To: Local and Private Legislation

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representatives Guice, Zuber

HOUSE BILL NO. 1692

AN ACT TO AMEND CHAPTER 831, LOCAL AND PRIVATE LAWS OF 1966, AS LAST AMENDED BY CHAPTER 947, LOCAL AND PRIVATE LAWS OF 1991, TO INCREASE THE NUMBER OF COMMISSIONERS ON THE BOARD OF COMMISSIONERS FOR THE WEST JACKSON COUNTY UTILITY DISTRICT; AND FOR RELATED PURPOSES.

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


Section 1. Any contiguous area situated within the County of Jackson, in the State of Mississippi, and, except as hereinafter provided, not being situated within the corporate boundaries of any existing municipality of the county, and having no adequate water system, sewer system, gas utility system or fire protection facilities serving such area, may become incorporated as a water district, as a sewer district, as a gas utility district, or as a fire protection district, or as a combined water and sewer district, or as a combined water, sewer and gas utility district, or as a combined water, sewer, gas utility and fire protection district, in the following manner:

(a) A petition for the incorporation of such a district may be submitted to the board of supervisors of the county, signed by not less than twenty-five (25) owners of real property residing within the boundaries of the proposed district. Such petition shall include: (1) a statement for the necessity for the service
or services to be supplied by the proposed district; (2) the
proposed corporate name for the district; (3) the proposed
boundaries of the districts; and (4) an estimate of the cost of
the acquisition or construction of the facilities to be operated
by the district, which estimate, however, shall not serve as a
limitation upon the financing of improvements or extensions to the
facilities. Such petition shall be signed in person by the
petitioners, with their respective residence addresses, and shall
be accompanied by a sworn statement of the person or persons
circulating the petition, who shall state under oath that he or
they witnessed the signature of each petitioner, that each
signature is the signature of the person it purports to be, and
that to the best of his or their knowledge, each petitioner was,
at the time of signing, an owner of real property within and a
resident of the proposed district.

No individual tract of land containing one hundred sixty
(160) acres or more shall be included in any such district unless
the owner or owners of the tract is a signer under oath of the
petition for the incorporation of such district.

(b) Upon the filing of such petition it shall then be
the duty of the board of supervisors of the county to fix a time
and place for a public hearing upon the question of the public
convenience and necessity of the incorporation of the proposed
district. The date fixed for such hearing shall be not more than
thirty (30) days after the filing of the petition, and the date of
the hearing, the place at which it shall be held, and the purpose
of the hearing, shall be set forth in a notice to be signed by the
clerk of the board of supervisors of the county and it shall be
published in a newspaper having general circulation within such
proposed district once a week for at least three (3) consecutive
weeks prior to the date of such hearing. The first such
publication shall be made not less than twenty-one (21) days prior
to the date of such hearing and the last such publication shall
be made not more than seven (7) days prior to the date of such hearing. If, at such public hearing, the board of supervisors finds (1) that the public convenience and necessity require the creation of the district, and (2) that the creation of the district is economically sound and desirable, the board of supervisors shall adopt a resolution making the aforesaid findings and declaring its intention to create the district on the specified date. Such resolution shall designate the contemplated and territorial limits of the district, which limits may or may not be the same as the boundaries set forth in the petition.

(c) A certified copy of the resolution so adopted shall be published in a newspaper having a general circulation within such proposed district once a week for at least three (3) consecutive weeks prior to the date specified in such resolution as the date upon which such board intends to create such district. The first such publication shall be made not less than twenty-one (21) days prior to the date thus specified, and the last such publication shall be made not more than seven (7) days prior to such date. If twenty percent (20%) of the qualified electors of such proposed district file written petition with such board of supervisors on or before the date specified aforesaid, protesting against the creation of such district, the board of supervisors shall call an election on the question of the creation of such district. Such election shall be held and conducted by the election commissioners of the county as nearly as may be in accordance with the general laws governing elections, and such election commissioners shall determine which of the qualified electors of such county reside within the proposed district and only such qualified electors as reside within such proposed district shall be entitled to vote in such election. Notice of such election, setting forth the time, place or places, and purpose of such election shall be published by the clerk of the board of supervisors, and such notice shall be published for the time and the manner herein provided for the
publication of the aforesaid resolution of intention. The ballots to be prepared for and used at the election shall be in substantially the following form:

For creation of _________________________ district ( )
Against creation of _____________________ district ( ) and voters shall vote by placing a cross mark (x) or a check mark (✓) opposite their choice.

