

By: Representatives Guice, Zuber

To: Local and Private
Legislation

HOUSE BILL NO. 1692

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

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

7 SECTION 1. Chapter 831, Local and Private Laws of 1966, as
8 amended by Chapter 949, Local and Private Laws of 1980, as amended
9 by Chapter 844, Local and Private Laws of 1982, as amended by
10 Chapter 923, Local and Private Laws of 1987, as amended by Chapter
11 827, Local and Private Laws of 1988, as amended by Chapter 947,
12 Local and Private Laws of 1991, is amended as follows:

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

24 (a) A petition for the incorporation of such a district
25 may be submitted to the board of supervisors of the county, signed
26 by not less than twenty-five (25) owners of real property residing
27 within the boundaries of the proposed district. Such petition
28 shall include: (1) a statement for the necessity for the service

29 or services to be supplied by the proposed district; (2) the
30 proposed corporate name for the district; (3) the proposed
31 boundaries of the districts; and (4) an estimate of the cost of
32 the acquisition or construction of the facilities to be operated
33 by the district, which estimate, however, shall not serve as a
34 limitation upon the financing of improvements or extensions to the
35 facilities. Such petition shall be signed in person by the
36 petitioners, with their respective residence addresses, and shall
37 be accompanied by a sworn statement of the person or persons
38 circulating the petition, who shall state under oath that he or
39 they witnessed the signature of each petitioner, that each
40 signature is the signature of the person it purports to be, and
41 that to the best of his or their knowledge, each petitioner was,
42 at the time of signing, an owner of real property within and a
43 resident of the proposed district.

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

48 (b) Upon the filing of such petition it shall then be
49 the duty of the board of supervisors of the county to fix a time
50 and place for a public hearing upon the question of the public
51 convenience and necessity of the incorporation of the proposed
52 district. The date fixed for such hearing shall be not more than
53 thirty (30) days after the filing of the petition, and the date of
54 the hearing, the place at which it shall be held, and the purpose
55 of the hearing, shall be set forth in a notice to be signed by the
56 clerk of the board of supervisors of the county and it shall be
57 published in a newspaper having general circulation within such
58 proposed district once a week for at least three (3) consecutive
59 weeks prior to the date of such hearing. The first such
60 publication shall be made not less than twenty-one (21) days prior
61 to the date of such hearing, and the last such publication shall

62 be made not more than seven (7) days prior to the date of such
63 hearing. If, at such public hearing, the board of supervisors
64 finds (1) that the public convenience and necessity require the
65 creation of the district, and (2) that the creation of the
66 district is economically sound and desirable, the board of
67 supervisors shall adopt a resolution making the aforesaid findings
68 and declaring its intention to create the district on the
69 specified date. Such resolution shall designate the contemplated
70 and territorial limits of the district, which limits may or may
71 not be the same as the boundaries set forth in the petition.

72 (c) A certified copy of the resolution so adopted shall be
73 published in a newspaper having a general circulation within such
74 proposed district once a week for at least three (3) consecutive
75 weeks prior to the date specified in such resolution as the date
76 upon which such board intends to create such district. The first
77 such publication shall be made not less than twenty-one (21) days
78 prior to the date thus specified, and the last such publication
79 shall be made not more than seven (7) days prior to such date. If
80 twenty percent (20%) of the qualified electors of such proposed
81 district file written petition with such board of supervisors on
82 or before the date specified aforesaid, protesting against the
83 creation of such district, the board of supervisors shall call an
84 election on the question of the creation of such district. Such
85 election shall be held and conducted by the election commissioners
86 of the county as nearly as may be in accordance with the general
87 laws governing elections, and such election commissioners shall
88 determine which of the qualified electors of such county reside
89 within the proposed district and only such qualified electors as
90 reside within such proposed district shall be entitled to vote in
91 such election. Notice of such election, setting forth the time,
92 place or places, and purpose of such election shall be published
93 by the clerk of the board of supervisors, and such notice shall be
94 published for the time and the manner herein provided for the

95 publication of the aforesaid resolution of intention. The ballots
96 to be prepared for and used at the election shall be in
97 substantially the following form:

98 For creation of _____ district ()

99 Against creation of _____ district () and

100 voters shall vote by placing a cross mark (x) or a check mark (✓)
101 opposite their choice.

