

By: Representative Wallace

To: Municipalities; Ways and Means

HOUSE BILL NO. 993

1 AN ACT TO CREATE THE "MISSISSIPPI STORM WATER MANAGEMENT  
2 DISTRICT ACT"; TO STATE THE FINDINGS OF THE LEGISLATURE; TO DEFINE  
3 CERTAIN TERMS; TO PROVIDE FOR THE CREATION OF A STORM WATER  
4 MANAGEMENT DISTRICT BY A SINGLE COUNTY OR MUNICIPALITY OR ANY  
5 COMBINATION OF COUNTIES AND/OR MUNICIPALITIES; TO PROVIDE FOR  
6 ADOPTION OF A RESOLUTION CREATING A DISTRICT; TO REQUIRE  
7 PUBLICATION OF THAT RESOLUTION; TO AUTHORIZE A REFERENDUM ON THE  
8 CREATION OF THE DISTRICT UPON FILING OF A PROTEST; TO AUTHORIZE  
9 THE PAYMENT OF COSTS FOR THE CREATION OF A DISTRICT; TO PROVIDE  
10 FOR AN APPEAL OF A RESOLUTION OR ORDINANCE CREATING A DISTRICT; TO  
11 AUTHORIZE THE INCORPORATION OF A DISTRICT; TO PROVIDE FOR  
12 PUBLICATION OF THE INCORPORATION AGREEMENT; TO AUTHORIZE  
13 AMENDMENTS OF THE INCORPORATION AGREEMENT AND THE WITHDRAWAL OF A  
14 MEMBER OF THE DISTRICT; TO PROVIDE FOR THE APPOINTMENT OF A BOARD  
15 OF COMMISSIONERS OF THE DISTRICT AND FOR THEIR TERMS OF OFFICE AND  
16 COMPENSATION; TO AUTHORIZE THE BOARD OF COMMISSIONERS TO EXERCISE  
17 CERTAIN POWERS AND DUTIES; TO ALLOW PUBLIC AGENCIES TO CONTRACT  
18 WITH THE DISTRICT FOR FACILITIES AND SERVICES; TO AUTHORIZE THE  
19 DISTRICT TO ISSUE SPECIAL IMPROVEMENT BONDS AND REVENUE BONDS FOR  
20 PROJECTS; TO ALLOW TEMPORARY BORROWING IN ANTICIPATION OF BOND  
21 PROCEEDS; TO AUTHORIZE THE GOVERNING BODY OF A COUNTY AND/OR A  
22 MUNICIPALITY TO EXERCISE THE POWER OF EMINENT DOMAIN UPON REQUEST  
23 OF THE BOARD OF COMMISSIONERS; TO AUTHORIZE THE GOVERNING BODY OF  
24 A COUNTY AND/OR A MUNICIPALITY TO LEVY AN AD VALOREM TAX NOT TO  
25 EXCEED FOUR MILLS ON TAXABLE REAL PROPERTY IN THE DISTRICT AND TO  
26 MAKE SPECIAL ASSESSMENTS ON REAL PROPERTY IN THE DISTRICT; TO  
27 PROVIDE FOR THE CALCULATION OF SPECIAL ASSESSMENTS; TO REQUIRE THE  
28 IMPOSITION OF CERTAIN RATES, FEES, TOLLS OR CHARGES TO SUPPORT ANY  
29 REVENUE BONDS ISSUED; TO AUTHORIZE THE CREATION OF A BILLING AND  
30 COLLECTION SYSTEM FOR STORM WATER FEES; TO AUTHORIZE THE BILLING  
31 AND COLLECTION OF STORM WATER FEES ON CERTAIN UTILITY BILLS; TO  
32 REQUIRE THAT A CERTAIN PORTION OF THE PAYMENT ON UTILITY BILLS BE  
33 DISTRIBUTED AS STORM WATER FEE PAYMENTS; TO REQUIRE DISTRICTS TO  
34 FILE CERTAIN FINANCIAL REPORTS; AND FOR RELATED PURPOSES.

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

36 **SECTION 1.** Sections 1 through 32 of this act shall be known  
37 and cited as the "Mississippi Storm Water Management District  
38 Act."

39 **SECTION 2.** The Legislature hereby finds and declares that:

40 (a) Storm water may contain contaminants which can  
41 degrade surface water quality;



42 (b) Due to the volume of water and the rate of flow,  
43 storm water runoff can pose a flood hazard to public and private  
44 property;

45 (c) The proper management of storm water is of concern  
46 to all citizens and is an activity thoroughly affected with the  
47 public interest;

48 (d) In certain areas of the state, the health, safety  
49 and welfare of the people of this state require efficient  
50 management of storm water;

51 (e) Federal regulations require portions of some local  
52 governments to develop and implement storm water management  
53 programs;

54 (f) There is a need for proper planning, design,  
55 construction, operation and maintenance of appropriate measures  
56 for the management of storm water; and

57 (g) There is a need to foster cooperation among local  
58 governments in addressing concerns resulting from storm water  
59 management, therefore it is necessary and desirable to authorize  
60 the creation of storm water management districts by counties and  
61 municipalities to plan for, design, acquire, construct, operate  
62 maintain appropriate measures for management of storm water.

63 **SECTION 3.** Whenever used in Sections 1 through 32 of this  
64 act, the following words and terms shall have the meanings  
65 ascribed in this section unless the context clearly indicates  
66 otherwise:

67 (a) "Board" means the board of commissioners of a  
68 district.

69 (b) "Cost of project" means:

70 (i) All costs of site preparation and other  
71 start-up costs;

72 (ii) All costs of construction;

73 (iii) All costs of real and personal property  
74 required for the purposes of the project and facilities related



75 thereto, including land and any rights or undivided interest  
76 therein, easements, franchises, fees, permits, approvals,  
77 licenses, and certificates and the securing of any permits,  
78 approvals, licenses, and certificates and all machinery and  
79 equipment, including motor vehicles which are used for project  
80 functions;

81 (iv) All costs of engineering, geotechnical,  
82 architectural and legal services;

83 (v) All costs of plans and specifications and all  
84 expenses necessary or incident to determining the feasibility or  
85 practicability of the project;

86 (vi) Administrative expenses; and

87 (vii) Any other expenses as may be necessary or  
88 incidental to the financing authorized in Sections 1 through 32 of  
89 this act.

90 (c) "County" means any county of this state.

91 (d) "Designated representative" or "incorporator" means  
92 the person named by resolution of the governing body of a county  
93 or municipality as the representative of that unit of local  
94 government for the purpose of acting on their behalf as an  
95 incorporator in concert with other similarly named persons in the  
96 creation and incorporation of a storm water management district  
97 created under Sections 1 through 32 of this act.

98 (e) "District" means a storm water management district  
99 created under Sections 1 through 32 of this act.

100 (f) "Ditch" means any branch or lateral drain, tile  
101 drain, levee, sluiceway, water course, floodgate, and any other  
102 construction work found necessary for the reclamation of wet and  
103 overflowed lands.

104 (g) "Facilities" mean any structure, building, open  
105 channel, ditch, pipe, channel, improvement, land, or other real or  
106 personal property used or useful in storm water management system  
107 under Sections 1 through 32 of this act.



108           (h) "Governing body" means the elected or duly  
109 appointed officials constituting the governing body of a  
110 municipality or county.

111           (i) "Incorporation agreement" means that agreement  
112 between the designated representatives of various units of local  
113 government setting forth the formal creation of a storm water  
114 management district created under Sections 1 through 32 of this  
115 act.

