

1 SB195
2 215276-2
3 By Senator Livingston (N & P)
4 RFD: Local Legislation
5 First Read: 08-FEB-22

A BILL
TO BE ENTITLED
AN ACT

Relating to Jackson County; to amend Section 45-36-252.03 of the Code of Alabama 1975, providing for the incorporation and operation of the Jackson County Water Authority, to further provide for reports to the Jackson County Commission on the operation of the board and for the replacement of board members under certain conditions by the appointing authorities; and to specify that the board is subject to the Alabama Open Meetings Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-36-252.03 of the Code of Alabama 1975, is amended to read as follows:

"§45-36-252.03.

"(a) The board of the Jackson County Water Authority shall consist of five directors who shall be appointed in the following manner: One director by the Jackson County

1 Commission for an initial term of two years; two directors by
2 the state senator from Jackson County for initial terms of
3 three years so that both of these appointees are not qualified
4 electors of the same state House of Representative's district;
5 and two directors by the members of the state House of
6 Representatives representing Jackson County for initial terms
7 of four years.

8 "(b) As soon as may be practicable after the
9 organization of the authority, an election shall be held by
10 the board of directors to elect a vice chair and a
11 secretary-treasurer. After the initial term of three years for
12 the chair, the board of directors shall elect a chair who
13 shall serve two-year terms.

14 "(c) Upon the expiration of the initial terms,
15 directors shall serve a term of four years and vacancies shall
16 be filled by the respective appointing authority that made the
17 initial appointment. In the event of a vacancy in office due
18 to death, disability, resignation, or impeachment, the
19 unexpired term of such office shall be filled by appointment
20 by the appointing authority. No officer of the state or of any
21 county or municipality shall, during his or her tenure as such
22 officer, be eligible to serve as a director.

23 "(d) Each director appointed shall be a duly
24 qualified elector of that county and shall be a resident of
25 and the owner of real property in that part of the service
26 area of the authority which lies within that county.

1 "(e) Any director of the authority may be impeached
2 and removed from office in the same manner and on the same
3 grounds provided by Section 175 of the Constitution of Alabama
4 and the general laws of the state for impeachment and removal
5 of the officers mentioned in Section 175.

6 "(f) The Jackson County Commission may provide
7 office space, staff, and supplies for the authority.

8 "(g) In addition to the provisions of subsection
9 (e), any director of the authority may be removed and replaced
10 by the appointing authority of the board member if the
11 appointing authority determines that the board member does not
12 meet the qualifications for appointment to the board provided
13 in subsection (d), that the board member has failed to attend
14 a majority of the scheduled meetings within a fiscal year or
15 is unable for personal or other reasons to attend meetings of
16 the board, or that the board member has a conflict of
17 interest.

18 "(h) The board shall on a semiannual basis provide
19 reports to the Jackson County Commission not less than one
20 month after the close of each semiannual period of the board.
21 The reports shall include, but are not limited to, the
22 following:

23 "(1) A financial statement on the revenues and
24 expenditures of the board and the balance sheet at the end of
25 the period.

26 "(2) The status of water projects in the service
27 area of the authority.

1 "(3) The location of gaps in water service in the
2 service area of the authority and the specific plans to
3 provide water service in these areas.

4 "(4) A report on the status of the quality,
5 reliability, and adequacy of water infrastructure within the
6 service area of the authority including needed maintenance and
7 repairs, upgrades, and new infrastructure needed.

8 "(i) Pursuant to the authority of Amendment No. 519
9 of the Constitution of Alabama of 1901, now appearing as
10 Section 6, Jackson County Local Amendments of the Official
11 Recompilation of the Constitution of Alabama of 1901, as
12 amended, the board shall be subject to the Alabama Open
13 Meetings Act, Chapter 25A of Title 35, Code of Alabama 1975."

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