

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 804
101ST GENERAL ASSEMBLY

1425H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Sections 204.300 and 204.610, RSMo, are repealed and two new sections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 charter
2 form of government and which contain all or any portion of a city with a population of three
3 hundred fifty thousand or more inhabitants, the governing body of the county, by resolution,
4 order, or ordinance, shall appoint five trustees, the majority of whom shall reside within the
5 boundaries of the district. In the event the district extends into any county bordering the county
6 in which the greater portion of the district lies, the presiding commissioner or other chief
7 executive officer of the adjoining county shall be an additional member of the appointed board
8 of trustees. [~~The trustees may be paid reasonable compensation by the district for their services;
9 except that, any compensation schedule shall be approved by resolution of the board of trustees.~~]
10 **Each trustee of the board may receive an attendance fee not to exceed one hundred dollars**
11 **for attending each regularly called board meeting, or special meeting, but shall not be paid**
12 **for attending more than two meetings in any calendar month, except that in a county of the**
13 **first classification, a trustee shall not be paid for attending more than four meetings in any**
14 **calendar month. However, no trustee shall be paid more than one attendance fee if such**
15 **trustee attends more than one board meeting in a calendar week. Each trustee of the board**
16 **shall be reimbursed for his or her actual expenditures in the performance of his or her**
17 **duties on behalf of the district.** The board of trustees shall be responsible for the control and
18 operation of the sewer district. The term of each board member shall be five years; except that,

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.

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

53 2. In any county of the first classification which has a charter form of government and
54 which contains all or any portion of a city with a population of three hundred fifty thousand or

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

204.610. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district for twelve months immediately prior to the trustee's election or appointment. A trustee shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of the trustee's election or appointment. Regardless of whether or not the trustees are elected or appointed, 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 board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth in this section for a trustee.

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

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

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

✓