116           (j) "Member" means a unit of local government  
117 participating in a district.

118           (k) "Municipality" means any incorporated city or town  
119 in this state.

120           (l) "Project" means the collection, conveyance,  
121 retention, detention and any other portion of a storm water  
122 management system and any property, real or personal, used as or  
123 in connection with those purposes.

124           (m) "Public agency" means any incorporated city or  
125 town, county, political subdivision, governmental district or  
126 unit, public corporation, public institution of higher learning,  
127 community college district, planning and development district, or  
128 governmental agency created under the laws of the state.

129           (n) "State" means the State of Mississippi.

130           (o) "Storm water" means any flow occurring during or  
131 following any form of natural precipitation and resulting from  
132 that precipitation.

133           (p) "Storm water management system" means a system  
134 which is designed and constructed, implemented or operated to  
135 control storm water discharges to prevent or reduce flooding, over  
136 drainage or water pollution or to otherwise affect the quantity or  
137 quality of discharges from the system. The storm water management  
138 system includes all pipes, channels, ditches, streams, wetlands,  
139 detention or retention basins, ponds or other storm water  
140 conveyance or treatment facilities.



141 (q) "Unit of local government" means any county or  
142 municipality of the state.

143 **SECTION 4.** (1) Any single unit of local government or any  
144 combination of units of local government may form a district.

145 (2) Creation of a district shall be initiated by ordinance  
146 or resolution duly adopted by the governing body of each unit of  
147 local government. The ordinance or resolution shall state: (a)  
148 the necessity for the proposed district; (b) the primary function  
149 of the proposed district; (c) the boundaries of the proposed  
150 district within the jurisdiction of the unit of local government;  
151 (d) the names of any other units of local government proposing to  
152 be in the district; (e) the date upon which the governing body  
153 intends to create the district; (f) the estimated cost of projects  
154 to be conducted and maintained by the district; however the  
155 estimate shall not serve as a limitation upon the financing of any  
156 project; (g) a statement of whether or not the governing body of  
157 the unit of local government shall exercise the authority to levy  
158 the ad valorem tax outlined in Section 26; (h) a statement of  
159 whether or not the governing body of the unit of local government  
160 shall exercise the authority to levy the assessments outlined in  
161 Section 27 and the amount of special improvement bonds or revenue  
162 bonds which will be authorized under this act; and (i) the name of  
163 designated representative of the unit of local government to enter  
164 into an incorporation agreement with the other units of local  
165 government, if applicable.

166 (3) The governing body of the unit of local government may  
167 hold a public meeting or public hearing on the necessity for  
168 creation of the district. The governing body shall provide proper  
169 notice of any public meeting or public hearing.

170 **SECTION 5.** (1) A certified copy of the adopted resolution  
171 or ordinance shall be published in a newspaper having a general  
172 circulation within the proposed district once a week for at least  
173 three (3) consecutive weeks before the date specified in the



174 resolution as the date upon which the board intends to create the  
175 district. The first publication of the notice shall be made not  
176 less than twenty-one (21) days before the date specified, and the  
177 last publication shall be made not more than seven (7) days before  
178 the date.

179 (2) If twenty percent (20%) or fifteen hundred (1500),  
180 whichever is less, of the qualified electors of the proposed  
181 district file a written petition with the governing body before  
182 the date specified in the resolution under subsection (2) of  
183 Section 4 protesting the creation of the district, the governing  
184 body shall call an election on the question of the creation of the  
185 district. The election shall be held and conducted by the  
186 election commissioners of the county or municipality as nearly as  
187 may be in accordance with the general laws governing elections.  
188 The election commissioners shall determine which of the qualified  
189 electors of the county or municipality reside within the proposed  
190 district, and only those qualified electors as reside within the  
191 proposed district shall be entitled to vote in the election.  
192 Notice of the election setting forth the time, place or places,  
193 and purpose of the election shall be published by the clerk of the  
194 board of supervisors or the municipal clerk, as the case may be.  
195 The notice shall be published for the time and in the manner  
196 provided in subsection (1) of this section. The ballot to be  
197 prepared for and used at the election shall be in substantially  
198 the following form:

199 "FOR CREATION OF \_\_\_\_\_ DISTRICT: ( )  
200 AGAINST CREATION OF \_\_\_\_\_ DISTRICT: ( )"

201 Voters shall vote by placing a cross mark (x) or check mark (Y)  
202 opposite their choice.

203 **SECTION 6.** If no petition requiring an election is filed or  
204 if three-fifths (3/5) of those voting in the election provided in  
205 Section 5 of this act vote in favor of the creation of the



206 district, the governing body shall adopt a resolution or ordinance  
207 authorizing the creation of the district.

208 **SECTION 7.** All costs incident to the publication of the  
209 notices, election and all other costs of meeting the requirements  
210 of this act shall be paid by the governing body.

211 **SECTION 8.** Any party having an interest in the subject  
212 matter and aggrieved or prejudiced by the findings and  
213 adjudication of the governing body may appeal to the circuit court  
214 of the county in the manner provided by law for appeals from  
215 orders of the board of supervisors or municipal authorities in  
216 Section 11-51-75. However, if no appeal is taken within fifteen  
217 (15) days after the date of the adoption of the resolution or  
218 ordinance as provided in Section 6 of this act, the creation of  
219 the district within the jurisdiction of that unit of local  
220 government shall be final and shall not be subject to attack in  
221 any court after that time.

222 **SECTION 9.** (1) Within thirty (30) days following the  
223 adoption of the final authorizing resolution, the designated  
224 representatives shall proceed to incorporate a district by filing  
225 for record in the office of the chancery clerk of the  
226 participating counties and/or the clerk of participating  
227 municipalities, as the case may be, and the Secretary of State an  
228 incorporation agreement approved by each member. The agreement  
229 shall comply in form and substance with the requirements of this  
230 section and shall be executed in the manner provided in Sections 1  
231 through 32 of this act.

232 (2) The incorporation agreement of a district shall state:

233 (a) The name of each participating unit of local  
234 government and the date on which the governing bodies thereof  
235 adopted an authorizing resolution;

236 (b) The name of the district which must include the  
237 words " \_\_\_\_\_ Storm Water Management District," the blank  
238 spaces to be filled in with the name of one or more of the members



239 or other geographically descriptive term. If the Secretary of  
240 State determines that the name is identical to the name of any  
241 other corporation organized under the laws of the state or so  
242 nearly similar as to lead to confusion and uncertainty, the  
243 incorporators may insert additional identifying words so as to  
244 eliminate any duplication or similarity;

245 (c) The period for the duration of the district;

246 (d) The location of the principal office of the  
247 district which shall be within the boundaries of the members;

248 (e) That the district is organized under Sections 1  
249 through 32 of this act;

250 (f) The board setting forth the number of  
251 commissioners, terms of office and the vote of each commissioner;

252 (g) If the exercise by the district of any of its  
253 powers is to be in any way prohibited, limited or conditioned, a  
254 statement of the terms of that prohibition, limitation or  
255 condition;

256 (h) Any provisions relating to the vesting of title to  
257 its properties upon its dissolution which shall be vested in any  
258 member; and

259 (i) Any other related matters relating to the district  
260 that the incorporators may choose to insert and that are not  
261 inconsistent with Sections 1 through 32 of this act or with the  
262 laws of the state.

263 (3) The incorporation agreement shall be signed and  
264 acknowledged by the incorporators before an officer authorized by  
265 the laws of the state to take acknowledgements. When the  
266 incorporation agreement is filed for record, there shall be  
267 attached to it a certified copy of the authorizing resolution  
268 adopted by the governing body of each member.