(d) If no petition requiring an election is filed or if a majority of those voting at an election hereunder vote in favor of the creation of such district, the board of supervisors shall adopt a resolution creating the district as described in the aforesaid resolution of intention.

(e) All costs incident to the publication of the aforesaid notices and all other costs incident to the public hearing and election hereunder shall be borne by the parties filing the petition, and the board of supervisors, in its discretion, may require the execution by the parties filing the petition of a cost bond in an amount and with good sureties to guarantee the payment of such costs.

(f) Any party having an interest in the subject matter and aggrieved or prejudiced by the findings and adjudication of the board of supervisors may appeal to the circuit court of the county in the manner provided by law for appeals from orders of the board of supervisors; however, if no such appeal is taken within a period of fifteen (15) days from and after the date of the adoption of the resolution creating any such district, the creation of such district shall be final and conclusive, and shall not thereafter be subject to attack in any court.

Section 2. (1) From and after the date of the adoption of the resolution creating such district, such district shall be a public corporation in perpetuity under its corporate name and shall, in that name, be a body politic and corporate with power of perpetual succession. The powers of each such district, except as
hereinafter provided, shall be vested in and exercised by a board of commissioners consisting of three (3) members to be appointed by the board of supervisors. Upon their initial appointment, one (1) of the commissioners shall be appointed for a term of two (2) years; one (1) for a term of four (4) years; and one (1) for a term of six (6) years; and thereafter each of these commissioners or their successors shall be appointed and shall hold office for a term of six (6) years. However, after the effective date of House Bill No. ____, 2001 Regular Session, the board of commissioners shall consist of five (5) members. The board of supervisors shall appoint the two (2) additional commissioners, and upon their initial appointment, one (1) commissioner shall be appointed for a term of three (3) years and the other commissioner shall be appointed for a term of five (5) years. Upon the expiration of the initial terms of these two (2) commissioners, all subsequent terms of these commissioners or their successors shall be for four (4) years.

Any vacancy occurring on such board of commissioners shall be filled by the board of supervisors at any regular meeting of such board of supervisors, which board of supervisors shall have the authority to fill all unexpired terms of any commissioner or commissioners. Notwithstanding the appointive authority herein granted to the board of supervisors, its legal and actual responsibilities, authority and function, subsequent to the creation of any such district, except as hereinafter provided, shall be specifically limited to the appointive function, and the operation, management, subsequent possible annexation, abolition or dissolution of such district, and all other matters in connection therewith, shall be vested solely and only in the board of commissioners to the specific exclusion of the board of supervisors, and the abolition, dissolution or termination of any such district shall be accomplished only by unanimous resolution of the board of commissioners. * * * However, * * * such board of
commissioners shall have no power, jurisdiction or authority to abolish, dissolve, or terminate any such district while such district has any outstanding indebtedness of any kind or character.

(2) The powers of the Gautier Utility District shall be vested in and exercised by a board of commissioners consisting of five (5) members to be selected in the following manner:

(a) Within thirty (30) days following May 1, 1987, the board of supervisors shall appoint two (2) commissioners to the commission. The five (5) appointed commissioners shall serve until the expiration of the terms to which they were appointed or until commissioners are elected and take office, whichever shall occur first, under the provisions of paragraph (b) of this subsection. The two (2) additional commissioners appointed under this paragraph shall be qualified in the same manner and subject to the same duties and obligations as present commissioners under Section 4 of this chapter. After the two (2) additional commissioners are appointed and qualified they shall exercise equal power with other members and be entitled to the same benefits and compensation as the other commissioners. From and after the effective date of this act until the commissioners are elected and qualified under the provisions of paragraph (b) of this subsection, the appointed commissioners shall take no action to abolish, dissolve, terminate, transfer or sell the district.

