

By: Representative Guice

To: Local and Private  
Legislation; Public Utilities

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1777

1 AN ACT TO AMEND CHAPTER 831, LOCAL AND PRIVATE LAWS OF 1966,  
2 AS AMENDED, TO ALLOW DISTRICTS FORMED UNDER THIS CHAPTER TO EXTEND  
3 THEIR SERVICES TO AREAS THAT ARE NOT MORE THAN ONE MILE BEYOND THE  
4 BOUNDARIES OF THE DISTRICT UNLESS THE SAME SERVICE IS BEING  
5 RENDERED IN THE AREA BY ANOTHER CORPORATE AGENCY; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Chapter 831, Local and Private Laws of 1966, as  
9 amended by Chapter 949, Local and Private Laws of 1980, as amended  
10 by Chapter 844, Local and Private Laws of 1982, as amended by  
11 Chapter 923, Local and Private Laws of 1987, as amended by Chapter  
12 827, Local and Private Laws of 1988, as amended by Chapter 947,  
13 Local and Private Laws of 1991, as amended by Chapter 942, Local  
14 and Private Laws of 2002, is amended as follows:

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

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

30 petition shall include (1) a statement for the necessity for the  
31 service or services to be supplied by the proposed district; (2)  
32 the proposed corporate name for the district; (3) the proposed  
33 boundaries of the districts; and (4) an estimate of the cost of  
34 the acquisition or construction of the facilities to be operated  
35 by the district, which estimate, however, shall not serve as a  
36 limitation upon the financing of improvements or extensions to the  
37 facilities. Such petition shall be signed in person by the  
38 petitioners, with their respective residence addresses, and shall  
39 be accompanied by a sworn statement of the person or persons  
40 circulating the petition, who shall state under oath that he or  
41 they witnessed the signature of each petitioner, that each  
42 signature is the signature of the person it purports to be, and  
43 that to the best of his or their knowledge, each petitioner was,  
44 at the time of signing, an owner of real property within and a  
45 resident of the proposed district.

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

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

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

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

96 board of supervisors, and such notice shall be published for the  
97 time and the manner herein provided for the publication of the  
98 aforesaid resolution of intention. The ballots to be prepared for  
99 and used at said election shall be in substantially the following  
100 form:

101 For creation of \_\_\_\_\_ district ( )  
102 Against creation of \_\_\_\_\_ district ( ) and  
103 voters shall vote by placing a cross mark (x) or a check mark (✓)  
104 opposite their choice.

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

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

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

126 Section 2. (1) (a) From and after the date of the adoption  
127 of the resolution creating such district, such district shall be a  
128 public corporation in perpetuity under its corporate name and

129 shall, in that name, be a body politic and corporate with power of  
130 perpetual succession.

131 (b) Except as otherwise provided in this section, the  
132 powers of each such district, except as hereinafter provided,  
133 shall be vested in and exercised by a board of commissioners  
134 consisting of three (3) members to be appointed by the board of  
135 supervisors. Upon their initial appointment, one (1) of the  
136 commissioners shall be appointed for a term of two (2) years; one  
137 (1) for a term of four (4) years; and one (1) for a term of six  
138 (6) years; and thereafter each commissioner shall be appointed and  
139 shall hold office for a term of six (6) years.

140 (c) From and after the effective date of this act, the  
141 powers of the West Jackson County Utility District shall be vested  
142 in and exercised by a board of commissioners consisting of five  
143 (5) members. The terms of the three (3) current members of the  
144 board of commissioners of such district shall be changed on the  
145 effective date of this act so that the commissioner whose term was  
146 set to expire on February 6, 2004, shall expire September 30,  
147 2004, the commissioner whose term was set to expire on February 6,  
148 2006, shall expire September 30, 2006, and the commissioner whose  
149 term was set to expire on February 6, 2008, shall expire on  
150 September 30, 2008. From and after the effective date of this  
151 act, the board of supervisors shall appoint two (2) additional  
152 members, one (1) for an initial term beginning on the effective  
153 date of this act which shall expire on September 30, 2005, and one  
154 (1) for an initial term beginning on the effective date of this  
155 act which shall expire on September 30, 2007. Upon the expiration  
156 of the terms of office as provided for in this subsection, the  
157 term of office of the members of the board of commission shall be  
158 five (5) years.