269 (4) The incorporators shall publish a notice of  
270 incorporation once a week for three (3) consecutive weeks in a



271 daily newspaper or newspapers having general circulation  
272 throughout the area to be served.

273 (5) If the district is composed of a single county or single  
274 municipality, the governing body of that county or municipality  
275 may serve as the board of commissioners of the district and may  
276 exercise those powers and duties granted to the board under  
277 Sections 1 through 32 of this act.

278 (6) Upon the filing for record of the agreement and the  
279 required documents, the district shall come into existence and  
280 shall constitute a public corporation under the name set forth in  
281 the incorporation agreement. The Secretary of State shall issue a  
282 certificate of incorporation to the district.

283 (7) The district shall be a public body corporate and  
284 politic constituting a political subdivision of the state and  
285 shall be deemed to be acting in all respects for the benefit of  
286 the people of the state in the performance of essential public  
287 functions and the district shall be empowered in accordance with  
288 Sections 1 through 32 of this act to promote the health, welfare  
289 and prosperity of the general public.

290 **SECTION 10.** (1) The incorporation agreement of any district  
291 may be amended in the manner provided in this section. The board  
292 of the district shall first adopt a resolution proposing an  
293 amendment to the incorporation agreement. The amendment shall be  
294 set forth in full in the resolution and may include any matters  
295 which might have been included in the original incorporation  
296 agreement.

297 (2) After the adoption of the resolution by the board, the  
298 chairman of the board and the secretary of the district shall file  
299 a certified copy of the resolution and a signed written  
300 application in the name of and on behalf of the district, under  
301 its seal, with the governing body of each member, requesting the  
302 governing body to adopt a resolution approving the proposed  
303 amendment. As promptly as may be practicable after the filing of



304 the application with the governing body, that governing body shall  
305 review the application and shall adopt a resolution either denying  
306 the application or authorizing the proposed amendment. Any  
307 resolution shall be published in a newspaper or newspapers as  
308 provided in Section 5 of this act. The governing body shall cause  
309 a copy of the application and all accompanying documents to be  
310 spread upon or otherwise made a part of the minutes of the meeting  
311 of the governing body at which final action upon the application  
312 is taken. The incorporation agreement may be amended only after  
313 the adoption of a resolution by two-thirds (2/3) of the governing  
314 bodies of the members. Publication of the amendment shall be made  
315 as provided in Section 5 of this act.

316 (3) Within thirty (30) days following the adoption of the  
317 last adopted resolution approving the proposed amendment, the  
318 chairman of the board and the secretary of the district shall  
319 sign, and file for record in the office of the chancery clerk  
320 and/or municipal clerk with which the incorporation agreement of  
321 the district was originally filed and the Secretary of State, a  
322 certificate in the name of and in behalf of the district, under  
323 its seal, reciting the adoption of the respective resolutions by  
324 the board and by the governing body of each member and setting  
325 forth the amendment. The chancery clerk for the county and/or  
326 municipal clerk for the municipality shall record the certificate  
327 in an appropriate book in the clerk's office. When the  
328 certificate has been so filed and recorded, the amendment shall  
329 become effective. No incorporation agreement of an district shall  
330 be amended except in the manner provided in this section.

331 (4) Any member of a district may withdraw from the district  
332 by submitting a resolution to the board requesting an amendment to  
333 the incorporation agreement under subsection (1) of this section.  
334 Upon compliance with the requirements of subsections (1) through  
335 (3) of this section and payment of its pro rata share of any  
336 indebtedness, costs, expenses or obligations of the district



337 outstanding at the time of withdrawal, the amendment may be come  
338 effective upon adoption of a resolution by the board. The  
339 withdrawal of a member shall not operate to impair, invalidate,  
340 release or abrogate any contract, lien, bond, permit, indebtedness  
341 or obligation of the district, except to leave the withdrawing  
342 member from further financial obligation to the district.

343 **SECTION 11.** (1) All powers of the district shall be vested  
344 in the board of commissioners. Each member of the district shall  
345 have at least one (1) commissioner on the board. The  
346 incorporators shall by duly adopted resolution or bylaws designate  
347 the vote of each commissioner based upon pro rata population or  
348 any other criteria as they may determine. In the alternative, the  
349 incorporators by duly adopted resolution, may authorize  
350 appointments to the board by the members to reflect population, or  
351 any other criteria as the incorporators may determine. In  
352 addition, the incorporators shall designate a term for each  
353 commissioner at the time of incorporation so as to establish  
354 staggered terms of office. No commissioner shall serve for a term  
355 to exceed four (4) years unless duly reappointed. Any resolutions  
356 for the composition of the board and the vote of its commissioners  
357 shall be filed with the incorporation agreement.

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

359 (i) Within thirty (30) days of the effective date  
360 of the incorporation agreement, the governing body of each  
361 participating county and/or municipality shall appoint at least  
362 one (1) person to the board as determined by the resolution of the  
363 incorporators.

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

367 (iii) The number of commissioners of the board  
368 shall be increased by at least one (1) each time a county or  
369 municipality enters into membership. The board shall establish



370 the vote or number of commissioners based upon the same terms as  
371 the original resolution of the incorporators. Within fifteen (15)  
372 days after becoming a member, the governing body of the county or  
373 municipality, shall appoint at least one (1) person to the board.  
374 Any commissioner appointed under this provision shall serve for a  
375 term of four (4) years.

376 (iv) After the initial term, the commissioners  
377 shall serve a term of four (4) years, and for any period  
378 thereafter until a successor shall be duly appointed and  
379 qualified.

380 (b) Each commissioner of the board shall be eligible  
381 for reappointment. All vacancies shall be filled by appointment  
382 in the same manner, provided that any person appointed to fill a  
383 vacancy serve only for the unexpired term. Any commissioner may  
384 be removed at any time before the expiration of the member's term  
385 of office for misfeasance, malfeasance or willful neglect of duty,  
386 as determined by the appointing political subdivision. Before  
387 assuming office, each commissioner shall take and subscribe to the  
388 constitutional oath of office before a chancery clerk or municipal  
389 clerk, and a record of that oath shall be filed with the Secretary  
390 of State. The board of commissioners shall annually select a  
391 chairman and a vice chairman.

392 (2) The board may appoint an executive committee to be  
393 composed of not less than three (3) persons. No member shall have  
394 more than one (1) representative on the executive committee. The  
395 chairman of the board shall serve as chairman of the executive  
396 committee. The executive committee may execute all powers vested  
397 in the full board between meetings of the board. A majority plus  
398 one (1) shall constitute a quorum for the transaction of business.  
399 All actions of the executive committee must be ratified by a  
400 majority of the board at a regular or called meeting of the board.

401 (3) The board may employ any personnel and appoint and  
402 prescribe the duties of any officers as the board deems necessary



403 or advisable, including a general manager and a secretary of the  
404 district. The general manager may also serve as secretary and  
405 shall be a person of good moral character and of proven ability as  
406 an administrator with a minimum of five (5) years' experience in  
407 the management and administration of a public works operation or  
408 comparable experience which may include, but is not limited to,  
409 supervision, public financing, regulatory codes and related  
410 functions as minimum qualifications to administer the programs and  
411 duties of the district. The general manager shall administer,  
412 manage and direct the affairs and business of the district,  
413 subject to the policies, control and direction of the board. The  
414 general manager and any commissioner not bonded in another  
415 capacity shall give bond executed by a surety company or companies  
416 authorized to do business in this state in the penal sum of Fifty  
417 Thousand Dollars (\$50,000.00) payable to the district conditioned  
418 upon the faithful performance of that person's duties and the  
419 proper accounting for all funds. The board may require any of its  
420 employees to be bonded. The cost of any bond required by this  
421 section or by the board shall be paid from funds of the district.  
422 The secretary shall keep a record of the proceedings of the  
423 district and shall be custodian of all books, documents and papers  
424 filed with the district, the minute book or journal, and the  
425 official seal. The secretary may make copies of all minutes and  
426 other records and documents of the district and to certify under  
427 the seal of the district that the copies are true and accurate  
428 copies, and all persons dealing with the district may rely upon  
429 those certificates.