(b) As soon as practical after May 1, 1987, the board of supervisors shall create within the Gautier Utility District five (5) districts from which commissioners shall be elected. The board of supervisors shall designate the positions elected from each district as Post 1, Post 2, Post 3, Post 4 and Post 5. Post 5 shall be an at-large district composed of the entire Gautier Utility District. The commissioners shall be elected in the following manner:
(i) A commissioner must be a resident of the district he represents. The initial election for such commissioners shall be held on June 7, 1988, with subsequent elections to be held concurrently with the general elections. The initial election shall be conducted by the use of paper ballots. After the initial election, the terms of office shall run concurrent with the term of office of the board of supervisors and elections shall be held during the same time period as that of the board of supervisors. For the initial election only, voting shall be conducted for all districts at the central location. The initial elections shall be held in accordance with the provisions of the law pertaining to vacancies or special elections. Immediately upon receipt of the writ of election, the commissioners of election shall give notice of such election by posting notice at the courthouse and in each commissioners district not less than ninety (90) days before such election. The election shall be prepared and held in the same manner as a general election. Candidates for the position of commissioner shall qualify by filing with the circuit clerk, not later than 5:00 p.m. sixty (60) days before the date of the election, a petition signed by not less than fifteen (15) qualified electors of the Gautier Utility District. The candidates shall be placed upon the ballot in alphabetical order and no political party affiliation shall be designated thereon. The candidate who receives the highest number of votes for each post shall be declared elected. The commissioners elected shall serve until December 31, 1991, or until their successors are elected and qualified. All costs of the election shall be borne by the Gautier Utility District and not the county at large.

(ii) Beginning with the State General Election in 1991 and every four (4) years thereafter, the commissioners shall be elected in the same manner and at the same time as other state and county officers and shall serve for four-year terms.
Candidates shall qualify by filing with the circuit clerk, not later than 5:00 p.m. sixty (60) days before the date of the election, a petition signed by not less than fifteen (15) qualified electors of the Gautier Utility District. The candidates shall be placed upon the ballot in alphabetical order and no political party affiliation shall be designated thereon. The candidate who receives the highest number of votes for each post shall be declared elected.


Section 3. Such board of commissioners shall organize by electing one (1) of its members as chairman and another as vice chairman. It shall be the duty of the chairman to preside at all meetings of the board and to act as the chief executive officer of the board of the district. The vice chairman shall act in the absence or disability of the chairman. Such board also shall elect and fix the compensation of a secretary-treasurer who may or may not be a member of the board. It shall be the duty of the secretary-treasurer to keep all minutes and records of the board and to safely keep all funds of the district. The secretary-treasurer shall be required to execute a bond, payable to the district, in a sum and with such surety as shall be fixed and approved by the board of commissioners. The terms of all officers of the board shall be for one (1) year from and after the date of election and shall run until their respective successors are appointed and qualified. Each such board of commissioners shall adopt an official seal with which to attest the official acts and records of the board and district.

Section 4. Every resident citizen of any district created pursuant to this act, of good reputation, and over twenty-five (25) years of age, and of sound mind and judgment shall be eligible to hold the office of commissioner. Each person elected or appointed as a commissioner, before entering upon the discharge
of the duties of this office, shall be required to execute a bond, payable to the State of Mississippi, in the penal sum of Ten Thousand Dollars ($10,000.00) conditioned that he will faithfully discharge the duties of his office; and each such bond shall be approved by the clerk of the board of supervisors and filed with said clerk. Each commissioner shall take and subscribe to an oath of office before the clerk of the board of supervisors that he will faithfully discharge the duties of the office of commissioner, which oath shall also be filed with the clerk and by him preserved with such official bond. The commissioners shall receive per diem in the amount of Eighty-three Dollars ($83.00) for each meeting of the board of commissioners attended, either regular or special, for no more than thirty-six (36) meetings of the board during any one (1) fiscal year, or a commissioner, in his or her discretion, may choose irrevocably to receive as compensation for the commissioner's service an annual salary in the amount of Three Thousand Dollars ($3,000.00), which choice shall remain in effect through out the period of service of that commissioner. The commissioners shall be reimbursed for all expenses necessarily incurred in the discharge of their official duties. The board of supervisors, in its discretion, shall pay the compensation and expense reimbursement from the general fund of the county or from the proceeds of such district. The commissioners elected for the Gautier Utility District shall be entitled to compensation under Section 25-3-69 for not more than fifty (50) days per year.

