

1 SB422
2 197327-2
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 21-MAY-19

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8 SYNOPSIS: This bill would provide for the
9 reorganization of any water works board which has
10 assets in four or more counties or serves water
11 customers in four or more counties other than the
12 municipality where the water works board was
13 organized.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to certain water works board authorized to
20 be incorporated by a municipality and, which other than the
21 municipality where organized, either has assets in four or
22 more counties or serves water customers in four or more
23 counties; to amend Sections 11-50-301, 11-50-302, and
24 11-50-303, Code of Alabama 1975, to provide for the
25 reorganization of the board.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 11-50-301, 11-50-302, and
2 11-50-303 of the Code of Alabama 1975, are amended to read as
3 follows:

4 "§11-50-301.

5 "(a) Effective January 1, 2017, the water works
6 board shall be reorganized and composed of the following
7 members:

8 "(1) Two of the members shall be appointed by the
9 mayor of the authorizing municipality and four of the members
10 shall be appointed by the municipal governing body of the
11 authorizing municipality. All of these members shall be
12 residents of the authorizing municipality and water customers
13 of the board.

14 "(2) One additional board member shall be appointed
15 by the association of mayors in the county where the
16 authorizing municipality is located if there is an organized
17 incorporated countywide association of mayors or by the mayors
18 of the county acting jointly if not. This member shall
19 hereafter be referred to as the board member appointed by the
20 association of mayors. The board member shall reside outside
21 of the corporate limits of the authorizing municipality and
22 shall be a resident of the county where the authorizing
23 municipality is principally located and be a water customer of
24 the board. Notwithstanding any other provision of this
25 division, the person appointed as a board member by the
26 association of mayors may only serve one full term on the
27 board.

1 "(3) One additional board member shall be appointed
2 by the county commission of each county other than the county
3 where the authorizing municipality is principally located
4 where more than 5,000 water customers are served by the board
5 or where the board owns a major reservoir located entirely
6 within the county. Each board member shall be a resident of
7 the county making the appointment.

8 "(b) Notwithstanding subsection (a), effective July
9 1, 2019, the water works board shall be reorganized and
10 composed of the following members:

11 "(1) One of the members shall be appointed by the
12 mayor of the authorizing municipality, whose initial term
13 shall be for four years and thereafter his or her term shall
14 be for four years. Three of the members shall be appointed by
15 the municipal governing body of the authorizing municipality.
16 The first term of two of the appointments by the municipal
17 governing body of the authorizing municipality shall be for
18 two years and thereafter the term of these board members shall
19 be four years. The first term of the other appointment by the
20 municipal governing body of the authorizing municipality shall
21 be for four years and thereafter his or her term shall be for
22 four years. All of these members appointed by the mayor of the
23 authorizing municipality or the municipal governing body of
24 the authorizing municipality shall be residents of the
25 authorizing municipality and water customers of the board.

26 "(2) Three additional board members shall be
27 appointed by the association of mayors in the county where the

1 authorizing municipality is located if there is an organized
2 incorporated countywide association of mayors or by the mayors
3 of the county acting jointly if not. These members shall
4 hereafter be referred to as the board members appointed by the
5 association of mayors. The first term of one member appointed
6 by the association of mayors shall be for three years and
7 thereafter the term shall be for four years. The first term of
8 the other two members appointed by the association of mayors
9 shall be for four years and thereafter the terms shall be for
10 four years. The board members appointed by the association of
11 mayors shall reside outside of the corporate limits of the
12 authorizing municipality and shall be residents of the county
13 where the authorizing municipality is principally located and
14 be water customers of the board.

15 "(3) One additional board member shall be appointed
16 by the county commission of each county other than the county
17 where the authorizing municipality is principally located
18 where more than 5,000 water customers are served by the board
19 or where the board owns a major reservoir located entirely
20 within the county. Any member appointed by a county commission
21 shall have a first term of three years and thereafter the term
22 shall be for fours years. Each board member shall be a
23 resident of the county making the appointment.

24 "(4) In making the above appointments to the board
25 pursuant to this subsection, the respective appointing
26 authorities shall appoint members with the necessary
27 experience, qualifications, and education to appropriately

1 carry out their duties. The experience, qualifications, and
2 education shall include, but shall not be limited to, persons
3 possessing a four-year college degree or higher degrees,
4 persons who are licensed physicians, persons who are licensed
5 members in good standing with the Alabama State Bar, persons
6 who are licensed professional engineers, persons who are
7 licensed certified public accountants, persons who have prior
8 service on corporate or non-profit boards, and persons who
9 have experience in the water industry.

10 "§11-50-302.

11 "(1) Except as otherwise provided in this division,
12 after May 14, 2015, the term of members of the board shall be
13 four years.

14 "(2) A person appointed to fill a vacancy on the
15 board shall serve the remainder of the term of the vacant
16 seat.

17 "(3) Except as provided herein, a member of the
18 board may not be appointed to more than two full terms,
19 including, as provided herein, any board member serving when
20 this division becomes applicable to the board. A board member
21 who has been appointed to two full terms on the board prior to
22 this division becoming applicable to the board may not be
23 appointed to an additional term and a board member who has
24 been appointed to one full term prior to this division
25 becoming applicable to the board may be appointed to one
26 additional term on the board. All board members shall continue
27 to serve until a successor is appointed and qualified.

1 "(4) Any board member serving on the effective date
2 of the act adding this subdivision may be appointed to a new
3 term as provided in subsection (b) of Section 11-50-301 by his
4 or her appointing authority.

5 "§11-50-303.

6 "(a) Notwithstanding any other provision of law,
7 including Section 11-50-234.1, no member of the board may
8 receive any compensation that exceeds one thousand dollars
9 (\$1,000) per month. In addition, the members shall be entitled
10 to any additional personal expenses for the member only or
11 expense allowance for personal travel or other personal
12 expenses for the member related to the duties of ~~their~~ his or
13 her office upon approval by a roll call vote of a majority of
14 the board members in an open meeting of the board. No member
15 of the board may be reimbursed for any expenditure for
16 alcoholic beverages or entertainment. Records relating to each
17 expense voucher shall be itemized as to any expense and shall
18 be a public record and placed on the website of the board.

19 "(b) (1) All members of the board and employees of
20 the board shall be subject to the State Ethics Law, Chapter 25
21 of Title 36. No consultant or party contracting with or doing
22 business with the board may expend any funds on entertainment
23 of a board member.

24 "(2) No member of the board shall be an elected
25 official.

26 "(c) No increase in rates for water may be adopted
27 by the board unless notice of the meeting at which the rate

1 increase is to be considered is given at least 30 days prior
2 to the meeting in the same manner as provided in the Alabama
3 Open Meetings Act and a public hearing is held at the meeting
4 prior to any vote on the rate increase. Notice of the meeting
5 shall also be given by posting a notice of the meeting on the
6 website of the board at least 30 days in advance of the board
7 meeting.

8 "(d) The board shall otherwise be subject to Chapter
9 25A of Title 36, the Alabama Open Meetings Act.

10 "(e) The members of the board shall receive training
11 on board governance, parliamentary procedure, the State Ethics
12 Law, and the Alabama Open Meetings Act every two years."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.