

By: Representatives Rogers (61st),
Weathersby, Moore, Baker (74th), Smith (59th)

To: Local and Private
Legislation

HOUSE BILL NO. 1767
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 977, LOCAL AND PRIVATE LAWS OF 1994,
2 AS AMENDED BY CHAPTER 987, LOCAL AND PRIVATE LAWS OF 2000, TO
3 RENAME THE WEST RANKIN METROPOLITAN SEWER AUTHORITY AS THE WEST
4 RANKIN UTILITY AUTHORITY; TO EXPAND THE PURPOSES FOR ESTABLISHMENT
5 OF THE AUTHORITY TO INCLUDE THE ACQUISITION, CONSTRUCTION AND
6 OPERATION OF NONHAZARDOUS SOLID WASTE COLLECTION, TRANSPORTATION
7 AND DISPOSAL SYSTEMS AND FACILITIES; TO INCLUDE THE JACKSON
8 INTERNATIONAL AIRPORT WITHIN THE AREA SERVED BY THE AUTHORITY; TO
9 EXPAND THE PURPOSES FOR WHICH PROCEEDS FROM BORROWINGS AND REVENUE
10 BONDS ISSUED BY THE AUTHORITY MAY BE EXPENDED TO DEFRAY PROJECT
11 COSTS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Chapter 977, Local and Private Laws of 1994, as
14 amended by Chapter 987, Local and Private Laws of 2000, is amended
15 as follows:

16 Section 1. This act is for the purpose of authorizing a
17 cooperative effort by the Cities of Brandon, Flowood, Pearl,
18 Richland and other eligible municipalities, public agencies and
19 political subdivisions for the acquisition, construction and
20 operation of one or more systems for the collection,
21 transportation, treatment and disposal of wastewater; for the
22 treatment and distribution of potable water; and for the
23 collection, transportation, and disposal of nonhazardous solid
24 waste; all of the foregoing, including sewerage systems, sewage
25 disposal systems, waterworks and water supply systems, solid waste
26 collection, transportation and disposal systems, in order to
27 ensure an adequate supply of water for domestic, commercial and
28 industrial use and to prevent and control the pollution of the
29 lands and waters in this state by the creation of a West Rankin
30 Utility Authority. This act may be cited as the "West Rankin
31 Utility Authority Act."

32 Section 2. Words and phrases used in this act shall have
33 meanings as follows:

34 (a) "Act" means the West Rankin Utility Authority Act,
35 as * * * amended from time to time.

36 (b) "Authority" means the West Rankin Utility
37 Authority.

38 (c) "Board of directors" means the board of directors
39 of the * * * authority.

40 (d) "Bonds" means revenue bonds, interim notes having a
41 maturity of three (3) years or less, and other certificates of
42 indebtedness of the * * * authority issued under the provisions of
43 this act.

44 (e) "Costs of the project" means:

45 (i) All costs of site preparation and other
46 startup costs;

47 (ii) All costs of construction;

48 (iii) All costs of real and personal property
49 required for the purposes of the project and facilities related
50 thereto, including land and any rights or undivided interest
51 therein, easements, franchises, fees, utility charges, permits,
52 approvals, licenses and certificates and the securing of any
53 permits, approvals, licenses and certificates and all machinery
54 and equipment, including motor vehicles, which are used for
55 project functions;

56 (iv) All costs of engineering, geotechnical,
57 architectural and legal services;

58 (v) All costs of plans and specifications and all
59 expenses necessary or incident to determining the feasibility or
60 practicability of the project;

61 (vi) Administrative expenses; and

62 (vii) Any other expenses as may be necessary or
63 incidental to the project financing.

64 (f) "Ditch" means any branch or lateral drain, tile
65 drain, levee, sluiceway, water course, floodgate and any other
66 construction work fund necessary for the reclamation of wet and
67 overflowed lands.

68 (g) "Facilities" means any structure, building, ditch,
69 pipe, channel, improvement, land or other real or personal
70 property used or useful in a system under this act.

71 (h) "Member agency" means the City of Brandon, the City
72 of Flowood, the City of Pearl and the City of Richland and any
73 public agency which elects to become a constituent member of the
74 West Rankin Utility Authority upon its organization or which
75 subsequently elects to become a member of the West Rankin Utility
76 Authority and which is admitted to the * * * authority by
77 affirmative vote of the board of directors of such authority, in
78 accordance with the provisions of Section 3(5) of this act.

79 (i) "Metropolitan area" means all of the area or
80 territory lying within Rankin County, Mississippi, and lying
81 within five (5) miles from any portion of the corporate limits in
82 existence on the effective date of House Bill No. 1767, 2004
83 Regular Session, of the City of Brandon, the City of Flowood, the
84 City of Pearl or the City of Richland; provided, however, that the
85 metropolitan area shall not include any area located within the
86 corporate limits of a municipality which is not a member agency,
87 except that the metropolitan area shall include any area located
88 within the Jackson International Airport.

89 (j) "Metropolitan area plan" means a comprehensive plan
90 for a sewage disposal system, water distribution system and solid
91 waste transportation, collection and disposal system within the
92 metropolitan area, consistent with standards established pursuant
93 to applicable federal and state law.

94 (k) "Metropolitan authority" means * * * the * * *
95 authority.

96 (l) "Municipality" means any incorporated city or town
97 of the State of Mississippi, whether operating under general law
98 or under special charter, lying wholly or partly within the
99 metropolitan area.

100 (m) "Person" means and includes the State of
101 Mississippi, a municipality as defined herein, any public agency
102 as defined herein or any other city, town or political subdivision
103 or governmental agency of the State of Mississippi or of the
104 United States of America, or any private utility, individual,
105 copartnership, association, firm, trust, estate or any other
106 entity whatsoever.

107 (n) The terms "pollution," and "waters of the state"
108 shall have meanings as set forth in the Mississippi Air and Water
109 Pollution Control Law, as now or hereafter amended, appearing as
110 Sections 49-17-1 through * * * 49-17-70, Mississippi Code of 1972.