430 (4) Regular meetings of the board shall be held as set forth  
431 in its bylaws, rules or regulations. Additional meetings of the  
432 board shall be held at the call of the chairman or whenever a  
433 majority of commissioners so request.

434 (5) Upon express and prior authorization of the district,  
435 each commissioner may receive compensation in an amount not to



436 exceed Forty Dollars (\$40.00) per day for attending each day's  
437 meeting of the board and for each day spent in attending to the  
438 business of the district. In addition, each commissioner may  
439 receive reimbursement for actual and necessary expenses incurred  
440 as provided by Section 25-3-41, Mississippi Code of 1972. Each  
441 commissioner shall not be entitled to any additional compensation  
442 other than that specifically provided for in this subsection.

443 (6) The board shall prepare a budget for the district for  
444 each fiscal year at least ninety (90) days before the beginning of  
445 each fiscal year, which shall be from July 1 to June 30 of each  
446 year, and shall submit it to the governing body of each member.

447 **SECTION 12.** The board may contract with any county or  
448 municipality to provide support services and any member may  
449 contract with or as part of their service contract with the  
450 district to provide any staff support, administrative and  
451 operational services as it deems advisable and on any terms as may  
452 be mutually agreed.

453 **SECTION 13.** After the creation of a district it shall be a  
454 public corporation participating under its corporate name and  
455 shall, in that name, be a body politic and corporate with all the  
456 rights and powers necessary or convenient to carry out the  
457 purposes of Sections 1 through 32 of this act, including, but not  
458 limited to, the following:

459 (a) To sue and be sued in its own name;

460 (b) To adopt an official seal and alter the same at  
461 pleasure;

462 (c) To maintain an office or offices at any place or  
463 places within the jurisdiction of its members as it may determine;

464 (d) To acquire, construct, improve, or modify, to  
465 operate or cause to be operated and maintained, either as owner of  
466 all or of any part in common with others, a storm water management  
467 system within the counties or municipalities in the district. The  
468 district may pay all or part of the cost of any storm water



469 management system from the proceeds of bonds of the district or  
470 from any contribution or loans by persons, firms, public agencies  
471 or corporations or from any other contribution or user fees. The  
472 district is authorized to receive, accept, and use all funds,  
473 public or private and to pay all cost of development,  
474 implementation and maintenance as may be determine as necessary  
475 for any project;

476 (e) To acquire, in its own name, by purchase on any  
477 terms and conditions and in any manner as it may deem proper,  
478 except by eminent domain, property for public use, or by gift,  
479 grant, lease, or otherwise, real property or easements therein,  
480 franchises and personal property necessary or convenient for its  
481 corporate purposes. These purposes shall include, but are not  
482 limited to, the constructing or acquiring of a storm water  
483 management system; the improving, extending, reconstructing,  
484 renovating, or remodeling of any existing storm water management  
485 system or part thereof; or the demolition to make room for any  
486 project or any part thereof and to insure the same against any and  
487 all risks as any insurance may, from time to time, be available.  
488 The district may also use any property and rent or lease any  
489 property to or from others, including public agencies, or make  
490 contracts for the use thereof or sell, lease, exchange, transfer,  
491 assign, pledge, mortgage or grant a security interest for any  
492 property. The powers to acquire, use, and dispose of property as  
493 set forth in this paragraph shall include the power to acquire,  
494 use, and dispose of any interest in that property, whether divided  
495 or undivided. Title to any property of the district shall be held  
496 by the district exclusively for the benefit of the public;

497 (f) To make, enforce, amend and repeal bylaws and rules  
498 and regulations for the management of its business and affairs and  
499 for the use, maintenance and implementation of any of its storm  
500 water management system, project facilities and any other of its  
501 properties;



502           (g) To fix, charge, collect, maintain, and revise  
503 rates, fees tolls and charges for any services rendered by it to  
504 any person or public agency as provided in Section 29 of this act;

505           (h) To make contracts and leases with any person or  
506 public agency and to execute all instruments necessary or  
507 convenient for construction, operation, and maintenance of the  
508 storm water management system and leases of projects. Without  
509 limiting the generality of the above, authority is specifically  
510 granted to municipalities and counties and to the district to  
511 enter into contracts, lease agreements, or other undertaking  
512 relative to the furnishing of storm water management system  
513 services and facilities or either of them by the district to the  
514 municipalities and counties and by the municipalities and counties  
515 to the district;

516           (i) To borrow money and to issue bonds for any of its  
517 purposes, except bonds may not be issued for operating or  
518 implementation costs. The district may provide for and secure the  
519 payment of those bonds, and provide for the rights of the  
520 bondholders;

521           (j) To invest any monies of the district, including  
522 proceeds from the sale of any bonds subject to any agreements with  
523 bondholders, on any terms and in any manner as the district deems  
524 proper;

525           (k) To exercise any one or more of the powers, rights,  
526 and privileges conferred by Sections 1 through 32 of this act  
527 either alone or jointly or in common with one or more other public  
528 or private parties. In any exercise of any powers, rights, and  
529 privileges jointly or in common with others for the construction,  
530 operation, and maintenance of facilities, the district may own an  
531 undivided interest in any facilities with any other party with  
532 which it may jointly or in common exercise the rights and  
533 privileges conferred by Sections 1 through 32 of this act and may  
534 enter into an agreement or agreements with respect to any facility



535 with the other party or parties participating in those facilities.  
536 An agreement may contain any terms, conditions, and provisions,  
537 consistent with this section, as the parties to the agreement  
538 shall deem to be in their best interest, including, but not  
539 limited to, provisions for the planning, design, construction,  
540 operation, implementation and maintenance of any facility by any  
541 one or more party of the parties to an agreement. The party or  
542 parties shall be designated in or under any agreement as agent or  
543 agents on behalf of itself and one or more of the other parties  
544 thereto, or by any other means as may be determined by the parties  
545 thereto, and including provisions for a method or methods of  
546 determining and allocating, among or between the parties, costs of  
547 planning, design, construction, operation, maintenance, renewals,  
548 replacements, improvements, and disposal related to any facility.  
549 In carrying out its functions and activities as an agent with  
550 respect to planning, design, construction, operation, and  
551 maintenance of any facility, the agent shall be governed by the  
552 laws and regulations applicable to that agent as a separate legal  
553 entity and not by any laws or regulations which may be applicable  
554 to any of the other participating parties. The agent shall act  
555 for the benefit of the public. In any agreement, the district may  
556 delegate its powers and duties related to the planning, design,  
557 construction, operation, and maintenance of any facility to the  
558 party acting as agent and all actions taken by that agent in  
559 accordance with the agreement may be binding upon the district  
560 without further action or approval of the district;