159 (d) Any vacancy occurring on such board of  
160 commissioners shall be filled by the board of supervisors at any  
161 regular meeting of such board of supervisors, which board of

162 supervisors shall have the authority to fill all unexpired terms  
163 of any commissioner or commissioners.

164 (e) Notwithstanding the appointive authority herein  
165 granted to the board of supervisors, its legal and actual  
166 responsibilities, authority and function, subsequent to the  
167 creation of any such district, except as hereinafter provided,  
168 shall be specifically limited to said appointive function, and the  
169 operation, management, subsequent possible annexation, abolition  
170 or dissolution of such district, and all other matters in  
171 connection therewith, shall be vested solely and only in said  
172 board of commissioners to the specific exclusion of said board of  
173 supervisors, and the abolition, dissolution or termination of any  
174 such district shall be accomplished only by unanimous resolution  
175 of the board of commissioners. Provided, however, that such board  
176 of commissioners shall have no power, jurisdiction or authority to  
177 abolish, dissolve, or terminate any such district while such  
178 district has any outstanding indebtedness of any kind or  
179 character.

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

183 (a) Within thirty (30) days following May 1, 1987, the  
184 board of supervisors shall appoint two (2) commissioners to the  
185 commission. The five (5) appointed commissioners shall serve  
186 until the expiration of the terms to which they were appointed or  
187 until commissioners are elected and take office, whichever shall  
188 occur first, under the provisions of paragraph (b) of this  
189 subsection. The two (2) additional commissioners appointed under  
190 this paragraph shall be qualified in the same manner and subject  
191 to the same duties and obligations as present commissioners under  
192 Section 4 of this chapter. After the two (2) additional  
193 commissioners are appointed and qualified they shall exercise  
194 equal power with other members and be entitled to the same

195 benefits and compensation as the other commissioners. From and  
196 after the effective date of this act until the commissioners are  
197 elected and qualified under the provisions of paragraph (b)(i) of  
198 this subsection, the appointed commissioners shall take no action  
199 to abolish, dissolve, terminate, transfer or sell the district.

200 (b) As soon as practical after May 1, 1987, the board  
201 of supervisors shall create within the Gautier Utility District  
202 five (5) districts from which commissioners shall be elected. The  
203 board of supervisors shall designate the positions elected from  
204 each district as Post 1, Post 2, Post 3, Post 4 and Post 5. Post  
205 5 shall be an at-large district composed of the entire Gautier  
206 Utility District. The commissioners shall be elected in the  
207 following manner:

208 (i) A commissioner must be a resident of the  
209 district he represents. The initial election for such  
210 commissioners shall be held on June 7, 1988, with subsequent  
211 elections to be held concurrently with the general elections. The  
212 initial election shall be conducted by the use of paper ballots.  
213 After the initial election, the terms of office shall run  
214 concurrent with the term of office of the board of supervisors and  
215 elections shall be held during the same time period as that of the  
216 board of supervisors. For the initial election only, voting shall  
217 be conducted for all districts at the central location. The  
218 initial elections shall be held in accordance with the provisions  
219 of the law pertaining to vacancies or special elections.  
220 Immediately upon receipt of the writ of election, the  
221 commissioners of election shall give notice of such election by  
222 posting notice at the courthouse and in each commissioners  
223 district not less than ninety (90) days before such election. The  
224 election shall be prepared and held in the same manner as a  
225 general election. Candidates for the position of commissioner  
226 shall qualify by filing with the circuit clerk, not later than  
227 5:00 p.m. sixty (60) days before the date of the election, a

228 petition signed by not less than fifteen (15) qualified electors  
229 of the Gautier Utility District. The candidates shall be placed  
230 upon the ballot in alphabetical order and no political party  
231 affiliation shall be designated thereon. The candidate who  
232 receives the highest number of votes for each post shall be  
233 declared elected. The commissioners elected shall serve until  
234 December 31, 1991, or until their successors are elected and  
235 qualified. All costs of the election shall be borne by the  
236 Gautier Utility District and not the county at large.

