

SECOND REGULAR SESSION

# HOUSE BILL NO. 1505

95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAY.

3288L.03I

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 204.300, RSMo, and to enact in lieu thereof one new section relating to sewer district trustees.

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

Section A. Section 204.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 204.300, to read as follows:

204.300. 1. **Except as provided in subsection 3 of this section**, in all counties except counties of the first classification which have a charter form of government and which contain all or any portion of a city with a population of three hundred fifty thousand or more inhabitants, the governing body of the county, by resolution, order, or ordinance, shall appoint five trustees, the majority of whom shall reside within the boundaries of the district. In the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the appointed board of trustees. The trustees may be paid reasonable compensation by the district for their services; except that, any compensation schedule shall be approved by resolution of the board of trustees. The board of trustees shall be responsible for the control and operation of the sewer district. The term of each board member shall be five years; except that, members of the governing body of the county sitting upon the board shall not serve beyond the expiration of their term as members of such governing body of the county. The first board of trustees shall be appointed for terms ranging from one to five years so as to establish one vacancy per year thereafter. The trustees may be paid reasonable compensation by the district for their services; except that, any compensation schedule shall be approved by resolution, order, or ordinance of the governing body of the county. Any and all expenses

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 incurred in the performance of their duties shall be reimbursed by the district. The board of  
19 trustees shall have the power to employ and fix the compensation of such staff as may be  
20 necessary to discharge the business and purposes of the district, including clerks, attorneys,  
21 administrative assistants, and any other necessary personnel. The board of trustees shall select  
22 a treasurer, who may be either a member of the board of trustees or another qualified individual.  
23 The treasurer selected by the board shall give such bond as may be required by the board of  
24 trustees. The board of trustees shall appoint the sewer engineer for the county in which the  
25 greater part of the district lies as chief engineer for the district, and the sewer engineer shall have  
26 the same powers, responsibilities and duties in regard to planning, construction and maintenance  
27 of the sewers, and treatment facilities of the district as he now has by virtue of law in regard to  
28 the sewer facilities within the county for which he is elected. If there is no sewer engineer in the  
29 county in which the greater part of the district lies, the board of trustees may employ a registered  
30 professional engineer as chief engineer for the district under such terms and conditions as may  
31 be necessary to discharge the business and purposes of the district. The provisions of this  
32 subsection shall not apply to any county of the first classification which has a charter form of  
33 government and which contains all or any portion of a city with a population of three hundred  
34 fifty thousand or more inhabitants.

35         2. In any county of the first classification which has a charter form of government and  
36 which contains all or any portion of a city with a population of three hundred fifty thousand or  
37 more inhabitants, and in any county of the first classification without a charter form of  
38 government and which has a population of more than sixty-three thousand seven hundred but  
39 less than seventy-five thousand, there shall be an eight-member board of trustees to consist of  
40 the county executive, the mayors of the four cities constituting the largest users by flow during  
41 the previous fiscal year, the mayors of two cities which are not among the four largest users and  
42 who are members of the advisory board of the district established pursuant to section 204.310,  
43 and one member of the county legislature to be appointed by the county executive, with the  
44 concurrence of the county legislature. If the county executive does not appoint such members  
45 of the county legislature to the board of trustees within sixty days, the county legislature shall  
46 make the appointments. The advisory board members shall be appointed annually by the  
47 advisory board. In the event the district extends into any county bordering the county in which  
48 the greater portion of the district lies, the number of members on the board of trustees shall be  
49 increased to a total of nine and the presiding commissioner or county executive of the adjoining  
50 county shall be an additional member of the board of trustees. The trustees shall receive no  
51 compensation for their services, but may be compensated for their reasonable expenses normally  
52 incurred in the performance of their duties. The board of trustees may employ and fix the  
53 compensation of such staff as may be necessary to discharge the business and purposes of the

54 district, including clerks, attorneys, administrative assistants, and any other necessary personnel.  
55 The board of trustees may employ and fix the duties and compensation of an administrator for  
56 the district. The administrator shall be the chief executive officer of the district subject to the  
57 supervision and direction of the board of trustees and shall exercise the powers, responsibilities  
58 and duties heretofore exercised by the chief engineer prior to September 28, 1983. The  
59 administrator of the district may, with the approval of the board of trustees, retain consulting  
60 engineers for the district under such terms and conditions as may be necessary to discharge the  
61 business and purposes of the district. The provisions of this subsection shall only apply to  
62 counties of the first classification which have a charter form of government and which contain  
63 all or any portion of a city with a population of three hundred fifty thousand or more inhabitants.

64 **3. (1) The governing body of the county may, by order, ordinance, or resolution,**  
65 **provide for the election of the trustees for any district established under sections 204.250**  
66 **to 204.470.**

67 **(2) Any order, ordinance, or resolution adopted under this subsection shall include**  
68 **a description of the voting districts in the sewer district, which shall number no fewer than**  
69 **five. The persons receiving services from the district shall receive the majority of the**  
70 **representation by the trustees, and the order, ordinance, or resolution shall also include**  
71 **a procedure for changing the boundaries of the voting districts to ensure that the persons**  
72 **receiving such services elect the majority of the trustees.**

73 **(3) Any county that chooses to elect such trustees under this subsection shall**  
74 **continue to elect trustees as long as the district remains in existence.**

75 **(4) Notwithstanding any provision of section 115.063 or 115.065 to the contrary, the**  
76 **costs of any election of trustees provided for under this subsection shall be paid by the**  
77 **county.**

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