Section 5. Districts created under the provisions of this act shall have the powers enumerated in the resolution of the board of supervisors creating such districts but shall be limited to the conducting and operating of a water district, a sewer district, a gas utility district or a fire protection district, or as a combined water and sewer district, or as a combined water, sewer and gas utility district, or as a combined water, sewer and
fire protection district, or as a combined water, sewer, gas
utility and fire protection district; and to carry out such
purpose or purposes, such districts shall have the power and
authority to acquire, construct, reconstruct, improve, better,
extend, consolidate, maintain, and operate such system or systems
and to contract with any municipality, person, firm or corporation
for a supply of water, gas or for other services required incident
to the operation and maintenance of such a system. As long as any
such district or districts continue to furnish any of the services
which it has authorized to furnish in and by the resolution by
which it was created, it shall be the sole public corporation
empowered to furnish such services within such district except as
set forth in Section 6.

Section 6. Any area adjacent to any district created
pursuant to this act and situated within Jackson County,
Mississippi, may be annexed to and become a part of such district
by the same procedure as prescribed in Section 1 of this act for
the original creation of such district. None of the territory
lying within any such district shall be subject to annexation by
any city, town or village unless all of the territory of such
district be so annexed, in which event such city, town or village
shall assume the operation and maintenance of the facilities of
such district and shall assume all obligations of such district
with respect to the payment of any outstanding bonds of such
district, and all other contractual obligations of such district.

* * * However, * * * with respect to the Escatawpa Suburban
Utility District, the City of Moss Point may annex a part of that
district upon the assumption by the city of the operation and
maintenance of the facilities of such district and shall assume
all obligations of such district with respect to the payment of
any outstanding bonds, including the principal and interest and
service charges thereon, of such district, and all other
contractual obligations of such district. * * * With respect to
the Gautier Utility District, the City of Gautier may annex any part of that parcel of land of the Gautier Utility District that lies west of the city boundaries of the City of Gautier, south of Interstate 10 and east of Mississippi Highway 57, without the necessity of annexing all of such Gautier Utility District or assuming the operation and maintenance of any of the facilities of such district or assuming any obligations of such district. Any unincorporated territory currently within the Gautier Utility District and also within the proposed area to be annexed by the City of Gautier must have unanimous vote of the elected Gautier Utility District Commissioners. Otherwise, the provision regarding annexation hereinabove set forth in the first paragraph of this section shall remain in full force and effect.

Section 7. (1) The water and sewer system constructed by Jackson County, Mississippi, in the Bayou Casotte and Escatawpa areas of Jackson County, under the authority of Section 9, Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate Bill 1888), Laws of Mississippi of 1962, may, in the discretion of the board of supervisors, be constituted as a combined water, sewer and fire protection district or combined water and sewer district or districts with all the rights, powers, duties and obligations granted to such districts by this act, notwithstanding that part of such district or districts may include territory now within the corporate limits of a municipality. The board of supervisors, in its discretion, may, by resolution, declare its intention to create such district or districts without the necessity of a prior petition being filed with the board of supervisors, and such resolution shall be published and the proceedings shall thereafter be had as provided by Section 1(b), (c), (d) and (f) of this act.

(2) Any such district or districts shall have the power to provide funds for either or both of the following purposes: (a) for the purpose of constructing, acquiring, reconstructing, improving, bettering or extending the utility facilities for such
district or districts; (b) for the purpose of purchasing,
acquiring, taking up, exchanging or redeeming the outstanding
bonds issued by Jackson County under the authority of Section 9,
Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate
Bill 1888), Laws of Mississippi of 1962; by the issuance of
revenue bonds as set forth in this subsection or under subsection
(3). Such bonds shall be payable primarily from the revenues of
such facilities and, if and when necessary, from the special fund
provided for in paragraph (4) of this Section 7, and may be issued
without an election being held upon the question of their issuance
and without the publication of any notice of intention to issue
such bonds. The board of commissioners of any district created
pursuant to this act shall issue bonds of such district by
resolution spread upon the minutes of such board. Such bonds
shall contain such covenants and provisions, shall be executed,
shall bear interest at such rate or rates not to exceed fourteen
percent (14%) per annum, shall be in such denomination or
denominations, shall be payable, both as to principal and
interest, at such place or places, and shall mature at such time
or times not exceeding thirty-five (35) years from their date, all
as shall be determined by such board of commissioners and set
forth in the resolution pursuant to which such bonds shall be
issued. Any provisions of the general laws to the contrary
notwithstanding, any bonds and interest coupons issued pursuant to
the authority of this act shall possess all of the qualities of
negotiable instruments, and such bonds and interest coupons shall
be exempt from all state, county, municipal and other taxation
under the laws of the State of Mississippi. Any bonds issued
pursuant to the authority of this act may be refunded in the
manner provided herein, and bonds for the betterment, improvement
or extension of the system may be included with such refunding
bonds. Such bonds may be sold without the necessity of
advertising for bids therefor, and may be sold by negotiated
private sale and on such terms, conditions and covenants as may be agreed to by and between the issuing authority and the purchasers of such bonds.