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

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

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

123 Section 2. (1) From and after the date of the adoption of
124 the resolution creating such district, such district shall be a
125 public corporation in perpetuity under its corporate name and
126 shall, in that name, be a body politic and corporate with power of
127 perpetual succession. The powers of each such district, except as

128 hereinafter provided, shall be vested in and exercised by a board
129 of commissioners consisting of three (3) members to be appointed
130 by the board of supervisors. Upon their initial appointment, one
131 (1) of the commissioners shall be appointed for a term of two (2)
132 years; one (1) for a term of four (4) years; and one (1) for a
133 term of six (6) years; and thereafter each of these commissioners
134 or their successors shall be appointed and shall hold office for a
135 term of six (6) years. However, after the effective date of House
136 Bill No. _____, 2001 Regular Session, the board of commissioners
137 shall consist of five (5) members. The board of supervisors shall
138 appoint the two (2) additional commissioners, and upon their
139 initial appointment, one (1) commissioner shall be appointed for a
140 term of three (3) years and the other commissioner shall be
141 appointed for a term of five (5) years. Upon the expiration of
142 the initial terms of these two (2) commissioners, all subsequent
143 terms of these commissioners or their successors shall be for four
144 (4) years.

145 Any vacancy occurring on such board of commissioners shall be
146 filled by the board of supervisors at any regular meeting of such
147 board of supervisors, which board of supervisors shall have the
148 authority to fill all unexpired terms of any commissioner or
149 commissioners. Notwithstanding the appointive authority herein
150 granted to the board of supervisors, its legal and actual
151 responsibilities, authority and function, subsequent to the
152 creation of any such district, except as hereinafter provided,
153 shall be specifically limited to the appointive function, and the
154 operation, management, subsequent possible annexation, abolition
155 or dissolution of such district, and all other matters in
156 connection therewith, shall be vested solely and only in the board
157 of commissioners to the specific exclusion of the board of
158 supervisors, and the abolition, dissolution or termination of any
159 such district shall be accomplished only by unanimous resolution
160 of the board of commissioners. * * * However, * * * such board of

161 commissioners shall have no power, jurisdiction or authority to
162 abolish, dissolve, or terminate any such district while such
163 district has any outstanding indebtedness of any kind or
164 character.

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

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

185 (b) As soon as practical after May 1, 1987, the board
186 of supervisors shall create within the Gautier Utility District
187 five (5) districts from which commissioners shall be elected. The
188 board of supervisors shall designate the positions elected from
189 each district as Post 1, Post 2, Post 3, Post 4 and Post 5. Post
190 5 shall be an at-large district composed of the entire Gautier
191 Utility District. The commissioners shall be elected in the
192 following manner:

193 (i) A commissioner must be a resident of the
194 district he represents. The initial election for such
195 commissioners shall be held on June 7, 1988, with subsequent
196 elections to be held concurrently with the general elections. The
197 initial election shall be conducted by the use of paper ballots.
198 After the initial election, the terms of office shall run
199 concurrent with the term of office of the board of supervisors and
200 elections shall be held during the same time period as that of the
201 board of supervisors. For the initial election only, voting shall
202 be conducted for all districts at the central location. The
203 initial elections shall be held in accordance with the provisions
204 of the law pertaining to vacancies or special elections.
205 Immediately upon receipt of the writ of election, the
206 commissioners of election shall give notice of such election by
207 posting notice at the courthouse and in each commissioners
208 district not less than ninety (90) days before such election. The
209 election shall be prepared and held in the same manner as a
210 general election. Candidates for the position of commissioner
211 shall qualify by filing with the circuit clerk, not later than
212 5:00 p.m. sixty (60) days before the date of the election, a
213 petition signed by not less than fifteen (15) qualified electors
214 of the Gautier Utility District. The candidates shall be placed
215 upon the ballot in alphabetical order and no political party
216 affiliation shall be designated thereon. The candidate who
217 receives the highest number of votes for each post shall be
218 declared elected. The commissioners elected shall serve until
219 December 31, 1991, or until their successors are elected and
220 qualified. All costs of the election shall be borne by the
221 Gautier Utility District and not the county at large.

