

SECOND REGULAR SESSION

SENATE BILL NO. 791

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 19, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4351S.011

AN ACT

To repeal sections 204.300, 204.571, 250.070, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

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

Section A. Sections 204.300, 204.571, 250.070, and 250.233, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 204.300, 204.571, 250.070, and 250.233, to read as follows:

204.300. 1. In all counties except counties of the first classification which
2 have a charter form of government and which contain all or any portion of a city
3 with a population of three hundred fifty thousand or more inhabitants, the
4 governing body of the county, by resolution, order, or ordinance, shall appoint five
5 trustees, the majority of whom shall reside within the boundaries of the district.
6 In the event the district extends into any county bordering the county in which
7 the greater portion of the district lies, the presiding commissioner or other chief
8 executive officer of the adjoining county shall be an additional member of the
9 appointed board of trustees. The trustees may be paid reasonable compensation
10 by the district for their services; except that, any compensation schedule shall be
11 approved by resolution of the board of trustees. The board of trustees shall be
12 responsible for the control and operation of the sewer district. The term of each
13 board member shall be five years; except that, members of the governing body of
14 the county sitting upon the board shall not serve beyond the expiration of their
15 term as members of such governing body of the county. The first board of
16 trustees shall be appointed for terms ranging from one to five years so as to
17 establish one vacancy per year thereafter. **If the governing body of the**
18 **county with the right of appointment under this section fails to appoint**
19 **a trustee to fill a vacancy on the board within sixty days after receiving**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 **written notice from the common sewer district of the existence of such**
21 **vacancy, then the vacancy may be filled by a majority of the remaining**
22 **members then in office of the board of trustees of such common sewer**
23 **district.** The trustees may be paid reasonable compensation by the district for
24 their services; except that, any compensation schedule shall be approved by
25 resolution, order, or ordinance of the governing body of the county. Any and all
26 expenses incurred in the performance of their duties shall be reimbursed by the
27 district. The board of trustees shall have the power to employ and fix the
28 compensation of such staff as may be necessary to discharge the business and
29 purposes of the district, including clerks, attorneys, administrative assistants,
30 and any other necessary personnel. The board of trustees shall select a treasurer,
31 who may be either a member of the board of trustees or another qualified
32 individual. The treasurer selected by the board shall give such bond as may be
33 required by the board of trustees. The board of trustees shall appoint the sewer
34 engineer for the county in which the greater part of the district lies as chief
35 engineer for the district, and the sewer engineer shall have the same powers,
36 responsibilities and duties in regard to planning, construction and maintenance
37 of the sewers, and treatment facilities of the district as he now has by virtue of
38 law in regard to the sewer facilities within the county for which he is elected. If
39 there is no sewer engineer in the county in which the greater part of the district
40 lies, the board of trustees may employ a registered professional engineer as chief
41 engineer for the district under such terms and conditions as may be necessary to
42 discharge the business and purposes of the district. The provisions of this
43 subsection shall not apply to any county of the first classification which has a
44 charter form of government and which contains all or any portion of a city with
45 a population of three hundred fifty thousand or more inhabitants.

46 2. In any county of the first classification which has a charter form of
47 government and which contains all or any portion of a city with a population of
48 three hundred fifty thousand or more inhabitants, and in any county of the first
49 classification without a charter form of government and which has a population
50 of more than sixty-three thousand seven hundred but less than seventy-five
51 thousand, there shall be an eight-member board of trustees to consist of the
52 county executive, the mayors of the four cities constituting the largest users by
53 flow during the previous fiscal year, the mayors of two cities which are not among
54 the four largest users and who are members of the advisory board of the district
55 established pursuant to section 204.310, and one member of the county