(3) Funds for operation or debt service or both of the Gautier Utility District may be provided by charges assessed against the property abutting upon the sewer, or abutting upon the railroad and/or utility right-of-way, street, road, highway, easement or alley in which such sewer mains or water mains are installed according to the frontage thereof.

The Board of Commissioners of the Gautier Utility District, after giving notice and hearing protests in the manner prescribed by Sections 21-41-5 and 21-41-7, Mississippi Code of 1972, shall, by resolution spread upon its minutes, define the services to be offered, the approximate cost of the services and improvements, and the entire area to be benefited by each improvement; each such improvement may be designated as a project, or all such improvements may be designated as one (1) project.

The resolution shall direct that the cost to be assessed against each lot or parcel of land shall be determined by dividing the entire assessable cost of the project by the total number of front feet fronting on the street, easement or other right-of-way in which all of the mains embraced within the project are installed and multiplying the quotient by the total number of front feet in any particular lot or parcel of land fronting on the street, easement or other right-of-way in which sewer mains or water mains are installed. The result thereof shall be delivered by governing authorities of the Gautier Utility District to the county board of supervisors as the amount of special tax to be assessed against each lot or piece of ground for the owner's part of the total cost of the improvements.

Upon petition to the proper taxing authority, tracts of land containing five (5) or more contiguous acres of unsubdivided or unimproved property shall be excluded from assessment under this
subsection, provided that if the excluded property is subsequently improved or subdivided within five (5) years after being excluded from assessment, such property shall be immediately subject to a charge of one hundred percent (100%) of all costs incurred to date in addition to all future costs; if the excluded property is subsequently improved or subdivided five (5) or more years after being excluded from assessment, such property shall be immediately subject to all previous costs less depreciation computed on a proportion of the design life of the project on a thirty-five-year basis and all future costs.

(4) If there are insufficient revenues accruing from the operation of any such district or districts to meet the interest and/or principal payments when due on any bonds issued under the authority of this act, then, upon certification of such fact by the board of commissioners of such district or districts to the board of supervisors, it shall be the mandatory duty of the Board of Supervisors of Jackson County to levy an ad valorem tax not to exceed five (5) mills on all taxable property in such district; however, * * * in the Gautier Utility District, the Board of Supervisors of Jackson County may levy an ad valorem tax not to exceed eight (8) mills on all taxable property in the Gautier Utility District, to provide a special fund for the payment of such bonds and interest thereon, which fund shall be used for no other purpose. However, * * * the provisions of this subsection (4) shall not be applicable when such bonds have been assumed by any municipality under the provisions of Section 9(1)(k) hereof.

(5) The board of supervisors, upon adoption by the Commissioners of the Gautier Utility District of a resolution requesting funding, shall levy a special tax, not to exceed four (4) mills annually, on all of the taxable real property in the Gautier Utility District, the avails of which shall be paid over to the board of commissioners of the district to be used for the
operation, support and maintenance of the fire protection activities of the Gautier Utility District.

(6) In the event that the Gautier Utility District Commission does not fund the operation or debt of the district under subsection (3), then the board of supervisors, upon adoption by the Gautier Utility District Commissioners of a resolution requesting funding, shall levy a special tax, not to exceed four (4) mills annually, on all of the taxable property in the Gautier Utility District, the avails of which shall be paid over to the Board of Commissioners of the Gautier Utility District to be used for the operation, support and maintenance of any service provided by the Gautier Utility District. Water and sewer service shall be considered one (1) service in the Gautier Utility District.

(7) The taxes and assessments authorized to be levied and made under subsections (3), (5) or (6) of this section shall not be levied until the board of supervisors, or, in the case of an elected board of commissioners, the commissioners adopt a resolution setting forth the intent to levy the tax, the property subject to such tax and the purposes to which the avails of such tax will be employed. Such resolution shall be published in a newspaper having a general circulation within the Gautier Utility District once a week for at least three (3) consecutive weeks prior to the date specified in such resolution as the date upon which such board intends to levy the tax. The first such publication shall be made not less than twenty-one (21) days prior to the date specified, and the last such publication shall be made not more than fourteen (14) days prior to such date.