561 (1) To apply, contract for, accept, receive and  
562 administer gifts, grants, appropriations, and donations of money,  
563 materials, and property of any kind, including loans and grants  
564 from the United States, the state, a unit of local government, or  
565 any agency, department, authority, or instrumentality of any of  
566 the foregoing, upon any terms and conditions as the United States,  
567 the state, a unit of local government, or any agency, department,



568 authority, or instrumentality shall impose. The district may  
569 administer trusts. The district may sell, lease, transfer,  
570 convey, appropriate and pledge any and all of its property and  
571 assets;

572 (m) To employ professional and administrative staff and  
573 personnel and to retain legal, engineering, fiscal, accounting and  
574 other professional services;

575 (n) To borrow money and issue its bonds from time to  
576 time and to use the proceeds to pay all or part of the capital  
577 costs of any project, or for refunding any bonds of the district.  
578 In carrying out the purposes of this section and to pay all other  
579 capital costs, but not operating costs of the district, incident  
580 to, or necessary and appropriate to, the purposes, including the  
581 providing of funds to be paid into any fund to secure the bonds  
582 and notes and to provide for the rights of the bondholders;

583 (o) To assume or continue any contractual or other  
584 business relationships entered into by the municipalities or  
585 counties who are members of the district, including the rights to  
586 receive and acquire transferred rights under option to purchase  
587 agreements;

588 (p) To enter on any lands, waters, or premises for the  
589 purpose of making surveys, borings, soundings and examinations for  
590 the purposes of the district;

591 (q) To enter into any and all contracts, execute any  
592 and all instruments, and contracts with public agencies. Any  
593 public agencies may enter into contracts with the district;

594 (r) To do and perform any acts and things authorized by  
595 Sections 1 through 32 of this act under, through or by means of  
596 its officers, agents and employees, or by contracts with any  
597 person; and

598 (s) To do and perform any and all acts or things  
599 necessary, convenient or desirable for the purposes of the



600 district, or to carry out any power expressly granted in Sections  
601 1 through 32 of this act.

602 **SECTION 14.** The governing body of a member may exercise the  
603 power of eminent domain, upon written request of the board of  
604 commissioners, for the particular purpose of the acquisition of  
605 property for the district's storm water management system. The  
606 power of eminent domain shall be exercised as provided in Chapter  
607 27, Title 11, Mississippi Code of 1972.

608 **SECTION 15.** The district may adopt and promulgate all  
609 reasonable rules and regulations regarding the specifications and  
610 standards relating to the planning, design, construction,  
611 operation, and maintenance of its storm water management system or  
612 any facility owned or operated by the district to comply with all  
613 federal and state environmental laws and regulations.

614 **SECTION 16.** (1) Any public agency may, in accordance with a  
615 duly adopted resolution, contract with the district for the  
616 district to acquire, construct or provide facilities and projects  
617 to be owned by the district for furnishing storm water management  
618 and related services to the public agency or to users within the  
619 boundaries of the public agency. The public agency shall be  
620 obligated to make payments which shall be sufficient to enable the  
621 district to meet its expenses, interest and principal payments  
622 (whether at maturity or upon sinking funds redemption) for its  
623 bonds, reserves for debt service, payments into funds for  
624 operation, maintenance and renewals and replacements, and the  
625 requirements of covenant with respect to debt service coverage  
626 contained in any resolution, trust indenture or other security  
627 agreement relating to its bonds. The contracts may also contain  
628 other terms and conditions as the district and the public agency  
629 may determine. Any contract may be for a term covering the life  
630 of the facilities or for any other term or for an indefinite  
631 period and may be made with or without consideration. The  
632 contract may provide that the amounts payable by the public agency



633 are in lieu of all or any part of the rates, fees, tolls and  
634 charges which would otherwise be collected from the users of the  
635 facilities.

636 (2) Contracts may provide for payments in the form of  
637 contributions to defray the cost of any purpose set forth in the  
638 contracts and as advances for any facilities subject to repayment  
639 by the district. A public agency may make those contributions or  
640 advances from its general fund, general obligation bond proceeds,  
641 or surplus fund or from any monies legally available therefor.

642 (3) Subject to the terms of a contract referred to in this  
643 section, the district may do and perform any and all acts or  
644 things necessary, convenient or desirable to carry out the  
645 purposes of the contract, including the fixing, charging,  
646 collecting, maintaining and revising of rates, fees, tolls and  
647 charges for the services rendered by the facilities operated or  
648 maintained by the district, whether or not those facilities are  
649 owned by the district.

650 **SECTION 17.** Whenever a public agency enters into a contract  
651 as authorized by Sections 1 through 32 of this act, and the  
652 payments are to be made either wholly or partly from the revenues  
653 of the district's facilities, the duty is imposed on the public  
654 agency at the direction of the district to fix, establish and  
655 maintain, and from time to time adjust, the rates, fees, tolls and  
656 charges assessed by the public agency for the service of the  
657 facilities to the end that the revenues from the facilities,  
658 together with any ad valorem taxes levied for the payments, will  
659 be sufficient at all times to pay: (a) the expense of operating  
660 and maintaining the facilities; (b) all of the public agency's  
661 obligations to the district under the contract; and (c) all of the  
662 obligations under and in connection with any outstanding bonds  
663 issued to finance in whole or in part the facilities.

664 **SECTION 18.** The district may at the direction of the  
665 governing bodies of the participating units of local government



666 submit a storm water management plan as required state or federal  
667 environmental rules and regulations. The district may also  
668 provide services and facilities for implementation of the storm  
669 water management plan.

670        SECTION 19. (1) The district may issue special improvement  
671 bonds or revenue bonds to provide funds for the purpose of  
672 planning, design, construction, operation, maintenance or  
673 improvement of the storm water management system or any project of  
674 the district, including acquisition of land, by resolution spread  
675 upon the minutes of the board. Special improvement bonds or  
676 revenue bonds may be issued from time to time without an election  
677 being held upon the question of their issuance unless the board of  
678 commissioners of the district is presented with a petition for an  
679 election upon the question of issuance signed by twenty percent  
680 (20%) or fifteen hundred (1500), whichever is the lesser, of the  
681 qualified electors residing within the district. The resolution  
682 authorizing any issue of bonds other than the initial issue shall  
683 be published in a manner similar to the publication of the  
684 resolution, as outlined in Section 5 of this act. If an election  
685 is required, it shall be held in substantial accord with the  
686 election outlined in Section 5 of this act. The cost of this  
687 election shall be borne by the district.

688        (2) Special improvement bonds shall be payable primarily  
689 from special assessments authorized in Section 27 of this act and,  
690 if provided in the proceedings authorizing the bonds, the avails  
691 of the ad valorem tax levy authorized in Section 26 of this act.  
692 In addition, if provided in the proceedings authorizing the bonds  
693 and agreed to by resolution of the governing body authorizing the  
694 board of commissioners to make that pledge, the bonds shall also  
695 be payable from the avails of the ad valorem tax levy provided for  
696 in subsection (2) of this section, or from any combination of  
697 monies from those special assessments and tax levies.



698 (3) Revenue bonds shall be payable from the rates, fees,  
699 tolls and charges authorized in Section 29 of this act.

