

SECOND REGULAR SESSION

SENATE BILL NO. 874

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4713S.011

AN ACT

To repeal sections 204.300 and 204.569, RSMo, and to enact in lieu thereof two 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Section A. Sections 204.300 and 204.569, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 204.300 and 204.569, to
3 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. The trustees may be paid reasonable
18 compensation by the district for their services; except that, any compensation

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

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

41 2. In any county of the first classification which has a charter form of
42 government and which contains all or any portion of a city with a population of
43 three hundred fifty thousand or more inhabitants, and in any county of the first
44 classification without a charter form of government and which has a population
45 of more than sixty-three thousand seven hundred but less than seventy-five
46 thousand, there shall be [an eight-member] **a ten-member** board of trustees to
47 consist of the county executive, the mayors of the [four] **five** cities constituting
48 the largest users by flow during the previous fiscal year, the mayors of [two]
49 **three** cities which are not among the [four] **five** largest users and who are
50 members of the advisory board of the district established pursuant to section
51 204.310, and one member of the county legislature to be appointed by the county
52 executive, with the concurrence of the county legislature. If the county executive
53 does not appoint such members of the county legislature to the board of trustees
54 within sixty days, the county legislature shall make the appointments. The

55 advisory board members shall be appointed annually by the advisory board. In
56 the event the district extends into any county bordering the county in which the
57 greater portion of the district lies, the number of members on the board of
58 trustees shall be increased to a total of [nine] **eleven** and the presiding
59 commissioner or county executive of the adjoining county shall be an additional
60 member of the board of trustees. The trustees shall receive no compensation for
61 their services, but may be compensated for their reasonable expenses normally
62 incurred in the performance of their duties. The board of trustees may employ
63 and fix the compensation of such staff as may be necessary to discharge the
64 business and purposes of the district, including clerks, attorneys, administrative
65 assistants, and any other necessary personnel. The board of trustees may employ
66 and fix the duties and compensation of an administrator for the district. The
67 administrator shall be the chief executive officer of the district subject to the
68 supervision and direction of the board of trustees and shall exercise the powers,
69 responsibilities and duties heretofore exercised by the chief engineer prior to
70 September 28, 1983. The administrator of the district may, with the approval of
71 the board of trustees, retain consulting engineers for the district under such
72 terms and conditions as may be necessary to discharge the business and purposes
73 of the district. The provisions of this subsection shall only apply to counties of
74 the first classification which have a charter form of government and which
75 contain all or any portion of a city with a population of three hundred fifty
76 thousand or more inhabitants.

204.569. When an unincorporated sewer subdistrict of a common sewer
2 district has been formed pursuant to sections 204.565 to 204.573, the board of
3 trustees of the common sewer district shall have the same powers with regard to
4 the subdistrict as for the common sewer district as a whole, plus the following
5 additional powers:

6 (1) To enter into agreements to accept, take title to, or otherwise acquire,
7 and to operate such sewers, sewer systems, treatment and disposal facilities, and
8 other property, both real and personal, of the political subdivisions included in
9 the subdistrict as the board determines to be in the interest of the common sewer
10 district to acquire or operate, according to such terms and conditions as the board
11 finds reasonable, provided that such authority shall be in addition to the powers
12 of the board of trustees pursuant to section 204.340;

13 (2) To provide for the construction, extension, improvement, and operation
14 of such sewers, sewer systems, and treatment and disposal facilities, as the board

15 determines necessary for the preservation of public health and maintenance of
16 sanitary conditions in the subdistrict;

17 (3) For the purpose of meeting the costs of activities undertaken pursuant
18 to the authority granted in this section, to issue bonds in anticipation of revenues
19 of the subdistrict in the same manner as set out in sections 204.360 to 204.450,
20 for other bonds of the common sewer district. Issuance of such bonds for the
21 subdistrict shall require the assent only of four-sevenths of the voters of the
22 subdistrict voting on the question, **[and] except that, as an alternative to**
23 **such a vote, if the subdistrict is a part of a common sewer district**
24 **located in whole or in part in any county of the first classification with**
25 **more than eighty-two thousand but fewer than eighty-two thousand one**
26 **hundred inhabitants, bonds may be issued for such subdistrict if the**
27 **question receives the written assent of three-quarters of the customers**
28 **of the subdistrict in a manner consistent with section 204.370, where**
29 **"customer", as used in this subdivision, means any political subdivision**
30 **within the subdistrict that has a service or user agreement with the**
31 **common sewer district.** The principal and interest of [such] any bonds
32 **issued under this subdivision** shall be payable only from the revenues of the
33 subdistrict and not from any revenues of the common sewer district as a whole;
34 (4) To charge the costs of the common sewer district for operation and
35 maintenance attributable to the subdistrict, plus a proportionate share of the
36 common sewer district's costs of administration to revenues of the subdistrict and
37 to consider such costs in determining reasonable charges to impose within the
38 subdistrict under section 204.440;

39 (5) With prior concurrence of the subdistrict's advisory board, to provide
40 for the treatment and disposal of sewage from the subdistrict in or by means of
41 facilities of the common sewer district not located within the subdistrict, in which
42 case the board of trustees shall also have authority to charge a proportionate
43 share of the costs of the common sewer district for operation and maintenance to
44 revenues of the subdistrict and to consider such costs in determining reasonable
45 charges to impose within the subdistrict under section 204.440.

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