If twenty percent (20%) or one hundred fifty (150), whichever is the lesser, of the qualified electors of the Gautier Utility District file a written petition with such board of supervisors or commissioners as the case may be on or before the date specified aforesaid, protesting the levy of the tax, the board of supervisors or commissioners shall call an election on the
question of the levy of the tax. Such election shall be held and
classed by the election commissioners of the county as nearly as
may be in accordance with the general laws governing elections,
and such election commissioners shall determine which of the
qualified electors of such county reside within the proposed
district, and only such qualified electors who reside within the
district shall be entitled to vote in such election. Notice of
such election setting forth the time, place or places, and purpose
of such election shall be published by the clerk of the board of
supervisors, and such notice shall be published for the time and
the manner provided above for the publication of the resolution of
intention. The ballots to be prepared for and used at the
election shall be in substantially the following form:
"FOR THE TAX ()
AGAINST THE TAX ()"
and voters shall vote by placing a cross mark (x) or a check mark
opposite their choice.
If no petition is filed which would require an election, or
in the event of such election a majority of those voting vote in
favor of such tax, the board of supervisors shall levy the tax as
set forth in the resolution of intention.
(8) The taxes authorized to be levied under subsections (5)
and (6) of this section and the increase in millage authorized by
subsection (4) of this section shall not be included in computing
any statutory growth limitations for the first year such taxes are
initially levied or increased.

Section 8. Any district created pursuant to the provisions
of this act shall be vested with all the powers necessary and
requisite for the accomplishment of the purpose for which such
district is created, capable of being delegated by the
Legislature. No enumeration of powers therein shall be construed
to impair or limit any general grant of power herein contained nor
to limit any such grant to a power or powers of the same class or
classes as those enumerated. Such districts are empowered to do all acts necessary, proper or convenient in the exercise of the powers granted under this act.

Section 9. Any district created pursuant to the provisions of this act, acting by and through the board of commissioners of such district, its governing authority, shall have the following, among other, powers:

(a) To sue and be sued.
(b) To acquire by purchase, gift, devise, lease, or exercise the powers of eminent domain or other mode of acquisition, hold and dispose of real and personal property of every kind within or without the district, including franchise rights.
(c) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds, leases, or contracts for financial advisory services.
(d) To incur debts, to borrow money, to issue negotiable bonds, and to provide for the rights of the holders thereof.
(e) To fix, maintain and collect, and revise rates and charges for the services rendered by or through the facilities of such district subject to subsection (2) of this section.
(f) To pledge all or any part of its revenues to the payment of its obligations.
(g) To make such covenants in connection with the issuance of bonds or to secure the payments of bonds that a private business corporation can make under the general laws of the state.
(h) To use any right-of-way, easement or other similar property or property rights or any material or equipment necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities of such district, held by the state or any political subdivision thereof; provided that
the governing body of such political subdivision shall consent to such use.

(i) Such districts shall have the same status as counties and municipalities concerning payment of sales taxes on purchases made by such districts for district purposes.

(j) To sell to any municipality under such terms, conditions and covenants as may be imposed or required by such district or districts, part or all of the utility system or systems within such district or districts, * * * however, * * * in the event of a sale of all of such system or systems, within any such district or districts, the municipality shall assume all obligations of such district or districts as a condition precedent to such sale.

(k) To contract with Jackson County, or with any municipality thereof, or similar district or districts for the assumption of any bonds of such district or districts or bonds now outstanding issued by Jackson County under the provisions of Section 9, Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate Bill 1888), Laws of Mississippi of 1962, for the Escatawpa and Bayou Casotte areas in Jackson County, under such terms, conditions and covenants as may be agreed upon among the county, municipality or districts, as the case may be, consistent with the terms of such outstanding bonds. Any municipality, district or districts, shall be authorized to pledge to the payment of the bonds and obligations so assumed, any revenues, including revenues from its existing water, sewer and gas utility systems not theretofore pledged.

