§ 156-81. Appointment and organization under amended act.

(a) Method of Appointment. – The manner of appointment shall be as follows:

1. If the drainage district shall lie solely within one county, the clerk of
superior court for such county shall appoint such commissioners.

2. If the said district shall lie in more than one county, then such
commissioners shall be appointed by unanimous action of the clerks of court
for the counties wherein any part of such district lies.

(b) Organization. – Immediately after the appointment of the board of drainage
commissioners, the clerk of the court of the county wherein such drainage proceeding is
pending shall notify each of the commissioners in writing to appear at a certain time and place
within the district and organize. The clerk or clerks of court, as the case may be, shall appoint
one of the three members as chairman of the board of drainage commissioners, and in doing so
he or they shall consider carefully and impartially the respective qualifications of each of the
members for the position.

(c) Term of Office. – The term of service of the members of the board of drainage
commissioners so appointed shall begin upon their appointment. Where all three
commissioners are appointed at once, one commissioner shall serve for one year, one for two
years, and the other for three years, the term to be computed from the first day of October
following their organization. The members so serving for one, two, and three years,
respectively, shall be unanimously designated by the clerk or clerks of the court. Thereafter
each member shall be appointed for three years. The clerk of the court for the county wherein
the proceeding is pending shall record in the drainage record the date of appointment, the
members appointed, and the beginning and expiration of their term of office.

(d) Vacancies Filled. – If a vacancy shall occur in the office of any commissioner by
death, resignation, or otherwise, the remaining two members are to discharge the necessary
duties of the board until the vacancy shall be filled; and if the vacancy shall be in the office of
chairman or secretary, the two remaining members may elect a secretary, and the clerk or
clerks, as the case may be, shall appoint one of the two remaining members to act as chairman
to hold until the vacancy in the board shall be filled. The clerk of the county wherein the
proceeding is pending shall keep a similar record of any appointment to fill vacancies. The
person appointed to fill the vacancy shall be appointed in the manner set forth in subsection (a)
of this section and shall serve until the expiration of the term of his predecessor. The secretary
of the board of drainage commissioners shall promptly notify the appropriate clerk or clerks of
the superior court of any vacancy in the board.

(e) Failure to Appoint. – If for any reason the clerk or clerks of the court shall fail to
provide for the appointment of drainage commissioners prior to the expiration of a term, the
incumbents shall continue to hold their office as commissioners until their successors are
appointed and qualified. The term of office of boards of drainage commissioners heretofore
elected and appointed shall expire immediately upon the appointment of new commissioners
pursuant to subsection (a) of this section.

(f) Meetings. – The board shall meet once each month at a stated time and place during
the progress of drainage construction, and more often if necessary. After the drainage work is
completed, or at any time, the chairman shall have the power to call special meetings of the
board at a certain time and place. The chairman shall also call a meeting at any time upon the
written request of the owners of a majority in area of the land in the district.

(g) Compensation. – The chairman of the board of drainage commissioners shall
receive compensation and allowances as fixed by the clerk of the superior court. In fixing such
compensation and allowances, the clerk shall give due consideration to the duties and
responsibilities imposed upon the chairman of the board. The other members of the board shall
receive a per diem not to exceed twenty-five dollars ($25.00) a day, while engaged in attendance upon meetings of the board, or in the discharge of duties imposed by the board. The secretary of the board shall receive such compensation and expense allowances as may be determined by the board.

The chairman and members of the board of drainage commissioners shall also receive their actual travel and subsistence expenses while engaged in attendance upon meetings of the board, or in the discharge of duties imposed by the board. The compensation and expense allowances as herein set out shall be paid from the assessments made annually for the purpose of maintaining the canals of the drainage district, or from any other funds of the district.

(h) Application of Section. – The provisions of this section shall apply to all drainage districts now or hereafter existing in this State, without regard to the date of organization.

(i) Repealed by Session Laws 1989 (Regular Session, 1990), c. 959, s. 3. (1917, c. 152, s. 5; 1919, cc. 109, 217; C.S., s. 5339; 1947, c. 935; 1949, c. 956, ss. 1-3; 1957, c. 912, s. 1; 1975, c. 494; 1989 (Reg. Sess., 1990), c. 959, s. 3.)