700 (4) If provided in the proceedings authorizing the issuance  
701 of the bonds and agreed to by resolution of the governing body  
702 authorizing the board of commissioners of the district to make a  
703 pledge, then when there are insufficient revenues received from  
704 special assessments authorized under Section 29 of this act and  
705 the avails of the ad valorem tax levy authorized under Section 26  
706 of this act, according to the provisions made in the proceedings  
707 authorizing the issuance of the bonds, to meet the interest or  
708 principal payments or both when due on any bonds issued under this  
709 act (excluding for this purpose any amounts in a reserve fund for  
710 those bonds), then, upon certification of that fact by the board  
711 of commissioners of the district to the governing body, the  
712 governing body shall levy an ad valorem tax on all taxable  
713 property within the geographical limits of the district. The  
714 avails of the tax, together with any other monies available for  
715 that purpose, shall be sufficient to provide for the payment of  
716 the principal of and interest on the bonds as the principal and  
717 interest falls due. If provided in the proceedings for the  
718 issuance of the bonds, the avails of the tax may also be used to  
719 replenish any reserve fund established for the bonds.

720 **SECTION 20.** (1) All bonds issued under Section 19 of this  
721 act shall be lithographed or engraved and printed in two (2) or  
722 more colors to prevent counterfeiting. They shall be in  
723 denominations of not less than One Thousand Dollars (\$1,000.00)  
724 nor more than Five Thousand Dollars (\$5,000.00), and may be  
725 registered as issued, and shall be numbered in a regular series  
726 from one (1) upward. Each bond shall specify on its face the  
727 purpose for which it was issued, the total amount authorized to be  
728 issued, the interest on the bond, that it is payable to bearer and  
729 that the interest to accrue thereon is evidenced by proper coupons  
730 attached thereto.



731           (2) The bonds shall contain any covenants and provisions;  
732 shall be executed; shall be in any form, format, type,  
733 denomination or denominations; shall be payable as to principal  
734 and interest, at any place or places; and shall mature at any time  
735 or times, all as shall be determined by the board of commissioners  
736 and set forth in the resolution under which the bonds shall be  
737 issued. The date of maturity of the bonds shall not exceed  
738 twenty-five (25) years from the date of the bond.

739           (3) All bonds shall bear interest at a rate or rates not to  
740 exceed a greater net interest cost to maturity than that allowed  
741 in Section 75-17-103. No bond shall bear more than one (1) rate  
742 of interest. Each bond shall bear interest from its date to its  
743 stated maturity date at the interest rate specified in the bid.  
744 All bonds of the same maturity shall bear the same rate of  
745 interest. All interest accruing on the bonds so issued shall be  
746 payable semiannually, or annually, except that the first interest  
747 coupon attached to those bonds may be for any period not exceeding  
748 one (1) year. No interest payment shall be evidenced by more than  
749 one (1) coupon and supplemental coupons, cancelled coupons and  
750 zero interest coupons will not be permitted. No interest coupon  
751 shall vary more than twenty-five percent (25%) in interest rate  
752 from any other interest coupon in the same bond issue. The  
753 interest rate on any one (1) interest coupon shall not exceed that  
754 allowed in Section 75-17-103.

755           (4) The bonds shall be signed by the chairman and  
756 secretary-treasurer of the commission with the seal of the  
757 commission affixed thereto; however, the coupons may bear only the  
758 facsimile signatures of such chairman and secretary-treasurer.

759           (5) Any provisions of the general laws to the contrary  
760 notwithstanding, any bonds and interest coupons issued under  
761 Sections 1 through 32 of this act shall be securities within the  
762 meaning of Article 8 of the Uniform Commercial Code, being Section  
763 75-8-101 et seq., Mississippi Code of 1972.



764 (6) Notwithstanding the foregoing provisions of this  
765 section, bonds referred to in this act may be issued under the  
766 supplemental powers and authorizations conferred by the provisions  
767 of the Registered Bond Act, being Sections 31-21-1 through  
768 31-21-7.

769 **SECTION 21.** The bonds issued under Sections 1 through 32 of  
770 this act shall be sold upon sealed bids in the manner provided for  
771 in Section 31-19-25, Mississippi Code of 1972, in conformity with  
772 Sections 1 through 32 of this act. The bonds may be sold to the  
773 United States of America or an agency or instrumentality thereof  
774 at private sale.

775 Each interest rate specified in any bid must be in a multiple  
776 of one-tenth of one percent (1/10 of 1%) or in multiples of  
777 one-eighth of one percent (1/8 of 1%), and a zero rate of interest  
778 cannot be named. Any premium must be paid in bank funds as a part  
779 of the purchase price, and bids shall not contemplate the  
780 cancellation of any interest coupon or the waiver of interest or  
781 other concession by the bidder as a substitute for bank funds.

782 Any bonds issued under the provisions of Sections 1 through  
783 32 of this act may be refunded in like manner as revenue bonds of  
784 municipalities shall be refunded.

785 Any bonds issued under Sections 1 through 32 of this act  
786 shall be submitted to validation under Sections 31-13-1 through  
787 31-13-11, inclusive, Mississippi Code of 1972.

788 **SECTION 22.** (1) There is hereby created a statutory lien to  
789 the nature of a mortgage lien upon any facility or facilities  
790 acquired or constructed in accordance with Sections 1 through 32  
791 of this act, including all extensions and improvements thereof or  
792 combinations thereof subsequently made, which lien shall be in  
793 favor of the holder or holders of any bonds issued under those  
794 sections. All such property shall remain subject to the statutory  
795 lien until the payment in full of the principal of and interest on  
796 the bonds. Any holder of the bonds or any of the coupons



797 representing interest thereon may, either at law or in equity, by  
798 suit, action, mandamus or other proceedings, in any court of  
799 competent jurisdiction, protect and enforce the statutory lien and  
800 compel the performance of all duties required by Sections 1  
801 through 32 of this act, including the making and collection of  
802 sufficient rates for the service or services, the proper  
803 accounting thereof, and the performance of any duties required by  
804 covenants with the holders of any bonds issued in accordance with  
805 this act.

806 (2) If any default is made in the payment of the principal  
807 of or interest on the bonds, any court having jurisdiction of the  
808 action may appoint a receiver to administer the district and the  
809 facility or facilities, with power to charge and collect rates  
810 sufficient to provide for the payment of all bonds and obligations  
811 outstanding against the district, and for payment of operating  
812 expenses. The receiver may apply the income and revenues of the  
813 district in conformity with Sections 1 through 32 of this act and  
814 any covenants with bondholders.

815 (3) No holder or holders of any bonds issued under Sections  
816 1 through 32 of this act shall ever have the right to compel the  
817 levy of any tax to pay the bonds or the interest thereon except  
818 where the governing body of the county and/or municipality has  
819 made a levy of a special tax and consented to the pledge thereof,  
820 all as is provided in Sections 19 and 26 of this act.

821 **SECTION 23.** (1) In addition to the purposes authorized by  
822 Section 19 of this act, any district created under this act may  
823 issue special improvement bonds or revenue bonds of the district  
824 in the manner provided in Section 19, for any of the following  
825 purposes:

826 (a) To improve or extend the facilities of the district  
827 or to conduct projects of the district; and

828 (b) To enter into cooperative agreements with the state  
829 or federal government, or both, to obtain financial assistance in



830 the form of loans or grants as may be available from the state or  
831 federal government, or both (reference to the state or federal  
832 government as used in this section shall specifically include any  
833 agency thereof).

834 (2) The district may make any covenants and do any acts and  
835 things as may be necessary, convenient and desirable to secure the  
836 bonds or make the bonds more marketable, notwithstanding that the  
837 covenants, acts or things may not be enumerated in this act or  
838 expressly authorized in this act. It is the intention of this act  
839 to give the board of commissioners, in issuing the special  
840 improvement bonds or revenue bonds, the power to do all things  
841 required or necessary in the issuance of those bonds and for their  
842 execution which are not inconsistent with the Mississippi  
843 Constitution of 1890.