237 (ii) Beginning with the State General Election in  
238 1991 and every four (4) years thereafter, the commissioners shall  
239 be elected in the same manner and at the same time as other state  
240 and county officers and shall serve for four-year terms.

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

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

251 Section 3. Such board of commissioners shall organize by  
252 electing one (1) of its members as chairman and another as vice  
253 chairman. It shall be the duty of the chairman to preside at all  
254 meetings of the board and to act as the chief executive officer of  
255 the board of the district. The vice chairman shall act in the  
256 absence or disability of the chairman. Such board also shall  
257 elect and fix the compensation of a secretary-treasurer who may or  
258 may not be a member of the board. It shall be the duty of the  
259 secretary-treasurer to keep all minutes and records of the board  
260 and to safely keep all funds of the district. The



261 secretary-treasurer shall be required to execute a bond, payable  
262 to the district, in a sum and with such surety as shall be fixed  
263 and approved by the board of commissioners. The terms of all  
264 officers of the board shall be for one (1) year from and after the  
265 date of election and shall run until their respective successors  
266 are appointed and qualified. Each such board of commissioners  
267 shall adopt an official seal with which to attest the official  
268 acts and records of the board and district.

269 Section 4. Every resident citizen of any district created  
270 pursuant to this act, of good reputation, and over twenty-five  
271 (25) years of age, and of sound mind and judgment shall be  
272 eligible to hold the office of commissioner. Each person elected  
273 or appointed as a commissioner, before entering upon the discharge  
274 of the duties of this office, shall be required to execute a bond,  
275 payable to the State of Mississippi, in the penal sum of Ten  
276 Thousand Dollars (\$10,000.00) conditioned that he will faithfully  
277 discharge the duties of his office; and each such bond shall be  
278 approved by the clerk of the board of supervisors and filed with  
279 said clerk. Each commissioner shall take and subscribe to an oath  
280 of office before the clerk of the board of supervisors that he  
281 will faithfully discharge the duties of the office of  
282 commissioner, which oath shall also be filed with said clerk and  
283 by him preserved with such official bond. The commissioners shall  
284 be compensated for their services for each meeting of the board of  
285 commissioners attended, either regular or special, at a rate to be  
286 fixed by the board of supervisors, and shall be reimbursed for all  
287 expenses necessarily incurred in the discharge of their official  
288 duties; provided that the commissioners elected for the Gautier  
289 Utility District shall be entitled to compensation under Section  
290 25-3-69 for not more than fifty (50) days per year.

291 Section 5. Districts created under the provisions of this  
292 act shall have the powers enumerated in the resolution of the  
293 board of supervisors creating such districts but shall be limited

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

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

323 Provided, however, that with respect to the Escatawpa  
324 Suburban Utility District, the City of Moss Point may annex a part  
325 of said district upon the assumption by said city of the operation  
326 and maintenance of the facilities of such district and shall

327 assume all obligations of such district with respect to the  
328 payment of any outstanding bonds, including the principal and  
329 interest and service charges thereon, of such district, and all  
330 other contractual obligations of such district. Provided further,  
331 that with respect to the Gautier Utility District, the City of  
332 Gautier may annex any part of that parcel of land of the Gautier  
333 Utility District that lies west of the city boundaries of the City  
334 of Gautier, south of Interstate 10 and east of Mississippi Highway  
335 57, without the necessity of annexing all of such Gautier Utility  
336 District or assuming the operation and maintenance of any of the  
337 facilities of such district or assuming any obligations of such  
338 district. Any unincorporated territory currently within the  
339 Gautier Utility District and also within the proposed area to be  
340 annexed by the City of Gautier must have unanimous vote of the  
341 elected Gautier Utility District Commissioners. Otherwise, the  
342 provision regarding annexation hereinabove set forth in the first  
343 paragraph of this section shall remain in full force and effect.