(l) To contract with any municipality for the operation, maintenance and extension of any utility system or systems in any such district or districts by the municipality upon such terms, conditions and covenants as may be agreed upon between the municipality and the district or districts.
(m) To contract with the United States of America, or any agency of the United States of America, the State of Mississippi, or any political subdivision of the State of Mississippi, or any agency, commission, authority, board, or other entity thereof, or any municipality or municipalities, for any of the additional purposes authorized by Section 11 of this act.

Section 10. In any district created under the provisions of this act, which includes water or sewer facilities, or both, the board of supervisors may, where it finds unhealthy or unsanitary or deleterious conditions exist in such district because of inadequate or contaminated water supplies or lack of approved septic tanks or because of high water tables, or inadequate drainage or inadequate provisions for disposal of sewage, require by order or resolution all dwellings and buildings within such district that are within reasonable proximity to such systems to be connected to the water and sewer systems of such district. Any person, firm or corporation within such district declining or refusing to connect to such district water and sewer system after the adoption by the board of supervisors of an order or resolution predicated on such findings shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed One Hundred Dollars ($100.00), to be imposed by any court of competent jurisdiction, and each day that such dwelling or building shall remain unconnected to such district water and sewer system shall constitute a separate offense. After the adoption of such order or resolution, it shall be unlawful for any dwelling or building to be constructed within such district, unless, where it is feasible to do so, provision is made to connect such building or dwelling to the district water and sewer system, and the drilling of private wells to provide water for human consumption and the construction of outhouses, cesspools, and septic tanks in such district shall be unlawful and punishable as a misdemeanor as herein provided.
Section 11. In addition to the purposes authorized by Section 7(2) of this act, any district or districts created under the provisions of this act and/or any municipality within Jackson County, Mississippi, is or are hereby authorized and empowered to issue bonds of such district, districts or municipality in the manner provided in Section 7(2) of this act for any or all of the following purposes:

(a) To purchase or acquire any of the outstanding bonds of Jackson County issued under the authority of Section 9, Chapter 365, Laws of Mississippi of 1958 and Chapter 395 (Senate Bill 1888), Laws of Mississippi of 1962;

(b) To refund the outstanding utility bonds of any district, districts or municipality;

(c) To improve, better or extend the water, sewer or gas utility system or systems of such district, districts or municipality;

(d) To purchase or acquire part or all of the utility system or systems of any other district, districts or municipality, including part or all of such system or systems within the corporate boundaries of any municipality;

(e) To purchase or acquire the outstanding utility bonds of any other district, districts or municipality;

(f) To purchase or acquire part or all of the utility system or systems of one or more municipalities, including such system or systems within the corporate boundaries of such municipality or municipalities;

(g) To purchase or acquire part or all of any privately owned utility system or systems;

(h) To purchase or acquire part or all of any utility system or systems owned by the United States of America, or any agency of the United States of America, or the State of Mississippi, or any political subdivision of the state, or any
agency, commission, authority, board or other entity thereof; and to provide therefor as follows:

In the event that any outstanding bonds to be purchased, acquired or refunded by any district, districts or municipality, by the terms thereof (1) mature without option of prior payment after the date of the district or municipal bonds to be issued, or (2) mature on specified dates, but with the option reserved unto the county to call in, pay and redeem such bonds on a date subsequent to the date of the district or municipal bonds to be issued, and in the event that the holder or holders of such outstanding revenue bonds cannot be immediately located or will not accept district or municipal bonds to be issued in exchange for and upon surrender and cancellation of a like amount of such outstanding bonds, then the district or municipality may, in its discretion, sell such district or municipal bonds to be issued and deposit with a trustee to be designated in the resolution issuing such district or municipal bonds to be issued an amount sufficient to redeem all such outstanding county, district or municipal bonds, together with accrued interest and any premium required for such redemption on the earliest call date, or on the maturity date of noncallable bonds. Such deposits shall be a trust fund, and shall be used for no purpose other than the redemption of such outstanding bonds, the payment of interest thereon as the same accrued, and the payment of any premium required for redemption of such bonds on their callable or maturity date or dates. In the event that any of such outstanding bonds are subject to call for redemption, the county, district, districts or municipality, prior to the issuance of district or municipal bonds therefor, shall exercise such right or call and shall call such outstanding bonds for redemption on the earliest possible call date.