111 (o) "Public agency" means any county, municipality
112 (including the City of Brandon, the City of Flowood, the City of
113 Richland and the City of Pearl), lying wholly or partially within
114 the metropolitan area, any state board or commission owning or
115 operating properties within a metropolitan area, a district
116 created pursuant to Sections 51-9-101 through 51-9-163 or Sections
117 19-5-151 through 19-5-257, Mississippi Code of 1972, or any other
118 political subdivision of the State of Mississippi lying wholly or
119 partially within a metropolitan area and having the power to own
120 and operate waterworks, water supply systems, sewerage systems,
121 treatment facilities, sewage disposal systems, solid waste
122 disposal or other facilities or systems for the collection,
123 transportation, treatment and disposal of waste.

124 (p) "Sewerage system" means pipelines or conduits,
125 canals, pumping stations and force mains, and all other
126 structures, devices, facilities and appliances appurtenant
127 thereto, used for collecting or conducting waste to an ultimate
128 point for treatment or disposal.

129 (q) "System" means any or all of the following:
130 sewerage system, waste disposal system and water supply system and
131 all vehicles, structures, devices, facilities and appliances used
132 for treatment or distribution of potable water or for collecting
133 or conducting waste, solid waste or sewage to an ultimate point
134 for treatment or disposal.

135 (r) "Treatment facilities" means any plant, disposal
136 field, lagoon, pumping station, constructing drainage ditch or
137 surface water intercepting ditch, canal, incinerator, area devoted
138 to sanitary landfills or other works not specifically mentioned
139 herein, installed for the purpose of treating, neutralizing,
140 stabilizing or disposing of wastewater, sludge or solid waste or
141 facilities to provide cooling water to collect, control and
142 dispose of waste heat.

143 (s) "Waste" means sewage, solid waste, industrial
144 waste, municipal waste, recreational waste and agricultural waste,
145 waste heat and any other waste that may cause impairment of the
146 quality of the waters in the state.

147 (t) "Waste disposal system" means a system for
148 disposing of waste, including, but not limited to, sewerage
149 systems and treatment facilities, and solid waste disposal
150 facilities, as such terms are defined herein.

151 (u) "Water supply system" means waterworks, pipelines,
152 conduits, pumping stations and all other structures, devices and
153 appliances appurtenant thereto, including land and right-of-way
154 thereto, for use for transporting water to a point of ultimate
155 use.

156 (v) "Waterworks" means all works, plants or other
157 facilities necessary for the purpose of collecting, storing,
158 treating and transporting water for domestic, municipal,
159 commercial, industrial, agricultural and manufacturing purposes,
160 including open channels.

161 Words of the masculine gender shall be deemed and construed
162 to include correlative words of the feminine and neuter genders.
163 Unless the context shall otherwise indicate, words and terms
164 herein defined shall be equally applicable to the plural as well
165 as the singular form of any such words and terms.

166 Section 3. (1) The City of Brandon, the City of Flowood,
167 the City of Pearl, and the City of Richland are authorized to file
168 a joint petition, which may be joined in by any public agency
169 lying wholly or partly within the metropolitan area, for the
170 organization of a metropolitan authority in this state under the
171 provisions of this act in the manner hereinafter provided; and,
172 when so organized, the metropolitan authority shall be a political
173 subdivision of the State of Mississippi, and a body politic and
174 corporate, and shall have the powers granted to a metropolitan
175 authority under the act.

176 (2) A petition for the organization of a metropolitan
177 authority shall be filed in the Chancery Court of Rankin County,
178 which petition shall show the proposed metropolitan area, the
179 proposed member public agencies and the necessity and desirability
180 of the proposed metropolitan authority and shall be signed by duly
181 authorized elected public officials of the municipalities within
182 the proposed metropolitan area joining in filing the petition and
183 the authorized officers of any other public agency joining in the
184 petition. Upon the filing of said petition the chancery clerk
185 shall promptly give written notice of the same to a chancellor of
186 said chancery court who shall enter an order setting a date not
187 less than thirty (30) days from the date of the order for a
188 hearing on the organization of such metropolitan authority. Any
189 public agency not a petitioner and any private utility within the
190 proposed metropolitan area shall be served with process as a party
191 defendant to said petition. The chancery clerk shall cause a
192 notice of such hearing addressed to the taxpayers and qualified
193 electors of the proposed metropolitan area and all other persons

194 interested to be published once a week for at least three (3)
195 successive weeks in a newspaper or newspapers published in Rankin
196 County having a general circulation within the proposed
197 metropolitan area, which notice shall state the date, place and
198 time of such hearing, that a petition has been filed to organize a
199 metropolitan authority under the provisions of this act, describe
200 the proposed metropolitan area, and command that all such persons
201 appear before the chancery court or the chancellor in vacation on
202 the date and hour of the hearing to show cause, if any they can,
203 why the proposed metropolitan authority should not be organized
204 and established as set forth in the said petition. The first
205 publication shall be at least twenty-one (21) days before the date
206 of such hearing and the last publication shall be not more than
207 seven (7) days before the date of such hearing.

208 (3) The chancery court may hear the petition at any term
209 thereof, or the chancellor of said court may fix a time to hear
210 such petition at any time in vacation, and may determine all
211 matters pertaining thereto, may adjourn the hearing from time to
212 time, and may continue the case for want of sufficient notice or
213 other good cause. If said petition shall prove defective in any
214 manner, the petitioners, upon motion, shall be permitted to amend
215 the same. At such hearing, or a day to which the same may be
216 continued, the chancellor shall take evidence and all interested
217 persons objecting to the creation of such metropolitan authority
218 may appear and contest the same. If the chancellor shall find
219 that a sound plan exists for the creation of a metropolitan
220 authority to accomplish the purposes set forth in this act and the
221 same would meet a public necessity, he shall render a decree
222 creating such metropolitan authority under the provisions of this
223 act, specifying in the decree the metropolitan area to be served
224 thereby, which may be less than the area set out in the petition.
225 The chancellor shall not include within the metropolitan area of a
226 proposed metropolitan authority any area lying within the

227 corporate limits of a municipality unless such municipality shall
228 have either joined in the petition or filed a written consent to
229 such inclusion adopted by its governing body. If the chancellor
230 finds that the proposed metropolitan authority should not be
231 organized, then he shall dismiss the proceedings.