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

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

393 manner provided herein, and bonds for the betterment, improvement  
394 or extension of the system may be included with such refunding  
395 bonds. Such bonds may be sold without the necessity of  
396 advertising for bids therefor, and may be sold by negotiated  
397 private sale and on such terms, conditions and covenants as may be  
398 agreed to by and between the issuing authority and the purchasers  
399 of such bonds.

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

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

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

425 assessed against each lot or piece of ground for the owner's part  
426 of the total cost of the improvements.

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

440       (4) If there shall be insufficient revenues accruing from  
441 the operation of any such district or districts to meet the  
442 interest and/or principal payments when due on any bonds issued  
443 under the authority of this act, then, upon certification of such  
444 fact by the board of commissioners of such district or districts  
445 to the board of supervisors, it shall be the mandatory duty of the  
446 Board of Supervisors of Jackson County to levy an ad valorem tax  
447 not to exceed five (5) mills on all taxable property in such  
448 district, provided, however, that in the Gautier Utility District,  
449 the Board of Supervisors of Jackson County may levy an ad valorem  
450 tax not to exceed eight (8) mills on all taxable property in the  
451 Gautier Utility District, to provide a special fund for the  
452 payment of such bonds and interest thereon, which fund shall be  
453 used for no other purpose, provided, however, that the provisions  
454 of this paragraph (4) shall not be applicable when such bonds have  
455 been assumed by any municipality under the provisions of Section  
456 9(1)(k) hereof.

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

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

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

490           If twenty percent (20%) or one hundred fifty (150), whichever  
491 is the lesser, of the qualified electors of the Gautier Utility  
492 District file a written petition with such board of supervisors or  
493 commissioners, as the case may be, on or before the date specified  
494 aforesaid, protesting the levy of the tax, the board of  
495 supervisors or commissioners shall call an election on the  
496 question of the levy of the tax. Such election shall be held and  
497 conducted by the election commissioners of the county as nearly as  
498 may be in accordance with the general laws governing elections,  
499 and such election commissioners shall determine which of the  
500 qualified electors of such county reside within the proposed  
501 district, and only such qualified electors as reside within the  
502 district shall be entitled to vote in such election. Notice of  
503 such election setting forth the time, place or places, and purpose  
504 of such election shall be published by the clerk of the board of  
505 supervisors, and such notice shall be published for the time and  
506 the manner provided above for the publication of the resolution of  
507 intention. The ballots to be prepared for and used at said  
508 election shall be in substantially the following form:

509                               "FOR THE TAX ( )  
510                               AGAINST THE TAX ( )" and voters shall vote  
511 by placing a cross mark (x) or a check mark (√) opposite their  
512 choice.

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

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



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

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

536                   (a) To sue and be sued.

537                   (b) To acquire by purchase, gift, devise, lease, or  
538 exercise the powers of eminent domain or other mode of  
539 acquisition, hold and dispose of real and personal property of  
540 every kind within or without the district, including franchise  
541 rights.

542                   (c) To make and enter into contracts, conveyances,  
543 mortgages, deeds of trust, bonds, leases, or contracts for  
544 financial advisory services.

545                   (d) To incur debts, to borrow money, to issue  
546 negotiable bonds, and to provide for the rights of the holders  
547 thereof.

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

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

553                   (g) To make such covenants in connection with the  
554 issuance of bonds or to secure the payments of bonds that a

555 private business corporation can make under the general laws of  
556 the state.

557 (h) To use any right-of-way, easement or other similar  
558 property or property rights or any material or equipment necessary  
559 or convenient in connection with the acquisition, improvement,  
560 operation or maintenance of the facilities of such district, held  
561 by the state or any political subdivision thereof; provided that  
562 the governing body of such political subdivision shall consent to  
563 such use.

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

567 (j) To sell to any municipality under such terms,  
568 conditions and covenants as may be imposed or required by such  
569 district or districts, part or all of the utility system or  
570 systems within such district or districts, provided, however, that  
571 in the event of a sale of all of such system or systems, within  
572 any such district or districts, the municipality shall assume all  
573 obligations of such district or districts as a condition precedent  
574 to such sale.

