

1 SB89
2 167881-4
3 By Senators Waggoner, Williams, Scofield, Blackwell, Reed,
4 Livingston, Ward, Whatley, Shelnut, Marsh, Bussman, Allen and
5 Orr
6 RFD: Fiscal Responsibility and Economic Development
7 First Read: 03-MAR-15

1 SB89

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4 ENROLLED, An Act,

5 Relating to any municipal water works board which
6 serves water customers or has assets in certain counties other
7 than the county where the authorizing municipality is
8 principally located; to provide for the appointment of certain
9 board members; to limit the terms of all board members
10 including members appointed prior to this act becoming
11 applicable to the board; to limit the compensation and
12 expenses of the board members; to specify that the board
13 members would be covered by the State Ethics Law and could not
14 be elected officials; to provide for notice and a public
15 hearing prior to the board adopting any rate increase; and to
16 specify that the board would be subject to the Alabama Open
17 Meetings Act.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Notwithstanding any other provisions of
20 law, this act shall apply to any municipal water works board
21 authorized to be incorporated by a municipality which, on
22 January 1, 2015, either served water customers or has assets
23 in four or more counties other than the county where the
24 authorizing municipality is principally located, or after
25 January 1, 2015, either serves water customers or has assets

1 in four or more counties other than the county where the
2 authorizing municipality is located, and the organization and
3 operation of the board, shall be subject to this act.

4 Section 2. (a) Subject to the effective date in
5 Section 8, the water works board shall be reorganized and
6 composed of the following members:

7 (1) Six of the members shall be appointed by the
8 authorizing municipality and shall be residents of the
9 authorizing municipality and water customers of the board.

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

23 (3) One additional board member shall be appointed
24 by the county commission of each county other than the county
25 where the authorizing municipality is principally located

1 where more than 5,000 water customers are served by the board
2 or where the board owns a major reservoir located entirely
3 within the county. Each board member shall be a resident of
4 the county making the appointment.

5 Section 3. (1) Except as otherwise provided in this
6 act, after the effective date of this act, the term of members
7 of the board shall be four years.

8 (2) A person appointed to fill a vacancy on the
9 board shall serve the remainder of the term of the vacant
10 seat.

11 (3) Except as provided herein, a member of the board
12 may not be appointed to more than two full terms, including,
13 as provided herein, any board member serving when this act
14 becomes applicable to the board. A board member who has been
15 appointed to two full terms on the board prior to this act
16 becoming applicable to the board may not be appointed to an
17 additional term and a board member who has been appointed to
18 one full term prior to this act becoming applicable to the
19 board may be appointed to one additional term on the board.
20 All board members shall continue to serve until a successor is
21 appointed and qualified.

22 Section 4. (a) Notwithstanding any other provision
23 of law, including Section 11-50-234.1, Code of Alabama 1975,
24 no member of the board may receive any compensation that
25 exceeds one thousand dollars (\$1,000) per month. In addition,

1 the members shall be entitled to any additional personal
2 expenses for the member only or expense allowance for personal
3 travel or other personal expenses for the member related to
4 the duties of their office upon approval by a roll call vote
5 of a majority of the board members in an open meeting of the
6 board. No member of the board may be reimbursed for any
7 expenditure for alcoholic beverages or entertainment. Records
8 relating to each expense voucher shall be itemized as to any
9 expense and shall be a public record and placed on the website
10 of the board.

11 (b) (1) All members of the board and employees of the
12 board shall be subject to the State Ethics Law, Chapter 25 of
13 Title 36, Code of Alabama 1975. No consultant or party
14 contracting with or doing business with the board may expend
15 any funds on entertainment of a board member.

16 (2) No member of the board shall be an elected
17 official.

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

1 website of the board at least 30 days in advance of the board
2 meeting.

3 (d) The board shall otherwise be subject to Chapter
4 25A of Title 36, Code of Alabama 1975, the Alabama Open
5 Meetings Act.

6 Section 5. This act shall not apply to a municipal
7 utilities board which operates a water works system and an
8 electric distribution system and does not apply to an entity
9 which only serves wholesale water customers.

10 Section 6. All laws or parts of laws which conflict
11 with this act are repealed.

12 Section 7. The provisions of this act are severable.
13 If any part of this act is declared invalid or
14 unconstitutional, that declaration shall not affect the part
15 which remains.

16 Section 8. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law, except that Section 2
19 of this act shall become effective on January 1, 2017.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB89
Senate 16-APR-15
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 05-MAY-15

By: Senator Waggoner