232 (4) When so organized, the metropolitan authority shall have
233 the power to sue and be sued, provided that the metropolitan
234 authority shall not be liable and shall be immune from suit at law
235 or in equity on account of any wrongful or tortious act or
236 omission, including libel, slander or defamation, by it, or any
237 such act or omission by any employee of any such metropolitan
238 authority, subject to and in accordance with the provisions of
239 Sections 11-46-1 through 11-46-19, Mississippi Code of 1972.

240 (5) If at any time any public agency within the metropolitan
241 area of the duly organized metropolitan authority shall elect to
242 become a member agency of the metropolitan authority by a majority
243 vote of the governing body of such public agency, such public
244 agency may be admitted as a member agency of such metropolitan
245 authority, upon the approval by a three-fifths (3/5) affirmative
246 vote of the total membership of the board of directors of the
247 metropolitan authority and by a concurrent affirmative vote of
248 directors representing sixty percent (60%) of the total payments
249 for use of the * * * system of the metropolitan authority during
250 the preceding fiscal year.

251 (6) The metropolitan area of the metropolitan authority may
252 be expanded or enlarged at any time by decree of the Chancery
253 Court of Rankin County, if the chancellor shall render a decree
254 finding that the public necessity requires such expansion after
255 timely publication of notice and a hearing held before the
256 chancellor in the manner provided in this section.

257 Section 4. All powers of the metropolitan authority shall be
258 exercised by a board of directors to be selected and composed as
259 follows: The governing body of each member agency shall appoint

260 one (1) person to serve on the board of directors of the
261 metropolitan authority, each such director to serve at the
262 pleasure of the respective governing body.

263 The board of directors of the metropolitan authority shall
264 annually elect from its number a president and vice president of
265 the metropolitan authority and such other officers as, in the
266 judgment of the board, are necessary. The president shall be the
267 chief executive officer of the metropolitan authority and the
268 presiding officer of the board, and shall have the same right to
269 vote as any other director. The vice president shall perform all
270 duties and exercise all powers conferred by this act upon the
271 president when the president is absent or fails or declines to
272 act, except the president's right to vote. The board shall also
273 appoint a secretary and a treasurer who may or may not be members
274 of the board, and it may combine those officers. The treasurer
275 shall give bond in the sum of not less than Fifty Thousand Dollars
276 (\$50,000.00) as set by the board of directors, and each director
277 may be required to give bond in the sum of not less than Ten
278 Thousand Dollars (\$10,000.00), with sureties qualified to do
279 business in this state, and the premiums on said bonds shall be an
280 expense of such metropolitan authority. Each such bond shall be
281 payable to the State of Mississippi; the condition of each such
282 bond shall be that the treasurer or director will faithfully
283 perform all duties of his office and account for all money or
284 other assets which shall come into his custody as treasurer or
285 director of such metropolitan authority.

286 Except for the election or appointment of officers, all
287 business of the metropolitan authority shall be transacted by a
288 three-fifths (3/5) affirmative vote of the total membership of the
289 board of directors and, if the authority shall own or operate
290 a * * * system, by a concurrent vote of directors representing
291 sixty percent (60%) of the total payments for use of the * * *
292 system of the metropolitan authority during the preceding fiscal

293 year. The quorum for any meeting of the board of directors shall
294 be three-fifths (3/5) of the total membership of the board of
295 directors and, if the authority shall own or operate a * * *
296 system, the presence of directors representing more than sixty
297 percent (60%) of the total payments for use of the * * * system of
298 the metropolitan authority during the preceding fiscal year.

299 Section 5. The metropolitan authority is authorized and
300 empowered to acquire, construct, improve, enlarge, extend, repair,
301 operate and maintain one or more * * * systems and to make
302 contracts with any person in furtherance thereof; and to make
303 contracts with any public agency, under the terms of which the
304 metropolitan authority will, within its designated metropolitan
305 area, provide water to or accept, transport, treat or dispose of
306 waste from such public agency. A metropolitan authority may also
307 enter into contracts with any person to design and construct
308 any * * * system, * * * and thereafter purchase, lease or sell, by
309 installments over such terms as may be deemed desirable, or
310 otherwise, any such system. The metropolitan authority is also
311 authorized to enter into operating agreements with any person, for
312 such terms and upon such conditions as may be deemed desirable,
313 for the operation of any * * * facilities or systems; and the
314 metropolitan authority may lease to or from any person, for such
315 term and upon such conditions as may be deemed desirable,
316 any * * * facilities or systems. Any such contract may contain
317 provisions requiring any public agency or other person to regulate
318 the quality of water and the quality and strength of waste to be
319 handled by the * * * system and may also provide that a
320 metropolitan authority shall have the right to use any streets,
321 alleys and public ways and places within the jurisdiction of a
322 public agency during the term of the contract. Any provision of
323 this act to the contrary notwithstanding, the metropolitan
324 authority shall not become the owner of any existing sewage
325 disposal system unless all municipalities or other public agencies

326 currently utilizing such system or any portion thereof, including
327 the City of Richland, are offered access to such sewage disposal
328 system on terms not less favorable than the terms contained in
329 contracts with the City of Jackson in existence prior to
330 acquisition of such ownership. The City of Richland shall have
331 access to such system on terms not less favorable than the terms
332 contained in the contract between the Richland Water and Sewer
333 District (now the City of Richland) and the City of Jackson dated
334 the 21st day of February, 1975, as interpreted by the Circuit
335 Court of Rankin County in Cause No. 14,141; provided, however,
336 that the City of Richland will also pay its proportionate share of
337 the operation, maintenance and debt service of the West Rankin
338 Pumping Station, beginning at such time as such system is acquired
339 by the metropolitan authority.

340 Section 6. The metropolitan authority, through its board of
341 directors, in addition to any and all powers now or hereafter
342 granted to it, is hereby empowered:

343 (a) To develop and maintain long-range planning for
344 collection treatment and distribution of water and for the
345 collection, transportation, treatment and disposal of waste and
346 for pollution abatement.