222 (ii) Beginning with the State General Election in
223 1991 and every four (4) years thereafter, the commissioners shall
224 be elected in the same manner and at the same time as other state
225 and county officers and shall serve for four-year terms.

226 Candidates shall qualify by filing with the circuit clerk, not
227 later than 5:00 p.m. sixty (60) days before the date of the
228 election, a petition signed by not less than fifteen (15)
229 qualified electors of the Gautier Utility District. The
230 candidates shall be placed upon the ballot in alphabetical order
231 and no political party affiliation shall be designated thereon.
232 The candidate who receives the highest number of votes for each
233 post shall be declared elected.

234 Vacancies shall be filled by the procedure set forth in
235 Section 23-15-839, Mississippi Code of 1972.

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

254 Section 4. Every resident citizen of any district created
255 pursuant to this act, of good reputation, and over twenty-five
256 (25) years of age, and of sound mind and judgment shall be
257 eligible to hold the office of commissioner. Each person elected
258 or appointed as a commissioner, before entering upon the discharge

259 of the duties of this office, shall be required to execute a bond,
260 payable to the State of Mississippi, in the penal sum of Ten
261 Thousand Dollars (\$10,000.00) conditioned that he will faithfully
262 discharge the duties of his office; and each such bond shall be
263 approved by the clerk of the board of supervisors and filed with
264 said clerk. Each commissioner shall take and subscribe to an oath
265 of office before the clerk of the board of supervisors that he
266 will faithfully discharge the duties of the office of
267 commissioner, which oath shall also be filed with the clerk and by
268 him preserved with such official bond. The commissioners shall
269 receive per diem in the amount of Eighty-three Dollars (\$83.00)
270 for each meeting of the board of commissioners attended, either
271 regular or special, for no more than thirty-six (36) meetings of
272 the board during any one (1) fiscal year, or a commissioner, in
273 his or her discretion, may choose irrevocably to receive as
274 compensation for the commissioner's service an annual salary in
275 the amount of Three Thousand Dollars (\$3,000.00), which choice
276 shall remain in effect through out the period of service of that
277 commissioner. The commissioners shall be reimbursed for all
278 expenses necessarily incurred in the discharge of their official
279 duties. The board of supervisors, in its discretion, shall pay
280 the compensation and expense reimbursement from the general fund
281 of the county or from the proceeds of such district. The
282 commissioners elected for the Gautier Utility District shall be
283 entitled to compensation under Section 25-3-69 for not more than
284 fifty (50) days per year.

285 Section 5. Districts created under the provisions of this
286 act shall have the powers enumerated in the resolution of the
287 board of supervisors creating such districts but shall be limited
288 to the conducting and operating of a water district, a sewer
289 district, a gas utility district or a fire protection district, or
290 as a combined water and sewer district, or as a combined water,
291 sewer and gas utility district, or as a combined water, sewer and

292 fire protection district, or as a combined water, sewer, gas
293 utility and fire protection district; and to carry out such
294 purpose or purposes, such districts shall have the power and
295 authority to acquire, construct, reconstruct, improve, better,
296 extend, consolidate, maintain, and operate such system or systems
297 and to contract with any municipality, person, firm or corporation
298 for a supply of water, gas or for other services required incident
299 to the operation and maintenance of such a system. As long as any
300 such district or districts continue to furnish any of the services
301 which it has authorized to furnish in and by the resolution by
302 which it was created, it shall be the sole public corporation
303 empowered to furnish such services within such district except as
304 set forth in Section 6.

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

317 * * * However, * * * with respect to the Escatawpa Suburban
318 Utility District, the City of Moss Point may annex a part of that
319 district upon the assumption by the city of the operation and
320 maintenance of the facilities of such district and shall assume
321 all obligations of such district with respect to the payment of
322 any outstanding bonds, including the principal and interest and
323 service charges thereon, of such district, and all other
324 contractual obligations of such district. * * * With respect to

325 the Gautier Utility District, the City of Gautier may annex any
326 part of that parcel of land of the Gautier Utility District that
327 lies west of the city boundaries of the City of Gautier, south of
328 Interstate 10 and east of Mississippi Highway 57, without the
329 necessity of annexing all of such Gautier Utility District or
330 assuming the operation and maintenance of any of the facilities of
331 such district or assuming any obligations of such district. Any
332 unincorporated territory currently within the Gautier Utility
333 District and also within the proposed area to be annexed by the
334 City of Gautier must have unanimous vote of the elected Gautier
335 Utility District Commissioners. Otherwise, the provision
336 regarding annexation hereinabove set forth in the first paragraph
337 of this section shall remain in full force and effect.