56 legislature to be appointed by the county executive, with the concurrence of the
57 county legislature. If the county executive does not appoint such members of the
58 county legislature to the board of trustees within sixty days, the county
59 legislature shall make the appointments. The advisory board members shall be
60 appointed annually by the advisory board. In the event the district extends into
61 any county bordering the county in which the greater portion of the district lies,
62 the number of members on the board of trustees shall be increased to a total of
63 nine and the presiding commissioner or county executive of the adjoining county
64 shall be an additional member of the board of trustees. The trustees shall receive
65 no compensation for their services, but may be compensated for their reasonable
66 expenses normally incurred in the performance of their duties. The board of
67 trustees may employ and fix the compensation of such staff as may be necessary
68 to discharge the business and purposes of the district, including clerks, attorneys,
69 administrative assistants, and any other necessary personnel. The board of
70 trustees may employ and fix the duties and compensation of an administrator for
71 the district. The administrator shall be the chief executive officer of the district
72 subject to the supervision and direction of the board of trustees and shall exercise
73 the powers, responsibilities and duties heretofore exercised by the chief engineer
74 prior to September 28, 1983. The administrator of the district may, with the
75 approval of the board of trustees, retain consulting engineers for the district
76 under such terms and conditions as may be necessary to discharge the business
77 and purposes of the district. The provisions of this subsection shall only apply
78 to counties of the first classification which have a charter form of government and
79 which contain all or any portion of a city with a population of three hundred fifty
80 thousand or more inhabitants.

204.571. An authorized representative, not a member of the common
2 sewer district's advisory board under section 204.310, from each political
3 subdivision which lies partially within a sewer subdistrict formed pursuant to
4 sections 204.565 to 204.573 and which operates or is served by a sewage collection
5 system, together with the representatives of all other such political subdivisions
6 and of each county having territory within the subdistrict, shall constitute an
7 advisory board for the subdistrict. The advisory board shall organize by electing
8 one of its members as chairman, one as vice chairman, and one as a
9 representative to the common sewer district's advisory board formed pursuant to
10 section 204.310, **however, if the subdistrict advisory board consists of less**
11 **than three members, then one subdistrict advisory board member may**

12 **serve in more than one such capacity.** The board of trustees of the common
13 sewer district shall keep the subdistrict advisory board informed, either directly
14 or through the district advisory board, as to all phases of the planning and
15 operations of the subdistrict, and the subdistrict advisory board shall make such
16 recommendations to the common sewer district advisory board as the subdistrict
17 board deems advisable with regard to the construction and operation of sewers
18 and facilities in the subdistrict. **If a county or political subdivision with**
19 **the right of appointment under this section fails to appoint any**
20 **subdistrict advisory board member within sixty days after receiving a**
21 **written request from the common sewer district, then the board of**
22 **trustees of the common sewer district may make such appointment.**

250.070. 1. No such city, town or village or sewer district shall issue or
2 deliver any bonds for the purpose of acquiring, constructing, improving or
3 extending any such sewerage system or combined waterworks and sewerage
4 system payable from the revenues to be derived from the operation of any such
5 system unless a proposition to issue such bonds shall have received the assent of
6 a majority of the voters of such city, town [or], village, or [the assent of
7 four-sevenths of the voters of the] sewer district, who shall vote on the question.

8 2. The question shall be submitted in substantially the following form:

9 Shall..... (name of city, town, village, or district) issue revenue bonds in
10 the amount of dollars?

250.233. Any city, town [or], village, **or sewer district** operating a
2 sewerage system or waterworks may establish, make and collect charges for
3 sewerage services, including tap-on fees. The charges may be set as a flat fee or
4 based upon the amount of water supplied to the premises and shall be in addition
5 to those charges which may be levied and collected for maintenance, repair and
6 administration, including debt service expenses. Any private water company or
7 public water supply district supplying water to the premises located within said
8 city, town [or], village, **or sewer district** shall, at reasonable charge upon
9 reasonable request, make available to such city, town [or], village, **or sewer**
10 **district** its records and books so that such city, town [or], village, **or sewer**
11 **district** may obtain therefrom such data as may be necessary to calculate the
12 charges for sewer service. Prior to establishing any such sewer charges, public
13 hearings shall be held thereon and at least thirty days' notice shall be given
14 thereof.

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