347 (b) To acquire and to own, maintain, use, operate and
348 convey or otherwise dispose of any and all property of any kind,
349 real, personal or mixed, or any interest therein within or without
350 the boundaries of its designated metropolitan area necessary or
351 convenient to the exercise of the purposes of and the powers
352 granted by Section 21-27-7 and Sections 21-27-161 through
353 21-27-191, Mississippi Code of 1972, as amended, unless any of the
354 foregoing is otherwise prohibited under the State Constitution or
355 this act. The amount and character of interest in land, other
356 property, and easements thus to be acquired shall be determined by
357 the board of directors, and their determination shall be
358 conclusive and shall not be subject to attack in the absence of

359 manifold abuse of discretion or fraud on the part of such board in
360 making such determination. However,

361 (i) In acquiring lands, a metropolitan authority
362 shall not acquire minerals or royalties; provided that sand and
363 gravel shall not be considered as minerals within the meaning of
364 this section; and

365 (ii) No person or persons owning the drilling
366 rights or the right to share in production shall be prevented from
367 exploring, developing or producing oil or gas with necessary
368 rights-of-way for ingress and egress, pipelines and other means of
369 transporting interests on any land or interest thereon of any
370 metropolitan authority held or used for the purposes of this act;
371 but any such activities shall be under such reasonable regulations
372 by the board of directors as will adequately protect the * * *
373 systems of any such metropolitan authority contemplated by this
374 act.

375 (c) To provide for the necessary relocation or
376 rerouting of roads and highways, railroad, telephone and telegraph
377 lines and properties, electric power lines, gas pipe lines and
378 related facilities, or to require the anchoring or other
379 protection of any of these, provided due compensation is first
380 paid to the owners thereof or agreement is had with such owners
381 regarding the payment of the cost of such relocation, and to
382 acquire easements or rights-of-way for such relocation or
383 rerouting and to convey the same to the owners of the property
384 being relocated or rerouted in connection with the purpose of this
385 act.

386 (d) To enter into contracts with any public agency,
387 including, but not limited to, contracts authorized by Section 7
388 of this act, in furtherance of any of the purposes authorized by
389 this act upon such consideration as the board of directors and
390 such public agency may agree. Any such contract may extend over
391 any period of time, notwithstanding any provision or rule of law

392 to the contrary, may be upon such terms as the parties thereto
393 shall agree, and may provide that it shall continue in effect
394 until bonds specified therein, refunding bonds issued in lieu of
395 such bonds, and all other obligations specified therein are paid
396 or terminated. Any such contract shall be binding upon the
397 parties thereto according to its terms.

398 (e) To make and enforce, and from time to time amend
399 and repeal, bylaws and rules and regulations for the management of
400 its business and affairs and for the construction, use,
401 maintenance and operation of any * * * systems * * * under its
402 management and control and any other of its properties.

403 (f) To employ staff and other personnel, including
404 attorneys, engineers and consultants. The board of directors may,
405 in its discretion, employ a general manager having the authority
406 to employ and fire employees of the metropolitan authority.

407 (g) To accept and utilize grants and other funds from
408 any source for * * * systems.

409 (h) To establish and maintain rates and charges for the
410 use of the services of such * * * systems, * * * and from time to
411 time to adjust such rates, to the end that the revenues therefrom
412 will be sufficient at all times to pay the expenses of operating
413 and maintaining such * * * systems and all of the metropolitan
414 authority's obligations under any contract or bond resolution with
415 respect thereto.

416 (i) To adopt rules and regulations necessary to carry
417 out the implementation of the metropolitan area plan and to assure
418 the payment by each participating public agency of its
419 proportionate share of system costs.

420 (j) To refuse to receive waste from any public agency
421 or subdivision thereof * * * that does not comply with the
422 provisions of the metropolitan area plan applicable to the
423 particular area within which such public agency or subdivision
424 thereof * * * is located.

425 (k) To accept industrial waste for treatment and to
426 require the pretreatment of same when in the opinion of such
427 metropolitan authority such pretreatment is necessary.

428 (l) To adopt all necessary and reasonable rules and
429 regulations to carry out and effectuate any water supply, waste
430 treatment or waste disposal plan adopted for the metropolitan
431 area, as contractually authorized.

432 (m) So long as any indebtedness on any sewerage system,
433 treatment facilities and sewage disposal system of the
434 metropolitan authority remains outstanding, to require by contract
435 with a public agency or other person that all waste within the
436 metropolitan area be disposed of through sewerage systems,
437 treatment facilities and sewage disposal systems which comprise a
438 part of the metropolitan area plan, to the extent that the same
439 may be available, but no public agency shall be precluded from
440 constructing, operating and maintaining its own sewerage system
441 after the current indebtedness owing on the system as of the
442 effective date of this act is paid in full.

443 Section 7. (1) Any public agency may, pursuant to a duly
444 adopted resolution of the governing authority of such public
445 agency, enter into contracts with the metropolitan authority under
446 the terms of which the metropolitan authority will collect, within
447 its designated metropolitan area, and transport, treat or dispose
448 of waste for such public agency. Any public agency may also,
449 pursuant to a duly adopted resolution of the governing authority
450 of such public agency, enter into contracts with the
451 metropolitan authority under the terms of which the metropolitan
452 authority will collect, store, treat and distribute water for such
453 public agency. Any public agency may also enter into contracts
454 with the metropolitan authority for the metropolitan authority to
455 purchase or sell, by installments over such terms as may be deemed
456 desirable, or otherwise, any waterworks, water supply systems,
457 waste collection, transportation, * * * sewage disposal or

458 treatment facilities or systems. Any public agency is also
459 authorized to enter into operating agreements with the
460 metropolitan authority, for such terms and upon such conditions as
461 may be deemed desirable, for the operation of waterworks, water
462 supply systems, waste collection, transportation, * * * sewage
463 disposal or treatment facilities or systems by such
464 metropolitan authority or by any person contracting with the
465 metropolitan authority to operate such systems; and any public
466 agency may lease to or from the metropolitan authority, for such
467 term and upon such conditions as may be deemed desirable, any
468 waterworks, water supply systems, waste collection,
469 transportation, treatment or sewage disposal or treatment
470 facilities or systems. Any such contract may contain provisions
471 requiring any public agency to regulate the quality of water and
472 the quality and strength of waste to be handled by the sewage
473 disposal system and may also provide that such metropolitan
474 authority shall have the right to use any streets, alleys and
475 public ways and places within the jurisdiction of a public agency
476 during the term of the contract for any of its systems. Such
477 contracts may obligate the public agency to make payments to such
478 metropolitan authority or to a trustee in amounts which shall be
479 sufficient to enable such metropolitan authority to defray the
480 expenses of administering, operating and maintaining its
481 waterworks, water supply system and sewage disposal system and
482 other systems, to pay interest and principal (whether at maturity
483 upon redemption or otherwise) on bonds of such metropolitan
484 authority issued pursuant to this act and to fund reserves for
485 debt service, for operation and maintenance and for renewals and
486 replacements, and to fulfill the requirements of any rate covenant
487 with respect to debt service coverage contained in any resolution,
488 trust indenture or other security agreement relating to the bonds
489 of such metropolitan authority issued pursuant to this act. Any
490 public agency shall have the power to enter into such contracts

