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3 WAGGONER SUBSTITUTE NO. 2 FOR SB344
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8 SYNOPSIS: This bill would apply to any municipal water
9 works board that serves water customers in four or
10 more counties in addition to the county where the
11 authorizing municipality is principally located.

12 The bill would provide further for the
13 appointment of one of the existing board positions
14 and would provide for the appointment of additional
15 board members.

16 The bill would also limit the term of all
17 board members to two full terms, limit the
18 compensation and expense allowance of the board
19 members, specify that the board members would be
20 covered by the State Ethics Law, provide for notice
21 and a public hearing prior to adoption of any rate
22 increase, and specify that the board would be
23 subject to the Alabama Open Meetings Act.

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25 A BILL

26 TO BE ENTITLED

27 AN ACT

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2 Relating to any municipal water works board which
3 serves water customers in certain counties other than the
4 county where the authorizing municipality is principally
5 located; to provide for the appointment of certain board
6 members; to limit the terms of all board members including
7 members appointed prior to this act becoming applicable to the
8 board; to limit the compensation and expense allowance of the
9 board members; to specify that the board members would be
10 covered by the State Ethics Law; to provide for notice and a
11 public hearing prior to the board adopting any rate increase;
12 and to specify that the board would be subject to the Alabama
13 Open Meetings Act.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) Notwithstanding any other provisions
16 of law, any municipal water works board authorized to be
17 incorporated by a municipality which either serves water
18 customers on the effective date of this act in four or more
19 counties other than the county where the authorizing
20 municipality is principally located, or after the effective
21 date of this act, serves water customers in four or more
22 counties other than the county where the authorizing
23 municipality is located shall be subject to the following:

24 (1) Upon the occurrence of the first vacancy on the
25 board of a member serving when this act becomes applicable to
26 the board who resides outside of the corporate limits of the
27 authorizing municipality or upon the occurrence of the first

1 vacancy on the board of one of the members serving when this
2 act becomes applicable to the board if none of the members of
3 the board reside outside of the corporate limits of the
4 authorizing municipality, the vacancy shall be filled by an
5 appointment by the association of mayors in the county where
6 the authorized municipality is located if there is an
7 organized incorporated countywide association of mayors or by
8 the mayors of the county acting jointly if not. The board
9 member shall be a resident of the county where the authorizing
10 municipality is located but shall not be a resident of the
11 authorizing municipality. The board member shall be a water
12 customer in a municipality served by the board. The term of
13 the board member appointed shall be four years. Successive
14 appointments to fill the board seat shall continue to be made
15 in the same manner.

16 (2) One additional board member shall be appointed
17 by the county commission where the authorizing municipality is
18 principally located, but shall not be a resident of the
19 authorizing municipality. The board member shall serve a term
20 of four years. The additional board member shall be a water
21 customer in an area served by the board. The board member
22 shall be entitled to all powers, duties, authority,
23 compensation, and other emoluments of other board members.

24 (3) One additional board member shall be appointed
25 by the county commissions of the several counties where water
26 customers are served by the board other than the county where
27 the authorizing municipality is principally located. The board

1 member appointed as provided herein shall serve a term of one
2 year. The board member shall be appointed by all of the county
3 commissions of counties served by the board other than the
4 county where the authorizing municipality is located and shall
5 be a resident of one of the several counties on a rotating
6 basis based on a listing of the counties in alphabetical
7 order. A meeting to make an appointment under this subdivision
8 shall be called and chaired by the chair of the county
9 commission of the county where the board member is required to
10 reside to fill the seat. The additional board member shall be
11 a water customer in an area served by the board. The
12 additional board member shall be entitled to all powers,
13 duties, authority, compensation, and other emoluments as other
14 members of the board.

15 (4) The term of members of the board appointed by
16 the authorizing municipality after the effective date of this
17 act shall be four years, except any member serving when this
18 act becomes applicable to the board shall serve the remainder
19 of his or her term and a person appointed to fill a vacancy of
20 a member serving when this act becomes applicable to the board
21 shall serve the remainder of the term of the vacant seat. Any
22 person otherwise appointed to fill a vacancy on the board
23 shall serve the remainder of the term of the vacant seat. A
24 member of the board may not be appointed to more than two full
25 terms, including, as provided herein, any board member serving
26 when this act becomes applicable to the board. A board member
27 who has been appointed to two full terms on the board prior to

1 this act becoming applicable to the board may not be appointed
2 to an additional term and a board member who has been
3 appointed to one full term prior to this act becoming
4 applicable to the board may be appointed to one additional
5 term on the board. All board members shall continue to serve
6 until a successor is appointed and qualified.

7 (5) Notwithstanding any other provision of law,
8 including Section 11-50-234.1, Code of Alabama 1975, no member
9 of the board may receive any compensation or expense
10 allowance, or a combination of compensation and expense
11 allowance, that exceeds five hundred dollars (\$500) per month.
12 In addition, the members shall not be entitled to any
13 additional expenses or expense allowance for travel or other
14 expenses related to the duties of their office unless approved
15 by a roll call vote of a majority of the board members.

16 (6) All members of the board and employees of the
17 board shall be subject to the State Ethics Law, Chapter 25 of
18 Title 36, Code of Alabama 1975.

19 (7) No increase in rates for water may be adopted by
20 the board unless notice of the meeting at which the rate
21 increase is to be considered is given at least 30 days prior
22 to the meeting in the same manner as provided in the Alabama
23 Open Meeting Act and a public hearing is held at the meeting
24 prior to any vote on the rate increase.

25 (8) The board shall otherwise be subject to Chapter
26 25A of Title 36, Code of Alabama 1975, the Alabama Open
27 Meetings Act.

1 (9) This act shall not apply to a municipal
2 utilities board which operates a water works system and an
3 electric distribution system and does not apply to an entity
4 which only serves wholesale water customers.

5 Section 2. All laws or parts of laws which conflict
6 with this act are repealed.

7 Section 3. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.