

**REPORT OF CONFERENCE COMMITTEE**

**MR. PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3053: Storm water; authorize creation of storm water management districts.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate concur in House Amendment No. 1.
2. That the House recede from its Amendment No. 2.
3. That the Senate and House adopt the following amendment:

**AMEND** line 285 by striking subsection (5) in its entirety and renumbering subsequent subsections accordingly.

**FURTHER**, amend line 360 by striking Section 11 in its entirety and inserting in lieu thereof the following:

SECTION 11. (1) All powers of the district shall be vested in the board of commissioners.

(2) If the district is composed of a single member, the governing body of that county or municipality shall serve as the board of commissioners of the district and shall exercise those powers and duties granted to the board under Sections 1 through 22 of this act.

(3) If the district is composed of two (2) or more members, each member of the district shall have at least one (1) commissioner on the board. The board shall contain an odd number of commissioners:

(a) The incorporators shall, in the incorporation agreement, designate the vote of each commissioner based upon pro rata population or any other criteria as the incorporators may determine. In the alternative, the incorporators, in the

incorporation agreement, may authorize appointments to the board by the members to reflect population, or any other criteria as the incorporators may determine. Within thirty (30) days after the effective date of the incorporation agreement, the governing body of each member shall appoint a commissioner or commissioners to the board as determined by the incorporation agreement. All vacancies shall be filled by appointment in the same manner as the original appointment.

(b) Each commissioner shall serve at the will and pleasure of the appointing governing body and for any term established by the appointing governing body.

(c) The governing body of each member shall appoint a commissioner or commissioners from among the elected officials serving on the governing body of the respective county or municipality.

(4) The board of commissioners shall annually elect a chairman and a vice chairman. The chairman shall preside at all meetings of the board and act as the chief executive officer of the board and of the district, unless otherwise determined by the board. The vice chairman shall act in the absence or disability of the chairman. A majority of the membership of the board shall constitute a quorum. Except as otherwise provided by law, all official acts of the board shall require an affirmative vote by a majority of those commissioners present and voting.

(5) The number of commissioners on the board shall be increased by at least one (1), as provided in an amended incorporation agreement, each time a county or municipality enters into membership. The board shall establish the vote or number of commissioners based upon the same terms as the original incorporation agreement. Within fifteen (15) days after becoming a member, the governing body of the new member shall appoint a commissioner or commissioners to the board.

(6) If the district is composed of three (3) or more members, the board may appoint an executive committee to be composed of not less than three (3) persons. No member shall have more than one (1) representative on the executive committee. The chairman of the board shall serve as chairman of the executive

committee. The executive committee may execute all powers vested in the full board between meetings of the board. A majority shall constitute a quorum for the transaction of business. All actions of the executive committee must be ratified by a majority of the board at a regular or called meeting of the board.

(7) (a) The board may employ any personnel and appoint and prescribe the duties of any officers as the board deems necessary or advisable, including a general manager and a secretary of the district. The board may require any of its employees to be bonded. The cost of any bond required by this section or by the board shall be paid from funds of the district.

(b) The general manager may also serve as secretary and shall be a person of good moral character and of proven ability as an administrator with a minimum of five (5) years' experience in the management and administration of a public works operation or comparable experience which may include, but is not limited to, supervision, public financing, regulatory codes and related functions as minimum qualifications to administer the programs and duties of the district. The general manager shall administer, manage and direct the affairs and business of the district, subject to the policies, control and direction of the board. The general manager shall give bond executed by a surety company or companies authorized to do business in this state in the penal sum of Fifty Thousand Dollars (\$50,000.00) payable to the district conditioned upon the faithful performance of that person's duties and the proper accounting for all funds.

(c) The secretary shall keep a record of the proceedings of the board and the district and shall be custodian of all books, documents and papers filed with the district, the minute book or journal and the official seal. The secretary may make copies of all minutes and other records and documents of the district and to certify under the seal of the district that the copies are true and accurate copies, and all persons dealing with the district may rely upon those certificates.

(8) Regular meetings of the board shall be held as set forth in its rules or regulations for management of the district's business and affairs. Additional meetings of the board shall be

held at the call of the chairman or whenever a majority of commissioners so request.

(9) Upon express and prior authorization by the board, each commissioner may receive reimbursement for actual and necessary expenses incurred for attending each day's meeting of the board and for each day spent in attending to the business of the district as provided by Section 25-3-41. Each commissioner shall not be entitled to per diem or any additional compensation other than that specifically provided for in this subsection.

(10) The board shall prepare a budget for the district for each fiscal year at least ninety (90) days before the beginning of that fiscal year. The fiscal year shall be from July 1 to June 30 of each year. The board shall submit the budget to the governing body of each member.

**FURTHER AMEND lines 24, 51, 76, 85, 87, 95, 102, 146, 242, 261, 273, 289, 301, 475, 540, 547, 599, 605, 651, 662, 671 and 679 by striking "21" and inserting in lieu thereof "22".**

**FURTHER AMEND line 49 after the word "operate" by inserting the word "and".**

**FURTHER AMEND line 76 after the word "the" by inserting the word "project" and by placing a period after the word "financing" and striking the remaining language through line 77.**

**FURTHER AMEND line 85 by striking the word "created".**

**FURTHER AMEND line 519 by striking the word "an" and inserting in lieu thereof the word "and".**

FURTHER AMEND line 521 by striking the word "Rules" and inserting in lieu thereof the word "rules".

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X \_\_\_\_\_

Alan Nunnelee

X \_\_\_\_\_

Michael W. Janus

X \_\_\_\_\_

John Horhn

X \_\_\_\_\_

Jim Ellington

X \_\_\_\_\_

T. O. Moffatt

X \_\_\_\_\_

Greg Snowden