491 with the metropolitan authority as in the discretion of the
492 governing authorities thereof would be in the best interest of
493 such public agency. Such contracts may include a pledge of the
494 full faith and credit of such public agency and/or the avails of
495 any special assessments made by such public agency against
496 property receiving benefits, as now or hereafter provided by law.
497 Any such contract may provide for the sale or lease to or use of
498 by such metropolitan authority of any * * * system or any part
499 thereof of the public agency; may provide that such metropolitan
500 authority shall operate any * * * system or any part thereof of
501 the public agency; may provide that any public agency shall have
502 the right to continued use and/or priority use of any of its * * *
503 system or any part thereof during the useful life thereof upon
504 payment of reasonable charges therefor; may contain provisions to
505 assure equitable treatment of public agencies who contract with
506 such metropolitan authority pursuant to this act; and may contain
507 such other provisions and requirements as the parties thereto may
508 determine to be appropriate or necessary. Such contracts may
509 extend over any period of time, notwithstanding any provisions of
510 law to the contrary, and may extend beyond the life of the * * *
511 system or any part thereof or the term of any bonds sold with
512 respect to such facilities or improvements thereto.

513 (2) The obligations of a public agency arising under the
514 terms of any contract referred to in this act, whether or not
515 payable solely from a pledge of revenues, shall not be included
516 within the indebtedness limitations of the public agency for
517 purposes of any constitutional or statutory limitation or
518 provision. To the extent provided in such contract and to the
519 extent such obligations of the public agency are payable wholly or
520 in part from the revenues and other monies derived by the public
521 agency from the operation of its * * * system or any part thereof,
522 such obligations shall be treated as expenses of operating such
523 system.

524 (3) Contracts referred to in this section may also provide
525 for payments in the form of contributions to defray the cost of
526 any purpose set forth in the contracts and as advances for
527 the * * * system or any part thereof subject to repayment by a
528 metropolitan authority. A public agency may make such
529 contributions or advances from its general fund or surplus fund or
530 from special assessments or from any monies legally available
531 therefor.

532 (4) Payments made or to be made to any metropolitan
533 authority by a public agency pursuant to a contract for a system
534 or any part thereof shall not be subject to approval or review by
535 the Mississippi Public Service Commission.

536 (5) Subject to the terms of a contract or contracts referred
537 to in this act, any metropolitan authority is hereby authorized to
538 do and perform any and all acts or things necessary, convenient or
539 desirable to carry out the purposes of such contracts, including
540 the fixing, charging, collecting, maintaining and revising of
541 rates, fees and other charges for the services rendered by
542 any * * * system operated or maintained by a metropolitan
543 authority, whether or not such system is owned by such
544 metropolitan authority.

545 (6) No provision of this act shall be construed to prohibit
546 any public agency, otherwise permitted by law to issue bonds, from
547 issuing bonds in the manner provided by law for the construction,
548 renovation, repair or development of a * * * system or any part
549 thereof owned or operated by such public agency.

550 Section 8. Whenever a public agency shall have executed a
551 contract pursuant to this act and the payments thereunder are to
552 be made either wholly or partly from the revenues of a system, of
553 a public agency or any part thereof or a combination of such
554 systems, the duty is hereby imposed on the public agency to
555 establish and maintain and from time to time to adjust the rates
556 charged by the public agency for the services of such system or

557 systems, such that the revenues therefrom together with any taxes
558 and special assessments levied in support thereof will be
559 sufficient at all times to pay: (a) the expense of operating and
560 maintaining such system or systems including all of the public
561 agency's obligations to such metropolitan authority, its
562 successors or assigns under such contract; and (b) all of the
563 public agency's obligations under and in connection with revenue
564 bonds theretofore issued, or which may be issued thereafter and
565 secured by the revenues of such system or systems. Any such
566 contract may require the use of consulting engineers and financial
567 experts to advise the public agency whether and when such rates
568 are to be adjusted.

569 Section 9. (1) The metropolitan authority shall have the
570 power and is hereby authorized, from time to time, to borrow money
571 and to issue revenue bonds in such principal amounts as such
572 metropolitan authority may determine to be necessary to provide
573 sufficient funds for achieving one or more of the purposes of this
574 act, including, without limiting the generality of the foregoing,
575 to defray all the costs of the project, the cost of the
576 acquisition, construction, improvement, repair or extension of
577 a * * * system, or any part thereof, whether or not such
578 facilities are owned by such metropolitan authority, the payment
579 of interest * * * on bonds of such metropolitan authority issued
580 pursuant to this act, establishment of reserves to secure such
581 bonds and payment of the interest thereon, expenses incident to
582 the issuance of such bonds and to the implementation of such
583 metropolitan authority's * * * system, and all other expenditures
584 of the metropolitan authority incident to or necessary or
585 convenient to carry out the purposes of this act.