844 **SECTION 24.** (1) Pending the issuance of special improvement  
845 bonds or revenue bonds by the district, the district may make  
846 temporary borrowings not to exceed two (2) years in anticipation  
847 of the issue of bonds in order to provide funds in any amounts as  
848 may, from time to time, be deemed advisable before the issue of  
849 bonds. To provide for the temporary borrowings, the district may  
850 enter into any purchase, loan or credit agreement, or agreements  
851 or other agreement or agreements with any banks or trust companies  
852 or other lending institutions, investment banking firms or persons  
853 in the United States having power to enter into the same. The  
854 agreements may contain any provisions not inconsistent with  
855 Sections 1 through 32 of this act as may be authorized by the  
856 board.

857 (2) All temporary borrowings made under this section shall  
858 be evidenced by notes of the district which shall be issued, from  
859 time to time, for any amounts, in any form and in any  
860 denominations and subject to terms and conditions of sale and  
861 issue, prepayment or redemption and maturity, rate or rates of  
862 interest and time of payment of interest as the board shall



863 authorize and direct and in accordance with Sections 1 through 32  
864 of this act. The authorization and direction may provide for the  
865 subsequent issuance of replacement notes to refund, upon issuance  
866 thereof, any notes, and may specify any other terms and conditions  
867 with respect to the notes and replacement notes thereby authorized  
868 for issuance as the board may determine and direct.

869 **SECTION 25.** (1) For the purpose of attaining the objectives  
870 of Sections 1 through 32 of this act, any county, municipality or  
871 other unit of local government, public corporation, agency or  
872 instrumentality of the state, a county or municipality may, upon  
873 any terms and with or without consideration, as it may determine,  
874 do any or all of the following:

875 (a) Lend, contribute, or donate money to any district  
876 or perform services for the benefit thereof;

877 (b) Donate, sell, convey, transfer, lease or grant to  
878 any district, without the necessity of authorization at any  
879 election of qualified voters, any property of any kind; and

880 (c) Do any and all things, whether or not specifically  
881 authorized in this section, not otherwise prohibited by law, that  
882 are necessary or convenient to aid and cooperate with any district  
883 in attaining the objectives of Sections 1 through 32 of this act.

884 (2) Any county, municipality or other political subdivision,  
885 public corporation, agency or instrumentality of the state, a  
886 county or municipality may enter into a contract or contracts  
887 obligating any district to manage its storm water in a storm water  
888 management system or at a facility or facilities owned or operated  
889 by the district and obligating the county, municipality or other  
890 political subdivision, public corporation, agency or  
891 instrumentality of the state, a county or municipality to make  
892 payments to the district for the management on any terms,  
893 provisions and conditions as deemed appropriate. Any costs to a  
894 county, municipality or other political subdivision, public  
895 corporation, agency or instrumentality of the state, a county or



896 municipality shall be paid annually out of funds of the county,  
897 municipality or other political subdivision, public corporation,  
898 agency or instrumentality of the state or any county or  
899 municipality. The entering into of a contract or contracts shall  
900 not constitute the incurring of a debt by the county, municipality  
901 or other unit of local government, public corporation, agency or  
902 instrumentality of the state or any county or municipality within  
903 the meaning of any constitutional or statutory limitations on  
904 debts of the state, the counties or the municipalities.

905       **SECTION 26.** (1) The governing body of a county or  
906 municipality in which a district exists, may, according to the  
907 terms of the resolution and upon receipt of a resolution of the  
908 board of commissioners adopted by a three-fifths (3/5) majority of  
909 that board requesting the funds, levy a special tax, not to exceed  
910 four (4) mills annually, on all taxable real property in the  
911 district. The avails of the tax shall be paid over to the board  
912 of commissioners of the district to be used either for (a) the  
913 support of the district; (b) planning, design, construction,  
914 operation, maintenance or improvement of the storm water  
915 management system of the district; or (c) the retirement of any  
916 special improvement bonds issued by the district; or (d) for any  
917 combination of those uses.

918       (2) The proceeds derived from two (2) mills of the levy  
919 authorized in this section shall be included in the ten percent  
920 (10%) increase limitation under Section 27-39-321, and the  
921 proceeds derived from any additional millage levied under this  
922 subsection in excess of two (2) mills shall be excluded from that  
923 limitation for the first year of the additional levy and shall be  
924 included within that limitation in any year thereafter.

925       (3) Following the initial tax levy, the special tax levy  
926 under this subsection may be increased only when the governing  
927 body, after receipt of the resolution of the board of  
928 commissioners requesting an increase and stating the proposed



929 amount of the increase and the purposes for which the additional  
930 revenues shall be used, has determined the need for additional  
931 revenues, adopts a resolution declaring its intention to increase  
932 the levy and has held an election on the question of increasing  
933 the tax levy prescribed in this section. The notice calling for  
934 an election shall state the purposes for which the additional  
935 revenues shall be used and the amount of the tax levy to be  
936 imposed for those purposes. The tax levy may be increased only if  
937 the proposed increase is approved by a three-fifths (3/5) majority  
938 of those voting within the district. Subject to specific  
939 provisions of this paragraph to the contrary, the publication of  
940 notice and manner of holding the election within the district  
941 shall be as prescribed by law for the holding of elections for the  
942 issuance of bonds by the governing body. The election shall be  
943 held only within the district.

944       **SECTION 27.** In addition to the sources of funding provided  
945 for in Sections 1 through 32 of this act, the board of  
946 commissioners, if approved by the governing body in the resolution  
947 creating the district, may levy and collect special assessments as  
948 provided in Section 27 of this act on certain property located in  
949 the district to provide funds for the purposes for which special  
950 improvement bonds may be issued under Sections 19 and 23 of this  
951 act. The board of commissioners may pledge the receipts from the  
952 special assessments to secure the payment of the principal of,  
953 premium, if any, and interest on any special improvement bonds  
954 authorized to be issued under this act. Special assessments may  
955 be levied on the property within the boundaries of the district at  
956 the time the county and/or municipal tax levies are made. Any  
957 special assessments authorized under this section shall be levied  
958 and collected in the manner provided in Sections 21-41-1 through  
959 21-41-53, Mississippi Code of 1972. The board may secure bonds of  
960 the district solely from the receipts of special assessments, or  
961 may pledge any revenues in addition to the pledge of revenue from



962 any tax levy authorized in this act, or from any combination of  
963 monies from the special assessments and tax levies. Bonds issued  
964 under Section 19 or Section 23 of this act shall be payable as to  
965 principal, premium, if any, and interest solely from the sources  
966 authorized in this act.

967 **SECTION 28.** (1) Funds for debt service for special  
968 improvement bonds may be provided by charges upon the properties  
969 benefited according to procedures set forth in this section.

970 (2) So long as any special improvement bonds authorized by  
971 Sections 1 through 32 of this act shall remain outstanding, it is  
972 the duty of the governing body, at the time annual county or  
973 municipal tax levies are made, as the case may be, to levy those  
974 assessments as are certified to them by the district as being due  
975 and payable at a stated time. It is the duty of the tax collector  
976 of the county and/or the municipal tax collector in which the  
977 district lies to collect those charges and pay the funds collected  
978 to the board of commissioners of the district for payment to  
979 interest and principal and to the retirement of bonds issued by  
980 the district in accord with the maturities schedule pertaining  
981 thereto.

