shall not be paid for attending more than four meetings in any calendar month.**  
37 **However, no trustee shall be paid more than one attendance fee if such trustee attends**  
38 **more than one board meeting in a calendar week. Each trustee of the board shall be**  
39 **reimbursed for his or her actual expenditures in the performance of his or her duties on**  
40 **behalf of the district.** The board of trustees shall have the power to employ and fix the  
41 compensation of such staff as may be necessary to discharge the business and purposes of the  
42 district, including clerks, attorneys, administrative assistants, and any other necessary  
43 personnel. The board of trustees shall select a treasurer, who may be either a member of the  
44 board of trustees or another qualified individual. The treasurer selected by the board shall  
45 give such bond as may be required by the board of trustees. The board of trustees shall  
46 appoint the sewer engineer for the county in which the greater part of the district lies as chief  
47 engineer for the district, and the sewer engineer shall have the same powers, responsibilities  
48 and duties in regard to planning, construction and maintenance of the sewers, and treatment  
49 facilities of the district as he now has by virtue of law in regard to the sewer facilities within  
50 the county for which he is elected. If there is no sewer engineer in the county in which the  
51 greater part of the district lies, the board of trustees may employ a registered professional  
52 engineer as chief engineer for the district under such terms and conditions as may be  
53 necessary to discharge the business and purposes of the district. The provisions of this  
54 subsection shall not apply to any county of the first classification which has a charter form of

55 government and which contains all or any portion of a city with a population of three hundred  
56 fifty thousand or more inhabitants.

57         2. In any county of the first classification which has a charter form of government and  
58 which contains all or any portion of a city with a population of three hundred fifty thousand or  
59 more inhabitants, [~~and in any county of the first classification without a charter form of~~  
60 ~~government and which has a population of more than sixty three thousand seven hundred but~~  
61 ~~less than seventy five thousand,~~] there shall be a ten-member board of trustees to consist of  
62 the county executive, the mayors of the five cities constituting the largest users by flow  
63 during the previous fiscal year, the mayors of three cities which are not among the five largest  
64 users and who are members of the advisory board of the district established pursuant to  
65 section 204.310, and one member of the county legislature to be appointed by the county  
66 executive, with the concurrence of the county legislature. If the county executive does not  
67 appoint such members of the county legislature to the board of trustees within sixty days, the  
68 county legislature shall make the appointments. The advisory board members shall be  
69 appointed annually by the advisory board. In the event the district extends into any county  
70 bordering the county in which the greater portion of the district lies, the number of members  
71 on the board of trustees shall be increased to a total of eleven and the presiding commissioner  
72 or county executive of the adjoining county shall be an additional member of the board of  
73 trustees. **The trustees of a district with an eleven-member board and located in two**  
74 **counties** shall receive no compensation for their services[;] but may be compensated for their  
75 reasonable expenses normally incurred in the performance of their duties. **Each trustee of a**  
76 **ten-member board may receive an attendance fee not to exceed one hundred dollars for**  
77 **attending each regularly called board meeting, or special meeting, but shall not be paid**  
78 **for attending more than two meetings in any calendar month. However, no trustee of a**  
79 **ten-member board shall be paid more than one attendance fee if such trustee attends**  
80 **more than one board meeting in a calendar week. Each trustee of a ten-member board**  
81 **shall be reimbursed for his or her actual expenditures in the performance of his or her**  
82 **duties on behalf of the district. Subject to the provisions of section 105.454, the trustees**  
83 **of a ten-member board may be paid reasonable compensation by the district for their**  
84 **services outside their duties as trustees.** The board of trustees may employ and fix the  
85 compensation of such staff as may be necessary to discharge the business and purposes of the  
86 district, including clerks, attorneys, administrative assistants, and any other necessary  
87 personnel. The board of trustees may employ and fix the duties and compensation of an  
88 administrator for the district. The administrator shall be the chief executive officer of the  
89 district subject to the supervision and direction of the board of trustees and shall exercise the  
90 powers, responsibilities and duties heretofore exercised by the chief engineer prior to  
91 September 28, 1983. The administrator of the district may, with the approval of the board of

92 trustees, retain consulting engineers for the district under such terms and conditions as may be  
93 necessary to discharge the business and purposes of the district. The provisions of this  
94 subsection shall only apply to counties of the first classification which have a charter form of  
95 government and which contain all or any portion of a city with a population of three hundred  
96 fifty thousand or more inhabitants.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the  
2 circuit court decree or amended decree of incorporation for a reorganized common sewer  
3 district, who shall reside within the boundaries of the district. Each trustee shall be a voter of  
4 the district and shall have resided in said district for twelve months immediately prior to the  
5 trustee's election or appointment. A trustee shall be at least twenty-five years of age and shall  
6 not be delinquent in the payment of taxes at the time of the trustee's election or appointment.  
7 Regardless of whether or not the trustees are elected or appointed, in the event the district  
8 extends into any county bordering the county in which the greater portion of the district lies,  
9 the presiding commissioner or other chief executive officer of the adjoining county shall be  
10 an additional member of the board of trustees, or the governing body of such bordering  
11 county may appoint a citizen from such county to serve as an additional member of the board  
12 of trustees. Said additional trustee shall meet the qualifications set forth in this section for a  
13 trustee.

14 2. ~~[The trustees shall receive no compensation for their services but may be~~  
15 ~~compensated for reasonable expenses normally incurred in the performance of their duties.]~~  
16 **Each trustee of the board may receive an attendance fee not to exceed one hundred**  
17 **dollars for attending each regularly called board meeting, or special meeting, but shall**  
18 **not be paid for attending more than two meetings in any calendar month. However, no**  
19 **trustee shall be paid more than one attendance fee if such trustee attends more than one**  
20 **board meeting in a calendar week. Each trustee of the board shall be reimbursed for his**  
21 **or her actual expenditures in the performance of his or her duties on behalf of the**  
22 **district. Subject to the provisions of section 105.454, the trustees may be paid**  
23 **reasonable compensation by the district for their services outside their duties as**  
24 **trustees.** The board of trustees may employ and fix the compensation of such staff as may be  
25 necessary to discharge the business and purposes of the district, including clerks, attorneys,  
26 administrative assistants, and any other necessary personnel. The board of trustees may  
27 employ and fix the duties and compensation of an administrator for the district. The  
28 administrator shall be the chief executive officer of the district subject to the supervision and  
29 direction of the board of trustees. The administrator of the district may, with the approval of  
30 the board of trustees, retain consulting engineers for the district under such terms and  
31 conditions as may be necessary to discharge the business and purposes of the district.

32           3. Except as provided in subsection 1 of this section, the term of office of a trustee  
33 shall be five years. The remaining trustees shall appoint a person qualified under this section  
34 to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve  
35 until the first Tuesday after the first Monday in June or until the first Tuesday after the first  
36 Monday in April, depending upon the resolution of the trustees. In the event that the trustees  
37 are elected, said elections shall be conducted by the appropriate election authority under  
38 chapter 115. Otherwise, trustees shall be appointed by the county commission in accordance  
39 with the qualifications set forth in subsection 1 of this section.

40           4. Notwithstanding any other provision of law, if there is only one candidate for the  
41 post of trustee, then no election shall be held, and the candidate shall assume the  
42 responsibilities of office at the same time and in the same manner as if elected. If there is no  
43 candidate for the post of trustee, then no election shall be held for that post and it shall be  
44 considered vacant, to be filled under the provisions of subsection 3 of this section.

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