586 (2) Before issuing bonds (other than interim notes or
587 refunding bonds as provided in Section 10 of this act) hereunder,
588 the board of directors of the metropolitan authority shall first
589 hold a public hearing before the governing authorities of each

590 affected public agency with due notice of the time, date and place
591 of said hearing published in a newspaper of general circulation in
592 said public agency, and then shall adopt a resolution declaring
593 its intention to issue such bonds and stating the maximum
594 principal amount of bonds proposed to be issued, a general generic
595 description of the proposed improvements and the proposed location
596 thereof and the date, time and place at which the board of
597 directors proposes to take further action with respect to the
598 issuance of such bonds. No director shall vote for the resolution
599 of intent to issue such bonds unless the governing authorities of
600 the entity represented by said director shall have adopted a
601 resolution, not more than sixty (60) days before said vote,
602 authorizing said director to vote therefor. The resolution of the
603 authority shall be published once a week for at least three (3)
604 consecutive weeks in at least one (1) newspaper having a general
605 circulation within the geographical limits of all of the public
606 agencies:

607 (a) Which have contracted with the metropolitan
608 authority pursuant to this act; and

609 (b) Whose contracts relate to the bonds proposed to be
610 issued, (each member agency which meets all of the criteria set
611 forth in (a) and (b) foregoing is hereinafter in this section
612 referred to as "affected member agency," and, together with other
613 such agencies, collectively referred to as the "affected member
614 agencies"); provided, however, that if no newspaper has a general
615 circulation within the geographical limits of all of the affected
616 member agencies, then such resolution shall be published in as
617 many different newspapers as may be required to provide general
618 circulation of the publication of such resolution within the
619 geographical limits of each affected member agency; and, provided
620 further, that if no newspaper has a general circulation within the
621 geographical limits of any particular affected member agency, then
622 notice in such affected member agency shall be made by posting a

623 copy of such resolution for at least twenty-one (21) days next
624 preceding the date therein at two (2) public places within the
625 geographical limits of such member agency. The first publication
626 of such resolution shall be made not less than twenty-one (21)
627 days prior to the date fixed in such resolution to direct the
628 issuance of the bonds and the last publication shall be made not
629 more than seven (7) days prior to such date. If twenty percent
630 (20%) of the qualified electors residing in the authority or one
631 thousand five hundred (1,500), whichever is lesser, shall file a
632 written protest against the issuance of such bonds on or before
633 the date specified in such resolution, then an election on the
634 question of the issuance of such bonds shall be called and held as
635 herein provided. If no such protest be filed, then such bonds may
636 be issued without an election on the question of the issuance
637 thereof at any time within a period of two (2) years after the
638 date specified in the above-mentioned resolution. Where an
639 election is to be called, notice of such election shall be signed
640 by the president of the board of directors, and shall be published
641 once a week for at least three (3) consecutive weeks in the same
642 manner as publication of the resolution. The first publication of
643 such notice shall be made not less than twenty-one (21) days prior
644 to the date fixed for such election and the last publication shall
645 be made not more than seven (7) days prior to such date. The
646 election shall be conducted by the election commissioners of the
647 county in which the authority is located. Such election shall be
648 held, as far as is practicable, in the same manner as other county
649 special elections are held in the county where the authority is
650 located. At such election, all qualified electors residing in the
651 metropolitan area may vote, and the ballots used at such election
652 shall have printed thereon a brief statement of the amount and
653 purpose of the proposed bond issue and the words "FOR THE BOND
654 ISSUE" and "AGAINST THE BOND ISSUE," and the voter shall vote by
655 placing a cross (X) or check mark (V) opposite his choice on the

656 proposition. When the results of the election on the question of
657 the issuance of such bonds shall have been canvassed by the
658 election commissioners of the county in which the authority is
659 located and certified by them to the board of directors of the
660 authority, it shall be the duty of the board of directors of the
661 authority to determine and adjudicate whether or not a majority of
662 the qualified electors who voted thereon in such election voted in
663 favor of the issuance of such bonds, and unless a majority of the
664 qualified electors who voted thereon in such election shall have
665 voted in favor of the issuance of such bonds, then such bonds
666 shall not be issued. Should a majority of the qualified electors
667 who vote thereon in such election vote in favor of the issuance of
668 such bonds, then the board of directors may issue such bonds,
669 either in whole or in part, within two (2) years after the date of
670 the election or the date of the final favorable termination of any
671 litigation affecting the issuance of such bonds.

672 (3) Bonds of any metropolitan authority issued pursuant to
673 this act shall be payable from and secured by a pledge of all or
674 any part of the revenues under one or more contracts entered into
675 pursuant to this act between the metropolitan authority and one or
676 more of its member public agencies and from all or any part of the
677 revenues derived from the operation of any designated * * * system
678 or any part or parts thereof and any other monies legally
679 available and designated therefor, as may be determined by such
680 metropolitan authority, subject only to any agreement with the
681 purchasers of the bonds. Such bonds may be further secured by a
682 trust indenture between such metropolitan authority and a
683 corporate trustee, which may be any trust company or bank having
684 powers of a trust company without or within the state.

685 (4) Bonds of the metropolitan authority issued pursuant to
686 this act shall be authorized by a resolution or resolutions
687 adopted by a three-fifths (3/5) affirmative vote of the total
688 membership of the board of directors of the metropolitan authority

689 and * * * by a concurrent affirmative vote of directors
690 representing sixty percent (60%) of the total payments for use of
691 the * * * system of the metropolitan authority during the
692 preceding fiscal year. Such bonds may be issued in series, and
693 each series of such bonds shall bear such date or dates, mature at
694 such time or times, bear interest at such rate or rates (not
695 exceeding the maximum rate set out in Section 75-17-103,
696 Mississippi Code of 1972, as amended), be in such denomination or
697 denominations, be in such form, carry such conversion privileges,
698 have such rank or priority, be executed in such manner and by such
699 officers, be payable from such sources in such medium of payment
700 at such place or places within or without the state, provided that
701 one (1) such place shall be within the state, and be subject to
702 such terms of redemption prior to maturity, all as may be provided
703 by resolution or resolutions of the board of directors.

704 (5) Bonds of the metropolitan authority issued pursuant to
705 this act may be sold at such price or prices, at public or private
706 sale, in such manner and at such times as may be determined by
707 such metropolitan authority to be in the public interest, and such
708 metropolitan authority may pay all expenses, premiums, fees and
709 commissions which it may deem necessary and advantageous in
710 connection with the issuance and sale thereof.

711 (6) Any pledge of earnings, revenues or other monies made by
712 the metropolitan authority shall be valid and binding from the
713 time the pledge is made. The earnings, revenues or other monies
714 so pledged and thereafter received by such metropolitan authority
715 shall immediately be subject to the lien of such pledge without
716 any physical delivery thereof or further act, and the lien of any
717 such pledge shall be valid and binding as against all parties
718 having claims of any kind in tort, contract or otherwise against
719 such metropolitan authority irrespective of whether such parties
720 have notice thereof. Neither the resolution nor any other
721 instrument by which a pledge is created need be recorded.