338 Section 7. (1) The water and sewer system constructed by
339 Jackson County, Mississippi, in the Bayou Casotte and Escatawpa
340 areas of Jackson County, under the authority of Section 9, Chapter
341 365, Laws of Mississippi of 1958, and Chapter 395 (Senate Bill
342 1888), Laws of Mississippi of 1962, may, in the discretion of the
343 board of supervisors, be constituted as a combined water, sewer
344 and fire protection district or combined water and sewer district
345 or districts with all the rights, powers, duties and obligations
346 granted to such districts by this act, notwithstanding that part
347 of such district or districts may include territory now within the
348 corporate limits of a municipality. The board of supervisors, in
349 its discretion, may, by resolution, declare its intention to
350 create such district or districts without the necessity of a prior
351 petition being filed with the board of supervisors, and such
352 resolution shall be published and the proceedings shall thereafter
353 be had as provided by Section 1(b), (c), (d) and (f) of this act.

354 (2) Any such district or districts shall have the power to
355 provide funds for either or both of the following purposes: (a)
356 for the purpose of constructing, acquiring, reconstructing,
357 improving, bettering or extending the utility facilities for such

358 district or districts; (b) for the purpose of purchasing,
359 acquiring, taking up, exchanging or redeeming the outstanding
360 bonds issued by Jackson County under the authority of Section 9,
361 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate
362 Bill 1888), Laws of Mississippi of 1962; by the issuance of
363 revenue bonds as set forth in this subsection or under subsection
364 (3). Such bonds shall be payable primarily from the revenues of
365 such facilities and, if and when necessary, from the special fund
366 provided for in paragraph (4) of this Section 7, and may be issued
367 without an election being held upon the question of their issuance
368 and without the publication of any notice of intention to issue
369 such bonds. The board of commissioners of any district created
370 pursuant to this act shall issue bonds of such district by
371 resolution spread upon the minutes of such board. Such bonds
372 shall contain such covenants and provisions, shall be executed,
373 shall bear interest at such rate or rates not to exceed fourteen
374 percent (14%) per annum, shall be in such denomination or
375 denominations, shall be payable, both as to principal and
376 interest, at such place or places, and shall mature at such time
377 or times not exceeding thirty-five (35) years from their date, all
378 as shall be determined by such board of commissioners and set
379 forth in the resolution pursuant to which such bonds shall be
380 issued. Any provisions of the general laws to the contrary
381 notwithstanding, any bonds and interest coupons issued pursuant to
382 the authority of this act shall possess all of the qualities of
383 negotiable instruments, and such bonds and interest coupons shall
384 be exempt from all state, county, municipal and other taxation
385 under the laws of the State of Mississippi. Any bonds issued
386 pursuant to the authority of this act may be refunded in the
387 manner provided herein, and bonds for the betterment, improvement
388 or extension of the system may be included with such refunding
389 bonds. Such bonds may be sold without the necessity of
390 advertising for bids therefor, and may be sold by negotiated

391 private sale and on such terms, conditions and covenants as may be
392 agreed to by and between the issuing authority and the purchasers
393 of such bonds.

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

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

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

421 Upon petition to the proper taxing authority, tracts of land
422 containing five (5) or more contiguous acres of unsubdivided or
423 unimproved property shall be excluded from assessment under this

424 subsection, provided that if the excluded property is subsequently
425 improved or subdivided within five (5) years after being excluded
426 from assessment, such property shall be immediately subject to a
427 charge of one hundred percent (100%) of all costs incurred to date
428 in addition to all future costs; if the excluded property is
429 subsequently improved or subdivided five (5) or more years after
430 being excluded from assessment, such property shall be immediately
431 subject to all previous costs less depreciation computed on a
432 proportion of the design life of the project on a thirty-five-year
433 basis and all future costs.