982 (3) One of the following procedures may be utilized in  
983 providing funds as authorized by this section:

984 (a) (i) Funds for debt service may be provided by  
985 charges assessed against the property abutting the street,  
986 easement or other right-of-way on which a facility or facilities  
987 of the district are constructed according to the frontage of the  
988 property.

989 (ii) The board of commissioners of the district,  
990 after giving notice and hearing protests in the manner prescribed  
991 by Sections 21-41-5 and 21-41-7, Mississippi Code of 1972, shall  
992 by resolution spread upon its minutes define the services to be  
993 offered and the entire area to be benefited by each improvement.



994 Each improvement may be designated as a project, or all  
995 improvements may be designated as one (1) project.

996 (iii) If a majority of the property owners or the  
997 owners of more than a majority of the front footage of the  
998 property involved and actually residing on property owned by them  
999 and included within that part of any street, avenue, etc., ordered  
1000 to be specially improved, or otherwise actually occupying property  
1001 owned by them and included within that area designated for a  
1002 project, shall file a protest, then the improvement shall not be  
1003 made and the assessment shall not be made.

1004 (iv) The resolution shall direct that the cost to  
1005 be assessed against each lot or parcel of land shall be determined  
1006 by dividing the entire assessable cost of the project by the total  
1007 number of front feet fronting on the street, easement or other  
1008 right-of-way in which all of the facilities embraced within the  
1009 project are installed and multiplying the quotient by the total  
1010 number of front feet in any particular lot or parcel of land  
1011 fronting on the street, easement or other right-of-way in which  
1012 facilities are constructed. The result thereof shall be delivered  
1013 by board to the governing body of the county and/or municipality  
1014 as the amount of special tax to be assessed against each lot or  
1015 piece of ground for the owner's part of the total cost of the  
1016 improvements.

1017 (v) The resolution may, at the discretion of the  
1018 board, provide for the district to pay the assessment against any  
1019 property abutting a facility or facilities designated as necessary  
1020 and essential to the overall operation of the storm water  
1021 management system. The district shall seek to recover the  
1022 assessment from the owner of the improved property.

1023 (b) (i) Funds for debt service may be provided by  
1024 charges assessed against a lot or block in a recorded subdivision  
1025 of land or by other appropriately designated parcel or tract of  
1026 land in accord with the following procedure.



1027                   (ii) The board of commissioners of the district,  
1028 after giving notice and hearing protests in the manner prescribed  
1029 by Sections 21-41-5 and 21-41-7, Mississippi Code of 1972, shall  
1030 by resolution spread upon its minutes define the services to be  
1031 offered and the entire area to be benefited by each improvement.  
1032 Each improvement may be designated as a project, or all  
1033 improvements may be designated as one (1) project.

1034                   (iii) If a majority of the property owners or the  
1035 owners of more than a majority of the front footage of the  
1036 property involved and actually residing on property owned by them  
1037 and included within that part of any street, avenue, etc., ordered  
1038 to be specially improved, or otherwise actually occupying property  
1039 owned by them and included within that area designated as a  
1040 project, shall file a protest, then the improvement shall not be  
1041 made and the assessment shall not be made.

1042                   (iv) Charges shall be assessed in accord with the  
1043 provisions of Sections 21-41-9 through 21-41-21 and 21-41-25  
1044 through 21-41-39, Mississippi Code of 1972.

1045           **SECTION 29.** (1) The board of commissioners of the district  
1046 issuing revenue bonds under Sections 1 through 32 of this act,  
1047 shall prescribe and collect reasonable rates, fees, tolls or  
1048 charges for the services, facilities and commodities of its storm  
1049 water management system. The board shall prescribe penalties for  
1050 the nonpayment of those rates, fees, tolls or charges. The board  
1051 shall revise the rates, fees, tolls or charges from time to time  
1052 whenever necessary to insure the economic operation of the storm  
1053 water management system. The rates, fees, tolls or charges  
1054 prescribed shall be, as nearly as possible, sufficient to produce  
1055 revenue at least sufficient to: (a) provide for all expenses of  
1056 operation and maintenance of the storm water management system,  
1057 including reserves therefor; (b) pay, when due, all revenue bonds  
1058 and interest thereon for the payment of which the revenues are or  
1059 shall have been pledged, charged or otherwise encumbered,



1060 including reserves therefor; and (c) provide funds for reasonable  
1061 expansions, extensions and improvements of service.

1062 (2) (a) Any district created under Sections 1 through 32 of  
1063 this act may create a system for the billing and collection of  
1064 rates, fees, tolls and charges for the services of the storm water  
1065 management system. Storm water fees may be based on the amount of  
1066 impervious area or any other factor determined appropriate by the  
1067 board of commissioners.

1068 (b) Storm water fees, upon certification by the board  
1069 to the governing body of the county and/or municipality, may be  
1070 assessed on any utility bill distributed by that county or  
1071 municipality. The board of commissioners shall establish a  
1072 process of notice and hearing consistent with the due process  
1073 protections in the Mississippi Constitution and the Constitution  
1074 of the United States for any person aggrieved by the levy of a  
1075 rate, fee, toll or charge made under this section. The board of  
1076 commissioners shall pay the reasonable costs incurred in  
1077 collecting the storm water fees.

1078 (c) If the storm water fees are assessed as part of a  
1079 county or municipal utility bill, any payment received toward that  
1080 bill shall be divided among the services for which charges are  
1081 assessed on a pro rata basis. Before the fifteenth day of each  
1082 month, the entity collecting payments from utility bills shall pay  
1083 to the board of commissioners the revenue collected from utility  
1084 bill payments during the preceding month.

1085 **SECTION 30.** The property and revenue of the district shall  
1086 be exempt from all state, county and municipal taxation. Bonds  
1087 issued under Sections 1 through 32 of this act and the income  
1088 therefrom shall be exempt from all state, county and municipal  
1089 taxation, except inheritance, transfer and estate taxes. It may  
1090 be so stated on the face of the bonds.

1091 **SECTION 31.** Within ninety (90) days after the close of each  
1092 fiscal year, the board of commissioners shall publish in a



1093 newspaper of general circulation in the county a sworn statement  
1094 showing the financial condition of the district, the earnings for  
1095 the fiscal year just ended, a statement of any rates, fees, tolls  
1096 or charges being charged, and a brief statement of the method used  
1097 in arriving at those rates, fees, tolls or charges. The statement  
1098 shall also be filed with the governing body of each member of the  
1099 district.

1100       **SECTION 32.** Sections 1 through 32 of this act, without  
1101 reference to any other statute, shall be deemed to be full and  
1102 complete authority for the creation of a district and for the  
1103 issuance of any bond. No proceedings shall be required for the  
1104 creation of a district or for the issuance of any bonds other than  
1105 those provided for and required herein. All the necessary powers  
1106 to be exercised by the governing body of a county or municipality  
1107 and by the board of commissioners of any district, in order to  
1108 carry out this act, are hereby conferred.

1109       **SECTION 33.** The provisions of this act shall be codified as  
1110 a new chapter in Title 51, Mississippi Code of 1972.

1111       **SECTION 34.** The Attorney General of the State of Mississippi  
1112 shall submit this act, immediately upon approval by the Governor,  
1113 or upon approval by the Legislature subsequent to a veto, to the  
1114 Attorney General of the United States or to the United States  
1115 District Court for the District of Columbia in accordance with the  
1116 provisions of the Voting Rights Act of 1965, as amended and  
1117 extended.

1118       **SECTION 35.** This act shall take effect and be in force from  
1119 and after it is effectuated under Section 5 of the Voting Rights  
1120 Act of 1965, as amended and extended.