722 (7) Neither the members of the board of directors nor any
723 person executing the bonds shall be personally liable on the bonds
724 or be subject to any personal liability or accountability by
725 reason of the issuance thereof.

726 (8) Proceeds from the sale of bonds of the metropolitan
727 authority may be invested, pending their use, in such securities
728 as may be specified in the resolution authorizing the issuance of
729 the bonds or the trust indenture securing them, and the earnings
730 on such investments applied as provided in such resolution or
731 trust indenture.

732 (9) Whenever any bonds shall have been signed by the
733 officer(s) designated by the resolution of the board of directors
734 to sign the bonds who were in office at the time of such signing
735 but who may have ceased to be such officer(s) prior to the sale
736 and delivery of such bonds, or who may not have been in office on
737 the date such bonds may bear, the manual or facsimile signatures
738 of such officer(s) upon such bonds shall nevertheless be valid and
739 sufficient for all purposes and have the same effect as if the
740 person so officially executing such bonds had remained in office
741 until the delivery of the same to the purchaser or had been in
742 office on the date such bonds may bear.

743 Section 10. The metropolitan authority may by resolution
744 adopted by its board of directors issue refunding bonds for the
745 purpose of paying any of its bonds at or prior to maturity or upon
746 acceleration or redemption. Refunding bonds may be issued at such
747 time prior to the maturity or redemption of the refunded bonds as
748 the board of directors deems to be in the public interest, without
749 an election on the question of the issuance thereof. The
750 refunding bonds may be issued in sufficient amounts to pay or
751 provide the principal of the bonds being refunded, together with
752 any redemption premium thereon, any interest accrued or to accrue
753 to the date of payment of such bonds, the expenses of issue of the
754 refunding bonds, the expenses of redeeming the bonds being

755 refunded, and such reserves for debt service or other capital or
756 current expenses from the proceeds of such refunding bonds as may
757 be required by the resolution, trust indenture or other security
758 instruments. The issue of refunding bonds, the maturities and
759 other details thereof, the security therefor, the rights of the
760 holders and the rights, duties and obligations of a
761 metropolitan authority in respect of the same shall be governed by
762 the provisions of this act relating to the issue of bonds other
763 than refunding bonds insofar as the same may be applicable. Any
764 such refunding may be effected, whether the obligations to be
765 refunded shall have then matured or shall thereafter mature,
766 either by the exchange of the refunding bonds for the obligations
767 to be refunded thereby with the consent of the holders of the
768 obligations so to be refunded, or by sale of the refunding bonds
769 and the application of the proceeds thereof to the payment of the
770 obligations proposed to be refunded thereby, and regardless of
771 whether the obligations proposed to be refunded shall be payable
772 on the same date or different dates or shall be due serially or
773 otherwise.

774 Section 11. All bonds (other than refunding bonds, interim
775 notes and certificates of indebtedness, which may be validated)
776 issued pursuant to this act shall be validated as now provided by
777 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
778 1972, as amended from time to time; however, * * * notice of such
779 validation proceedings shall be addressed to the citizens of the
780 State of Mississippi and the citizens of the respective member
781 public agencies (a) which have contracted with the metropolitan
782 authority pursuant to this act, and (b) whose contracts and the
783 payments to be made by the public agencies thereunder constitute
784 security for the bonds of such metropolitan authority proposed to
785 be issued, and that such notice shall be published at least once
786 in a newspaper or newspapers having a general circulation within
787 the geographical boundaries of each of the member public agencies

788 to whose citizens the notice is addressed and within the State of
789 Mississippi. Such validation proceedings shall be instituted in
790 the Chancery Court of Rankin County. The validity of the bonds so
791 validated and of the contracts and payments to be made by the
792 public agencies thereunder constituting security for the bonds
793 shall be forever conclusive against such metropolitan authority
794 and the public agencies which are parties to said contracts; and
795 the validity of said bonds and said contracts and the payments to
796 be made thereunder shall never be called in question in any court
797 in this state.

798 Section 12. Bonds issued under the provisions of this act
799 shall not be deemed to constitute, within the meaning of any
800 constitutional or statutory limitation, an indebtedness of the
801 metropolitan authority or any member agency thereof. Such bonds
802 shall not be secured by a pledge of the full faith and credit of
803 the State of Mississippi, the metropolitan authority or any member
804 agency thereof, but shall be payable solely from the revenues or
805 assets of the metropolitan authority pledged therefor. Each bond
806 issued under this act shall contain on the face thereof a
807 statement to the effect that such metropolitan authority shall not
808 be obligated to pay the same nor the interest thereon except from
809 the revenues or assets pledged therefor.

810 Section 13. The metropolitan authority shall have power in
811 connection with the issuance of its bonds to:

812 (a) Covenant as to the use of any or all of its
813 property, real or personal.

814 (b) Redeem the bonds, to covenant for their redemption
815 and to provide the terms and conditions thereof.

816 (c) Covenant to charge rates, fees and charges
817 sufficient to meet operating and maintenance expenses, renewals
818 and replacements, principal and debt service on bonds, creation
819 and maintenance of any reserves required by a bond resolution,
820 trust indenture or other security instrument and to provide for

821 any margins or coverages over and above debt service on the bonds
822 deemed desirable for the marketability of the bonds.

823 (d) Covenant and prescribe as to events of default and
824 terms and conditions upon which any or all of its bonds shall
825 become or may be declared due before maturity, as to the terms and
826 conditions upon which such declaration and its consequences may be
827 waived and as to the consequences of default and the remedies of
828 the registered owners of the bonds.

829 (e) Covenant as to the mortgage or pledge of or the
830 grant of a security interest in any real or personal property and
831 all or any part of the revenues from any designated * * *
832 system * * * or any part thereof or any revenue-producing contract
833 or contracts made by such metropolitan authority with any person
834 to secure the payment of bonds, subject to such agreements with
835 the registered owners of bonds as may then exist.

836 (f) Covenant as to the custody, collection, securing,
837 investment and payment of any revenues, assets, monies, funds or
838 property with respect to which such metropolitan authority may
839 have any rights or interest.

840 (g) Covenant as to the purposes to which the proceeds
841 from the sale of any bonds then or thereafter to be issued may be
842 applied, and the pledge of such proceeds to secure the payment of
843 the bonds.

