

By: Johnson (19th), Michel

To: Local and Private

SENATE BILL NO. 3328  
(As Passed the Senate)

1 AN ACT TO AUTHORIZE THE CITY OF MADISON, MISSISSIPPI, AND  
2 BEAR CREEKWATER ASSOCIATION, INC., TO ENTER INTO INTERLOCAL  
3 AGREEMENTS TO PROVIDE SEWERAGE AND OTHER SERVICES AND TO APPLY FOR  
4 STATE AND FEDERAL FUNDS FOR THE CONSTRUCTION OF A SEWER TREATMENT  
5 FACILITY; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. It is the purpose of this act to permit the City  
8 of Madison, Mississippi, and Bear Creek Water Association, Inc.,  
9 (a nonprofit corporation that provides water and sewerage services  
10 within Madison County, Mississippi) to make the most efficient use  
11 of their powers; to upgrade their water and sewer systems for the  
12 purpose of improving local water, sewerage and other services to  
13 the citizens of the City of Madison and the members of Bear Creek  
14 Water Association, Inc.; and to allow them to cooperate and  
15 contract with each other on the basis of mutual advantage.

16 SECTION 2. The governing authorities of the City of Madison  
17 and Bear Creek Water Association, Inc., may enter into an  
18 interlocal agreement or agreements, or other agreements or  
19 contracts for the purpose of improving water, sewerage or other  
20 services to the citizens of the City of Madison and/or the members  
21 of Bear Creek Water Association, Inc., on the basis of mutual  
22 advantage.

23 SECTION 3. No interlocal agreement or other agreement or  
24 contract made by the City of Madison and Bear Creek Water  
25 Association, Inc., shall be entered into by either the City of  
26 Madison or Bear Creek Water Association, Inc., without the  
27 approval by resolution on the minutes of the governing authorities

28 of both the City of Madison and Bear Creek Water Association, Inc.

29 SECTION 4. Any power, authority or responsibility exercised  
30 or capable of being exercised by the governing authorities of the  
31 City of Madison in connection with the purposes of this act may be  
32 carried out jointly with the governing authorities of Bear Creek  
33 Water Association, Inc., including, but not limited to, the power  
34 and authority to apply for state and federal funds for the  
35 construction of a sewer disposal and treatment facility and for  
36 other related purposes.

37 SECTION 5. Any agreement made under the provisions of this  
38 act shall specify the following:

39 (a) Its duration.

40 (b) Its purpose or purposes.

41 (c) The precise organization, composition, nature and  
42 powers of any separate legal or administrative entity created  
43 thereby; and the specific citation of statutory authority vested  
44 in each of the governing authorities of the City of Madison and  
45 Bear Creek Water Association, Inc., which are a party of the  
46 agreement.

47 (d) The manner of financing, staffing and supplying the  
48 joint or cooperative undertaking and of establishing and  
49 maintaining a budget therefor; provided, that the treasurer and  
50 the disbursing officer of either the City of Madison or Bear Creek  
51 Water Association, Inc., or both, shall be designated in the  
52 agreement to receive, disburse and account for all funds of the  
53 joint undertaking as a part of the duties of the officer or  
54 officers.

55 (e) The permissible method or methods to be employed in  
56 accomplishing the partial or complete termination or amendment of  
57 the agreement and for disposing of property upon such partial or  
58 complete termination or amendment.

59 (f) The provision for administration, through a joint  
60 board or other appropriate means, of the joint or cooperative  
61 undertaking in the event that the agreement does not or may not  
62 establish a separate administrative body or legal entity to  
63 conduct the joint or cooperative undertaking. In the case of a  
64 joint board, both the governing authorities of the City of Madison

65 and Bear Creek Water Association, Inc., shall be equally  
66 represented.

67 (g) The manner of acquiring, holding and disposing of  
68 real and personal property used in the joint or cooperative  
69 undertaking in the event that the agreement does not or may not  
70 establish a separate administrative body or legal entity to  
71 conduct the joint or cooperative undertaking.

72 (h) Any other necessary and proper matters.

73 SECTION 6. This act shall take effect and be in force from  
74 and after its passage.