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

450 (5) The board of supervisors, upon adoption by the
451 Commissioners of the Gautier Utility District of a resolution
452 requesting funding, shall levy a special tax, not to exceed four
453 (4) mills annually, on all of the taxable real property in the
454 Gautier Utility District, the avails of which shall be paid over
455 to the board of commissioners of the district to be used for the

456 operation, support and maintenance of the fire protection
457 activities of the Gautier Utility District.

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

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

483 If twenty percent (20%) or one hundred fifty (150), whichever
484 is the lesser, of the qualified electors of the Gautier Utility
485 District file a written petition with such board of supervisors or
486 commissioners as the case may be on or before the date specified
487 aforesaid, protesting the levy of the tax, the board of
488 supervisors or commissioners shall call an election on the

489 question of the levy of the tax. Such election shall be held and
490 conducted by the election commissioners of the county as nearly as
491 may be in accordance with the general laws governing elections,
492 and such election commissioners shall determine which of the
493 qualified electors of such county reside within the proposed
494 district, and only such qualified electors who reside within the
495 district shall be entitled to vote in such election. Notice of
496 such election setting forth the time, place or places, and purpose
497 of such election shall be published by the clerk of the board of
498 supervisors, and such notice shall be published for the time and
499 the manner provided above for the publication of the resolution of
500 intention. The ballots to be prepared for and used at the
501 election shall be in substantially the following form:

502 "FOR THE TAX ()
503 AGAINST THE TAX ()"

504 and voters shall vote by placing a cross mark (x) or a check mark
505 (✓) opposite their choice.

506 If no petition is filed which would require an election, or
507 in the event of such election a majority of those voting vote in
508 favor of such tax, the board of supervisors shall levy the tax as
509 set forth in the resolution of intention.

510 (8) The taxes authorized to be levied under subsections (5)
511 and (6) of this section and the increase in millage authorized by
512 subsection (4) of this section shall not be included in computing
513 any statutory growth limitations for the first year such taxes are
514 initially levied or increased.

515 Section 8. Any district created pursuant to the provisions
516 of this act shall be vested with all the powers necessary and
517 requisite for the accomplishment of the purpose for which such
518 district is created, capable of being delegated by the
519 Legislature. No enumeration of powers therein shall be construed
520 to impair or limit any general grant of power herein contained nor
521 to limit any such grant to a power or powers of the same class or

522 classes as those enumerated. Such districts are empowered to do
523 all acts necessary, proper or convenient in the exercise of the
524 powers granted under this act.

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

529 (a) To sue and be sued.

530 (b) To acquire by purchase, gift, devise, lease, or
531 exercise the powers of eminent domain or other mode of
532 acquisition, hold and dispose of real and personal property of
533 every kind within or without the district, including franchise
534 rights.

535 (c) To make and enter into contracts, conveyances,
536 mortgages, deeds of trust, bonds, leases, or contracts for
537 financial advisory services.

538 (d) To incur debts, to borrow money, to issue
539 negotiable bonds, and to provide for the rights of the holders
540 thereof.

541 (e) To fix, maintain and collect, and revise rates and
542 charges for the services rendered by or through the facilities of
543 such district subject to subsection (2) of this section.

544 (f) To pledge all or any part of its revenues to the
545 payment of its obligations.

546 (g) To make such covenants in connection with the
547 issuance of bonds or to secure the payments of bonds that a
548 private business corporation can make under the general laws of
549 the state.

550 (h) To use any right-of-way, easement or other similar
551 property or property rights or any material or equipment necessary
552 or convenient in connection with the acquisition, improvement,
553 operation or maintenance of the facilities of such district, held
554 by the state or any political subdivision thereof; provided that

555 the governing body of such political subdivision shall consent to
556 such use.

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

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

568 (k) To contract with Jackson County, or with any
569 municipality thereof, or similar district or districts for the
570 assumption of any bonds of such district or districts or bonds now
571 outstanding issued by Jackson County under the provisions of
572 Section 9, Chapter 365, Laws of Mississippi of 1958, and Chapter
573 395 (Senate Bill 1888), Laws of Mississippi of 1962, for the
574 Escatawpa and Bayou Casotte areas in Jackson County, under such
575 terms, conditions and covenants as may be agreed upon among the
576 county, municipality or districts, as the case may be, consistent
577 with the terms of such outstanding bonds. Any municipality,
578 district or districts, shall be authorized to pledge to the
579 payment of the bonds and obligations so assumed, any revenues,
580 including revenues from its existing water, sewer and gas utility
581 systems not theretofore pledged.