The district or municipality may, by resolution, direct that such trust fund be invested in bonds, notes, certificates or other obligations of or guaranteed by the United States of America and
maturity or being redeemable at or prior to the time when such funds will be deeded for the redemption of such outstanding bonds. For the purpose of determining the adequacy of such deposits, the maturity value or redemption value of all such investments and the interest accruing thereon to maturity or call date, shall be considered as cash on hand. The district or municipality is further authorized to make such covenants and to do any and all acts and things as may be necessary, convenient and desirable in order to secure such district or municipal bonds, in order to make such district or municipal bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein or expressly authorized herein; it being the intention hereby to give the governing authority of the district or municipality in issuing such bonds, the power to do all things required or necessary in the issuance of such bonds and for their execution, that may not be inconsistent with the Constitution of the State of Mississippi.

The district or municipal bonds herein authorized may be issued concurrently and in combination with bonds issued to provide funds for any or all of the purposes authorized by this act. In the issuance of bonds hereunder a sufficient sum shall be added to the principal amount thereof to provide for the payment of all costs necessarily incident to the issuance and delivery or exchange of such bonds, and to provide for the payment into the bond and interest fund of a sum not exceeding the average annual principal and interest requirements of such bonds, as a reserve therefor.

Section 12. Jackson County, Mississippi, is hereby authorized to sell to any municipality therein the utility systems existing within the Bayou Casotte and Escatawpa areas and any such municipality is hereby authorized to purchase the same from the county, and thereupon to assume payment of the bonded indebtedness of the county incurred therefor. Any municipality assuming the
bonds issued by any district under the provisions of this act, or bonds issued by Jackson County under the authority of Section 9, Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate Bill 1888), Laws of Mississippi of 1962, for Bayou Casotte and Escatawpa areas, is hereby authorized and empowered to provide for the purchase, acquisition, redemption, payment or refunding of such outstanding bonds, and is further authorized and empowered to provide for the calling in, paying, acquiring, redeeming or refunding the outstanding revenue bonds of such municipality issued for water, sewer and gas utility systems by the issuance of refunding bonds of such municipality. Such refunding bonds may be issued concurrently and in combination with bonds issued for the purchase, acquisition, redemption, payment or refunding of such outstanding county bonds, district bonds or bonds issued for the betterment, extension and improvement of the utility systems of such municipality. The bonds authorized to be issued hereby by the municipality may be issued in the same manner and subject to the same limitations, provided for by issuances of district bonds or refunding bonds, under the provisions of this act. Any municipality shall have the power to provide for the refunding of any bonds to be purchased or refunded as conferred on the district or districts by Section 11 of this act. The authority conferred by this act upon such municipality shall be full and complete authority for the issuance of such municipal revenue bonds, and no other proceedings shall be required for the issuance of such municipal revenue bonds, and all the necessary powers to be exercised by the governing authorities of such municipality in order to carry out the provisions of this act are hereby conferred.

Section 13. This act, without reference to any other statute, shall be deemed to be full and complete authority for the creation of such districts and for the issuance of such bonds by such districts or municipalities, and no proceedings shall be
required for the creation of such districts or for the issuance of such bonds other than those provided for and required herein, and all the necessary powers to be exercised by the board of supervisors of such county and by the board of commissioners of any such district, and the governing authorities of such municipality in order to carry out the provisions of this act, are hereby conferred.

Section 14. Any bonds issued under the provisions of this act may be submitted to validation under the provisions of Chapter 13, Title 31, Mississippi Code of 1972.

Section 15. This act shall be liberally construed for the purposes herein set out, the powers hereby granted being additional, cumulative and supplemental to any power granted to the County of Jackson, or any municipality therein by any general or local act of the Legislature.

Section 16. Notwithstanding any section to the contrary, the City of Gautier shall comply with all existing laws on the extension or contraction of corporate boundaries as provided in Sections 21-1-27 through 21-1-47, Mississippi Code of 1972, and any other applicable provisions of state law.

Section 17. If any provisions of this act shall be held to be invalid by any court of competent jurisdiction, the remainder of this act shall not be affected thereby.

Section 18. In the event that the City of Gautier acquires the assets and assumes the obligations of or otherwise takes over the Gautier Utility District, the commission shall be dissolved and the provisions of this act relating to the Gautier Utility District shall be void.

Section 19. The Board of Supervisors of Jackson County, Mississippi, is directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of
Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 2. This act shall take effect and be in force from and after its passage.