575 (k) To contract with Jackson County, or with any  
576 municipality thereof, or similar district or districts for the  
577 assumption of any bonds of such district or districts or bonds now  
578 outstanding issued by Jackson County under the provisions of  
579 Section 9, Chapter 365, Laws of Mississippi of 1958, and Chapter  
580 395 (Senate Bill 1888), Laws of Mississippi of 1962, for the  
581 Escatawpa and Bayou Casotte areas in Jackson County, under such  
582 terms, conditions and covenants as may be agreed upon among the  
583 county, municipality or districts, as the case may be, consistent  
584 with the terms of such outstanding bonds. Any municipality,  
585 district or districts, shall be authorized to pledge to the  
586 payment of the bonds and obligations so assumed, any revenues,

587 including revenues from its existing water, sewer and gas utility  
588 systems not theretofore pledged.

589 (l) To contract with any municipality for the  
590 operation, maintenance and extension of any utility system or  
591 systems in any such district or districts by the municipality upon  
592 such terms, conditions and covenants as may be agreed upon between  
593 the municipality and the district or districts.

594 (m) To contract with the United States of America, or  
595 any agency of the United States of America, the State of  
596 Mississippi, or any political subdivision of the State of  
597 Mississippi, or any agency, commission, authority, board, or other  
598 entity thereof, or any municipality or municipalities, for any of  
599 the additional purposes authorized by Section 11 of this act.

600 (n) To extend its services to areas that are not more  
601 than one (1) mile beyond the boundaries of the district; however,  
602 the extension of services may not be made into an area in which  
603 the same service is being rendered by another corporate agency for  
604 as long as the corporate agency desires to provide the service in  
605 the area.

606 Section 10. In any district created under the provisions of  
607 this act, which includes water or sewer facilities, or both, the  
608 board of supervisors may, where it finds unhealthy or unsanitary  
609 or deleterious conditions exist in such district because of  
610 inadequate or contaminated water supplies or lack of approved  
611 septic tanks or because of high water tables, or inadequate  
612 drainage or inadequate provisions for disposal of sewage, require  
613 by order or resolution all dwellings and buildings within such  
614 district that are within reasonable proximity to such systems to  
615 be connected to the water and sewer systems of such district. Any  
616 person, firm or corporation within such district declining or  
617 refusing to connect to such district water and sewer system after  
618 the adoption by the board of supervisors of an order or resolution  
619 predicated on such findings shall be guilty of a misdemeanor, and

620 shall be subject to a fine not to exceed One Hundred Dollars  
621 (\$100.00), to be imposed by any court of competent jurisdiction,  
622 and each day that such dwelling or building shall remain  
623 unconnected to such district water and sewer system shall  
624 constitute a separate offense. After the adoption of such order  
625 or resolution, it shall be unlawful for any dwelling or building  
626 to be constructed within such district, unless, where it is  
627 feasible to do so, provision is made to connect such building or  
628 dwelling to the district water and sewer system, and the drilling  
629 of private wells to provide water for human consumption and the  
630 construction of outhouses, cesspools, and septic tanks in such  
631 district shall be unlawful and punishable as a misdemeanor as  
632 herein provided.

633 Section 11. In addition to the purposes authorized by  
634 Section 7(2) of this act, any district or districts created under  
635 the provisions of this act and/or any municipality within Jackson  
636 County, Mississippi, is or are hereby authorized and empowered to  
637 issue bonds of such district, districts or municipality in the  
638 manner provided in Section 7(2) of this act for any or all of the  
639 following purposes:

640 (a) To purchase or acquire any of the outstanding bonds  
641 of Jackson County issued under the authority of Section 9, Chapter  
642 365, Laws of Mississippi of 1958 and Chapter 395 (Senate Bill  
643 1888), Laws of Mississippi of 1962;