582 (l) To contract with any municipality for the
583 operation, maintenance and extension of any utility system or
584 systems in any such district or districts by the municipality upon
585 such terms, conditions and covenants as may be agreed upon between
586 the municipality and the district or districts.

587 (m) To contract with the United States of America, or
588 any agency of the United States of America, the State of
589 Mississippi, or any political subdivision of the State of
590 Mississippi, or any agency, commission, authority, board, or other
591 entity thereof, or any municipality or municipalities, for any of
592 the additional purposes authorized by Section 11 of this act.

593 Section 10. In any district created under the provisions of
594 this act, which includes water or sewer facilities, or both, the
595 board of supervisors may, where it finds unhealthy or unsanitary
596 or deleterious conditions exist in such district because of
597 inadequate or contaminated water supplies or lack of approved
598 septic tanks or because of high water tables, or inadequate
599 drainage or inadequate provisions for disposal of sewage, require
600 by order or resolution all dwellings and buildings within such
601 district that are within reasonable proximity to such systems to
602 be connected to the water and sewer systems of such district. Any
603 person, firm or corporation within such district declining or
604 refusing to connect to such district water and sewer system after
605 the adoption by the board of supervisors of an order or resolution
606 predicated on such findings shall be guilty of a misdemeanor, and
607 shall be subject to a fine not to exceed One Hundred Dollars
608 (\$100.00), to be imposed by any court of competent jurisdiction,
609 and each day that such dwelling or building shall remain
610 unconnected to such district water and sewer system shall
611 constitute a separate offense. After the adoption of such order
612 or resolution, it shall be unlawful for any dwelling or building
613 to be constructed within such district, unless, where it is
614 feasible to do so, provision is made to connect such building or
615 dwelling to the district water and sewer system, and the drilling
616 of private wells to provide water for human consumption and the
617 construction of outhouses, cesspools, and septic tanks in such
618 district shall be unlawful and punishable as a misdemeanor as
619 herein provided.

620 Section 11. In addition to the purposes authorized by
621 Section 7(2) of this act, any district or districts created under
622 the provisions of this act and/or any municipality within Jackson
623 County, Mississippi, is or are hereby authorized and empowered to
624 issue bonds of such district, districts or municipality in the
625 manner provided in Section 7(2) of this act for any or all of the
626 following purposes:

627 (a) To purchase or acquire any of the outstanding bonds
628 of Jackson County issued under the authority of Section 9, Chapter
629 365, Laws of Mississippi of 1958 and Chapter 395 (Senate Bill
630 1888), Laws of Mississippi of 1962;

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

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

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

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

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

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

648 (h) To purchase or acquire part or all of any utility
649 system or systems owned by the United States of America, or any
650 agency of the United States of America, or the State of
651 Mississippi, or any political subdivision of the state, or any

652 agency, commission, authority, board or other entity thereof; and
653 to provide therefor as follows:

654 In the event that any outstanding bonds to be purchased,
655 acquired or refunded by any district, districts or municipality,
656 by the terms thereof (1) mature without option of prior payment
657 after the date of the district or municipal bonds to be issued, or
658 (2) mature on specified dates, but with the option reserved unto
659 the county to call in, pay and redeem such bonds on a date
660 subsequent to the date of the district or municipal bonds to be
661 issued, and in the event that the holder or holders of such
662 outstanding revenue bonds cannot be immediately located or will
663 not accept district or municipal bonds to be issued in exchange
664 for and upon surrender and cancellation of a like amount of such
665 outstanding bonds, then the district or municipality may, in its
666 discretion, sell such district or municipal bonds to be issued and
667 deposit with a trustee to be designated in the resolution issuing
668 such district or municipal bonds to be issued an amount sufficient
669 to redeem all such outstanding county, district or municipal
670 bonds, together with accrued interest and any premium required for
671 such redemption on the earliest call date, or on the maturity date
672 of noncallable bonds. Such deposits shall be a trust fund, and
673 shall be used for no purpose other than the redemption of such
674 outstanding bonds, the payment of interest thereon as the same
675 accrued, and the payment of any premium required for redemption of
676 such bonds on their callable or maturity date or dates. In the
677 event that any of such outstanding bonds are subject to call for
678 redemption, the county, district, districts or municipality, prior
679 to the issuance of district or municipal bonds therefor, shall
680 exercise such right or call and shall call such outstanding bonds
681 for redemption on the earliest possible call date.

