

HB495 INTRODUCED



1 HB495
2 BYVBZQQ-1
3 By Representative Estes (N & P)
4 RFD: Local Legislation
5 First Read: 01-Apr-25



A BILL
TO BE ENTITLED
AN ACT

Relating to Marion County; to amend Section 45-47-250.04, Code of Alabama 1975, to further provide for the board of directors of the Marion County Public Water Authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-47-250.04, Code of Alabama 1975, is amended to read as follows:

"§45-47-250.04

(a) The Marion County Public Water Authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

(b) ~~The initial~~ Beginning October 1, 2025, the board of directors shall consist of ~~three citizens appointed to incorporate the authority and six other directors to be appointed within 45 days after the date the authority is incorporated~~ five residents of Marion County as follows:

(1) ~~In addition to the appointment of one of the incorporators who shall serve an initial term of six years,~~ The Chair of the Marion County Commission shall ~~appoint the~~



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~~county engineer as one~~ serve as a director in an ex officio
capacity.

(2) The Marion County Firefighters Association shall
appoint one member from their ~~associations~~ association who
shall serve an initial term of ~~two years~~ one year.

(3) With each incorporated municipality, regardless of
size, having one vote in the selection, the elected mayors of
all incorporated municipalities in Marion County shall appoint
one director who shall serve an initial term of two years.

(4) ~~The chairs of the water authorities in~~ The members
of the House of Representatives who serve Marion County shall
appoint one director who shall serve an initial term of ~~six~~
three years.

(5) ~~The incorporator appointed by the senator~~ The
members of the Senate who serve Marion County shall ~~serve an~~
~~initial term of six years and shall be chair of the board of~~
~~directors during his or her initial term of office~~ appoint one
director who shall serve an initial term of four years.

~~(6) The incorporator appointed by the member of the~~
~~House of Representatives shall serve an initial term of four~~
~~years; two other directors shall be appointed by the members~~
~~of the House of Representatives and shall serve an initial~~
~~term of four years.~~

~~(c) In the event an appointment is not made within 45~~
~~days after the date of incorporation, the Governor shall have~~
~~the authority to make such appointment.~~

~~(d) As soon as may be practicable after the~~
~~organization of the authority, an election shall be held by~~



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~~the board of directors to elect a vice-chair and a secretary-treasurer. After the initial term of six years for the chair, the board of directors shall elect a chair who shall serve four year terms. No chair shall serve more than three consecutive elected terms.~~

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

(d) Other than the chair of the county commission, no director may serve more than three consecutive four-year terms.

~~(f)~~ (e) Each director appointed shall be a duly qualified elector and resident of ~~that county~~ Marion County and ~~shall be a resident of and the owner of~~ shall own real property in ~~that part of the service area of the authority which lies within that~~ the county.

(f) Each director shall be compensated for each meeting attended in an amount to be determined by a majority vote of the members of the board. The amount of each director's compensation shall be stated in the bylaws of the authority. In addition, each director shall be entitled to reimbursement



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for expenses actually incurred on official business of the authority in the performance of his or her duties.

(g) If any director of the authority is absent from three consecutive, called or scheduled meetings, he or she shall be removed from office and terminated as a member of the authority. Within 45 days of his or her removal, the appointing authority of ~~such~~ the director shall make a replacement appointment. Upon failure of the appointing authority to make ~~such~~ a replacement appointment ~~with~~ within 45 days, the Governor shall appoint a director.

(h) An appointing authority may recall its respective director 30 days after providing written notice to the director of the authority's intent to recall the director. Following a successful recall, an appointing authority shall make a replacement appointment. Upon failure of the appointing authority to make a replacement appointment within 45 days, the Governor shall appoint a director.

~~(h)~~ (i) Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama of ~~1901~~ 2022 and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

~~(i) The Marion County Commission may provide office space and staff for the authority."~~

Section 2. Any compensation payment made to a member of the Board of Directors of the Marion County Public Water Authority prior to October 1, 2025, is hereby affirmed and ratified.



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113 Section 3. This act shall become effective on October
114 1, 2025.