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

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

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

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

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

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

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

667 In the event that any outstanding bonds to be purchased,  
668 acquired or refunded by any district, districts or municipality,  
669 by the terms thereof (1) mature without option of prior payment  
670 after the date of the district or municipal bonds to be issued, or  
671 (2) mature on specified dates, but with the option reserved unto  
672 said county to call in, pay and redeem such bonds on a date  
673 subsequent to the date of the district or municipal bonds to be  
674 issued, and in the event that the holder or holders of such  
675 outstanding revenue bonds cannot be immediately located or will  
676 not accept district or municipal bonds to be issued in exchange  
677 for and upon surrender and cancellation of a like amount of such  
678 outstanding bonds, then the district or municipality may, in its  
679 discretion, sell such district or municipal bonds to be issued and  
680 deposit with a trustee to be designated in the resolution issuing  
681 such district or municipal bonds to be issued an amount sufficient  
682 to redeem all such outstanding county, district or municipal  
683 bonds, together with accrued interest and any premium required for  
684 such redemption on the earliest call date, or on the maturity date  
685 of noncallable bonds. Such deposits shall be a trust fund, and

686 shall be used for no purpose other than the redemption of such  
687 outstanding bonds, the payment of interest thereon as the same  
688 accrued, and the payment of any premium required for redemption of  
689 such bonds on their callable or maturity date or dates. In the  
690 event that any of such outstanding bonds are subject to call for  
691 redemption, the county, district, districts or municipality, prior  
692 to the issuance of district or municipal bonds therefor, shall  
693 exercise such right or call and shall call such outstanding bonds  
694 for redemption on the earliest possible call date.

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

715         The district or municipal bonds herein authorized may be  
716 issued concurrently and in combination with bonds issued to  
717 provide funds for any or all of the purposes authorized by this  
718 act. In the issuance of bonds hereunder a sufficient sum shall be

719 added to the principal amount thereof to provide for the payment  
720 of all costs necessarily incident to the issuance and delivery or  
721 exchange of such bonds, and to provide for the payment into the  
722 bond and interest fund of a sum not exceeding the average annual  
723 principal and interest requirements of such bonds, as a reserve  
724 therefor.

725       Section 12. Jackson County, Mississippi, is hereby  
726 authorized to sell to any municipality therein the utility systems  
727 existing within the Bayou Casotte and Escatawpa areas and any such  
728 municipality is hereby authorized to purchase the same from said  
729 county, and thereupon to assume payment of the bonded indebtedness  
730 of said county incurred therefor. Any municipality assuming the  
731 bonds issued by any district under the provisions of this act, or  
732 bonds issued by Jackson County under the authority of Section 9,  
733 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate  
734 Bill 1888), Laws of Mississippi of 1962, for Bayou Casotte and  
735 Escatawpa areas, is hereby authorized and empowered to provide for  
736 the purchase, acquisition, redemption, payment or refunding of  
737 such outstanding bonds, and is further authorized and empowered to  
738 provide for the calling in, paying, acquiring, redeeming or  
739 refunding the outstanding revenue bonds of such municipality  
740 issued for water, sewer and gas utility systems by the issuance of  
741 refunding bonds of such municipality. Such refunding bonds may be  
742 issued concurrently and in combination with bonds issued for the  
743 purchase, acquisition, redemption, payment or refunding of such  
744 outstanding county bonds, district bonds or bonds issued for the  
745 betterment, extension and improvement of the utility systems of  
746 such municipality. The bonds authorized to be issued hereby by  
747 the municipality may be issued in the same manner and subject to  
748 the same limitations, provided for by issuances of district bonds  
749 or refunding bonds, under the provisions of this act. Any  
750 municipality shall have the power to provide for the refunding of  
751 any bonds to be purchased or refunded as conferred on the district

752 or districts by Section 11 of this act. The authority conferred  
753 by this act upon such municipality shall be full and complete  
754 authority for the issuance of such municipal revenue bonds, and no  
755 other proceedings shall be required for the issuance of such  
756 municipal revenue bonds, and all the necessary powers to be  
757 exercised by the governing authorities of such municipality in  
758 order to carry out the provisions of this act are hereby  
759 conferred.

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

771 Section 14. Any bonds issued under the provisions of this  
772 act may be submitted to validation under the provisions of Chapter  
773 13, Title 31, Mississippi Code of 1972.

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

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



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

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

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