844 (h) Covenant as to the limitations on the issuance of
845 any additional bonds, the terms upon which additional bonds may be
846 issued and secured, and the refunding of outstanding bonds.

847 (i) Covenant as to the rank or priority of any bonds
848 with respect to any lien or security.

849 (j) Covenant as to the procedure by which the terms of
850 any contract with or for the benefit of the registered owners of
851 bonds may be amended or abrogated, the amount of bonds the
852 registered owners of which must consent thereto, and the manner in
853 which such consent may be given.

854 (k) Covenant as to the custody of any of its properties
855 or investments, the safekeeping thereof, the insurance to be
856 carried thereon, and the use and disposition of insurance
857 proceeds.

858 (l) Covenant as to the vesting in a trustee or
859 trustees, within or outside the state, of such properties, rights,
860 powers and duties in trust as such metropolitan authority may
861 determine.

862 (m) Covenant as to the appointing and providing for the
863 duties and obligations of a paying agent or paying agents or other
864 fiduciaries within or outside the state.

865 (n) Make all other covenants and to do any and all such
866 acts and things as may be necessary or convenient or desirable in
867 order to secure its bonds, or in the absolute discretion of the
868 metropolitan authority tend to make the bonds more marketable,
869 notwithstanding that such covenants, acts or things may not be
870 enumerated herein; it being the intention hereof to give any
871 metropolitan authority power to do all things in the issuance of
872 bonds and in the provisions for security thereof which are not
873 inconsistent with the Constitution of the state.

874 (o) Execute all instruments necessary or convenient in
875 the exercise of the powers herein granted or in the performance of
876 covenants or duties, which may contain such covenants and
877 provisions, as any purchaser of the bonds of such metropolitan
878 authority may reasonably require.

879 Section 14. The metropolitan authority may, in any
880 authorizing resolution of the board of directors, trust indenture
881 or other security instrument relating to its bonds, provide for
882 the appointment of a trustee who shall have such powers as are
883 provided therein to represent the registered owners of any issue
884 of bonds in the enforcement or protection of their rights under
885 any such resolution, trust indenture or security instrument. The
886 metropolitan authority may also provide in such resolution, trust

887 indenture or other security instrument that the trustee, or in the
888 event that the trustee so appointed shall fail or decline to so
889 protect and enforce such registered owners' rights then such
890 percentage of registered owners as shall be set forth in, and
891 subject to the provisions of, such resolution, trust indenture or
892 other security interest, may petition the court of proper
893 jurisdiction for the appointment of a receiver of the waterworks,
894 water supply system or sewage disposal system the revenues of
895 which are pledged to the payment of the principal of and interest
896 on the bonds of such registered owners. Such receiver may
897 exercise any power as may be granted in any such resolution, trust
898 indenture or security instrument to enter upon and take possession
899 of, acquire, construct or reconstruct or operate and maintain such
900 system fix charges for services of the system and enforce
901 collection thereof, and receive all revenues derived from such
902 system or facilities and perform the public duties and carry out
903 the contracts and obligations of such metropolitan authority in
904 the same manner as such metropolitan authority itself might do,
905 all under the direction of such court.

906 Section 15. (1) The exercise of the powers granted by this
907 act will be in all respects for the benefit of the people of the
908 state, for their well-being and prosperity and for the improvement
909 of their social and economic conditions, and the metropolitan
910 authority shall not be required to pay any tax or assessment on
911 any property owned by the metropolitan authority under the
912 provisions of this act or upon the income therefrom; nor shall any
913 metropolitan authority be required to pay any recording fee or
914 transfer tax of any kind on account of instruments recorded by it
915 or on its behalf.

916 (2) Any bonds issued by the metropolitan authority under the
917 provisions of this act, their transfer and the income therefrom
918 shall at all times be free from taxation by the state or any local

919 unit or political subdivision or other instrumentality of the
920 state, excepting inheritance and gift taxes.

921 Section 16. All bonds issued under the provisions of this
922 act shall be legal investments for trustees, other fiduciaries,
923 savings banks, trust companies and insurance companies organized
924 under the laws of the State of Mississippi; and such bonds shall
925 be legal securities which may be deposited with and shall be
926 received by all public officers and bodies of the state and all
927 municipalities and other political subdivisions thereof for the
928 purpose of securing the deposit of public funds.

929 Section 17. The state hereby covenants with the registered
930 owners of any bonds of any metropolitan authority that so long as
931 the bonds are outstanding and unpaid the state will not limit or
932 alter the rights and powers of any metropolitan authority under
933 this act to conduct the activities referred to herein in any way
934 pertinent to the interests of the bondholders including without
935 limitation such metropolitan authority's right to charge and
936 collect rates, fees and charges and to fulfill the terms of any
937 covenants made with the registered owners of the bonds, or in any
938 other way impair the rights and remedies of the registered owners
939 of the bonds, unless provision for full payment of such bonds, by
940 escrow or otherwise, has been made pursuant to the terms of the
941 bonds or the resolution, trust indenture or security interest
942 securing the bonds.

943 Section 18. The provisions of this act are cumulative of
944 other statutes now or hereafter enacted relating to the issuance
945 of bonds * * * and * * * systems; and to the design, construction,
946 acquisition or approval of facilities for such purposes, and any
947 public agency may exercise all presently held powers in the
948 furtherance of this act * * *.

949 Section 19. If any clause, sentence, paragraph, section or
950 part of the provisions of this act shall be adjudged by any court
951 of competent jurisdiction to be invalid, such judgment shall not

952 affect, impair or invalidate the remainder thereof directly
953 involved in the controversy in which such judgment shall have been
954 rendered.

955 * * *

956 Section 20. A metropolitan sewer authority heretofore
957 created pursuant to Chapter 977, Local and Private Laws of 1994,
958 as amended by Chapter 987, Local and Private Laws of 2000, may,
959 through its board of directors, exercise the powers conferred by
960 this act in accordance with the procedures specified in this act
961 without any further proceedings in the Chancery Court of Rankin
962 County, except that the metropolitan areas of such metropolitan
963 authority may be expanded or enlarged only by judicial decree of
964 the Chancery Court of Rankin County after notice and hearing as
965 provided in Section 3(6) of * * * this act.

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