682 The district or municipality may, by resolution, direct that
683 such trust fund be invested in bonds, notes, certificates or other
684 obligations of or guaranteed by the United States of America and

685 maturity or being redeemable at or prior to the time when such
686 funds will be deeded for the redemption of such outstanding bonds.
687 For the purpose of determining the adequacy of such deposits, the
688 maturity value or redemption value of all such investments and the
689 interest accruing thereon to maturity or call date, shall be
690 considered as cash on hand. The district or municipality is
691 further authorized to make such covenants and to do any and all
692 acts and things as may be necessary, convenient and desirable in
693 order to secure such district or municipal bonds, in order to make
694 such district or municipal bonds more marketable, notwithstanding
695 that such covenants, acts or things may not be enumerated herein
696 or expressly authorized herein; it being the intention hereby to
697 give the governing authority of the district or municipality in
698 issuing such bonds, the power to do all things required or
699 necessary in the issuance of such bonds and for their execution,
700 that may not be inconsistent with the Constitution of the State of
701 Mississippi.

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

712 Section 12. Jackson County, Mississippi, is hereby
713 authorized to sell to any municipality therein the utility systems
714 existing within the Bayou Casotte and Escatawpa areas and any such
715 municipality is hereby authorized to purchase the same from the
716 county, and thereupon to assume payment of the bonded indebtedness
717 of the county incurred therefor. Any municipality assuming the

718 bonds issued by any district under the provisions of this act, or
719 bonds issued by Jackson County under the authority of Section 9,
720 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate
721 Bill 1888), Laws of Mississippi of 1962, for Bayou Casotte and
722 Escatawpa areas, is hereby authorized and empowered to provide for
723 the purchase, acquisition, redemption, payment or refunding of
724 such outstanding bonds, and is further authorized and empowered to
725 provide for the calling in, paying, acquiring, redeeming or
726 refunding the outstanding revenue bonds of such municipality
727 issued for water, sewer and gas utility systems by the issuance of
728 refunding bonds of such municipality. Such refunding bonds may be
729 issued concurrently and in combination with bonds issued for the
730 purchase, acquisition, redemption, payment or refunding of such
731 outstanding county bonds, district bonds or bonds issued for the
732 betterment, extension and improvement of the utility systems of
733 such municipality. The bonds authorized to be issued hereby by
734 the municipality may be issued in the same manner and subject to
735 the same limitations, provided for by issuances of district bonds
736 or refunding bonds, under the provisions of this act. Any
737 municipality shall have the power to provide for the refunding of
738 any bonds to be purchased or refunded as conferred on the district
739 or districts by Section 11 of this act. The authority conferred
740 by this act upon such municipality shall be full and complete
741 authority for the issuance of such municipal revenue bonds, and no
742 other proceedings shall be required for the issuance of such
743 municipal revenue bonds, and all the necessary powers to be
744 exercised by the governing authorities of such municipality in
745 order to carry out the provisions of this act are hereby
746 conferred.

747 Section 13. This act, without reference to any other
748 statute, shall be deemed to be full and complete authority for the
749 creation of such districts and for the issuance of such bonds by
750 such districts or municipalities, and no proceedings shall be

751 required for the creation of such districts or for the issuance of
752 such bonds other than those provided for and required herein, and
753 all the necessary powers to be exercised by the board of
754 supervisors of such county and by the board of commissioners of
755 any such district, and the governing authorities of such
756 municipality in order to carry out the provisions of this act, are
757 hereby conferred.

758 Section 14. Any bonds issued under the provisions of this
759 act may be submitted to validation under the provisions of Chapter
760 13, Title 31, Mississippi Code of 1972.

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

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

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

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

779 Section 19. The Board of Supervisors of Jackson County,
780 Mississippi, is directed to submit this act, immediately upon
781 approval by the Governor, or upon approval by the Legislature
782 subsequent to a veto, to the Attorney General of the United States
783 or to the United States District Court for the District of

784 Columbia in accordance with the provisions of the Voting Rights
785 Act of 1965, as amended and extended.

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