

By: Senator(s) Cuevas, Dawkins

To: Environment Prot, Cons
and Water Res

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2915

1 AN ACT TO AMEND SECTION 17-17-313, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR EQUAL REPRESENTATION OF COUNTY MEMBERS OF A
3 REGIONAL SOLID WASTE AUTHORITY THAT IS THE SITUS OF THE SOLID
4 WASTE LANDFILL; TO CREATE SECTION 17-17-313.1, MISSISSIPPI CODE OF
5 1972, TO REQUIRE CERTAIN SOLID WASTE MANAGEMENT DISTRICTS CREATED
6 BY LOCAL AND PRIVATE LAWS TO CONFORM TO SECTION 17-17-313,
7 MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 17-17-313, Mississippi Code of 1972, is
10 amended as follows:

11 17-17-313. (1) All powers of the authority shall be vested
12 in the board of commissioners. Each member of the authority shall
13 have at least one (1) commissioner on the board.

14 The incorporators shall by duly adopted resolution or bylaws
15 designate the vote of each commissioner based upon pro rata
16 population, municipal solid waste volume or such other criteria as
17 they may determine. In the alternative, the incorporators by duly
18 adopted resolution, may authorize appointments to the board by the
19 members to reflect population, municipal solid waste volume or
20 such other criteria as the incorporators may determine. In
21 addition, the incorporators shall designate a term for each
22 commissioner at the time of incorporation so as to establish
23 staggered terms of office. No commissioner shall serve for a term
24 to exceed four (4) years unless duly reappointed. Such
25 resolutions for the composition of the board and the vote of its
26 commissioners shall be filed with the incorporation agreement.

27 (a) Initially, the board shall be composed as follows:

28 (i) Within thirty (30) days of the effective date
29 of the incorporation agreement, the board of supervisors of each
30 participating county and the mayor of each municipality acting on
31 behalf and with the consent of the governing body of each
32 participating municipality shall appoint at least one (1) person
33 to the board as determined by the resolution of the incorporators.

34 (ii) The governing body of each county or
35 municipality shall appoint only individuals who are residents of
36 its respective county or municipality or an employee thereof.

37 (iii) The number of commissioners of the board
38 shall be increased by at least one (1) each time a county or
39 municipality enters into membership and executes a contract for
40 solid waste management. The board shall establish the vote or
41 number of commissioners based upon the same terms as the original
42 resolution of the incorporators. Within fifteen (15) days of
43 entering into the contract, the governing body of the county or
44 municipality, entering into such contract shall appoint at least
45 one (1) person to the board. Any commissioner appointed under the
46 provision shall serve for a term of four (4) years.

47 (iv) After the initial term, the commissioners
48 shall serve a term of four (4) years, and for such period
49 thereafter until a successor shall be duly appointed and
50 qualified.

51 (v) Upon selection of a site for any municipal
52 solid waste management facility owned and/or operated by the
53 authority, the situs county shall have a minimum representation at
54 least equal to the total representation of all other members.
55 This requirement for equal representation shall apply to any
56 authority created after July 1, 2001, and any authority created by
57 a local and private act as provided in Section 17-17-313.1. Such
58 representation shall include a minimum of one (1) commissioner
59 from the supervisor district in which the facility is located.

60 The supervisor of the district or his designee shall serve in this
61 position.

62 (b) Each commissioner of the board shall be eligible
63 for reappointment. All vacancies shall be filled by appointment
64 in the same manner, provided that any person appointed to fill a
65 vacancy shall serve only for the unexpired term. Any commissioner
66 may be removed at any time prior to the expiration of the member's
67 term of office for misfeasance, malfeasance or willful neglect of
68 duty, as determined by the appointing political subdivision.
69 Before assuming office, each commissioner shall take and subscribe
70 to the constitutional oath of office before a chancery clerk, and
71 a record of such oath shall be filed with the Secretary of State.
72 The board of commissioners shall annually select a chairman and a
73 vice chairman.

74 (2) The board may appoint an executive committee to be
75 composed of not less than five (5) persons. No member shall have
76 more than one (1) representative on the executive committee. The
77 chairman of the board shall serve as chairman of the executive
78 committee. The executive committee is empowered to execute all
79 powers vested in the full board between meetings of the board. A
80 majority plus one (1) shall constitute a quorum for the
81 transaction of business. All actions of the executive committee
82 must be ratified by a majority of the board at a regular or called
83 meeting of the board.

84 (3) The board may employ such personnel and appoint and
85 prescribe the duties of such officers as the board deems necessary
86 or advisable, including a general manager and a secretary of the
87 authority. The general manager may also serve as secretary and
88 shall be a person of good moral character and of proven ability as
89 an administrator with a minimum of five (5) years' experience in
90 the management and administration of a public works operation or
91 comparable experience which may include, but is not limited to,
92 supervision, public financing, regulatory codes and related

93 functions as minimum qualifications to administer the programs and
94 duties of the authority. The general manager shall administer,
95 manage and direct the affairs and business of the authority,
96 subject to the policies, control and direction of the board. The
97 general manager and any commissioner not bonded in another
98 capacity shall give bond executed by a surety company or companies
99 authorized to do business in this state in the penal sum of Fifty
100 Thousand Dollars (\$50,000.00) payable to the authority conditioned
101 upon the faithful performance of his duties and the proper
102 accounting for all funds. The board may require any of its
103 employees to be bonded. The cost of any bond required by this
104 section or by the board shall be paid from funds of the authority.
105 The secretary shall keep a record of the proceedings of the
106 authority and shall be custodian of all books, documents and
107 papers filed with the authority, the minute book or journal, and
108 the official seal. The secretary may make copies of all minutes
109 and other records and documents of the authority and to certify
110 under the seal of the authority that such copies are true and
111 accurate copies, and all persons dealing with the authority may
112 rely upon such certificates.

113 (4) Regular meetings of the board shall be held as set forth
114 in its bylaws, rules or regulations. Additional meetings of the
115 board shall be held at the call of the chairman or whenever any
116 three (3) commissioners so request.

117 (5) Upon express, prior authorization of the authority, each
118 commissioner may receive compensation in an amount not to exceed
119 Forty Dollars (\$40.00) per day for attending each day's meeting of
120 the board and for each day spent in attending to the business of
121 the authority and, in addition, may receive reimbursement for
122 actual and necessary expenses incurred as provided by Section
123 25-3-41, Mississippi Code of 1972. Each commissioner shall not be
124 entitled to any additional compensation other than that
125 specifically provided for in this subsection.

126 (6) The board shall prepare a budget for the authority for
127 each fiscal year at least ninety (90) days prior to the beginning
128 of each fiscal year, which shall be from July 1 to June 30 of each
129 year, and shall submit it to the governing body of each member.

130 SECTION 2. This section shall be codified as Section
131 17-17-313.1, Mississippi Code of 1972:

132 17-17-313.1. Any solid waste management district created by
133 a local and private act prior to July 1, 1991, shall reconstitute
134 its board of directors in accordance with Section 17-17-313 before
135 December 31, 2001. Any such solid waste management district
136 failing to reconstitute its board shall be deemed in noncompliance
137 with the "Nonhazardous Solid Waste Planning Act of 1991."

138 SECTION 3. This act shall take effect and be in force from
139 and after its passage.