

By: Senator(s) Moffatt, Robertson

To: Local and Private

SENATE BILL NO. 3090

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

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

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

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

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

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

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

99 For creation of _____ district ()

100 Against creation of _____ district () and

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

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

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

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

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

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

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

157 (d) Any vacancy occurring on such board of
158 commissioners shall be filled by the board of supervisors at any
159 regular meeting of such board of supervisors, which board of
160 supervisors shall have the authority to fill all unexpired terms
161 of any commissioner or commissioners.

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

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

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

195 elected and qualified under the provisions of paragraph (b)(i) of
196 this subsection, the appointed commissioners shall take no action
197 to abolish, dissolve, terminate, transfer or sell the district.

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

206 (i) A commissioner must be a resident of the
207 district he represents. The initial election for such
208 commissioners shall be held on June 7, 1988, with subsequent
209 elections to be held concurrently with the general elections. The
210 initial election shall be conducted by the use of paper ballots.
211 After the initial election, the terms of office shall run
212 concurrent with the term of office of the board of supervisors and
213 elections shall be held during the same time period as that of the
214 board of supervisors. For the initial election only, voting shall
215 be conducted for all districts at the central location. The
216 initial elections shall be held in accordance with the provisions
217 of the law pertaining to vacancies or special elections.
218 Immediately upon receipt of the writ of election, the
219 commissioners of election shall give notice of such election by
220 posting notice at the courthouse and in each commissioners
221 district not less than ninety (90) days before such election. The
222 election shall be prepared and held in the same manner as a
223 general election. Candidates for the position of commissioner
224 shall qualify by filing with the circuit clerk, not later than
225 5:00 p.m. sixty (60) days before the date of the election, a
226 petition signed by not less than fifteen (15) qualified electors
227 of the Gautier Utility District. The candidates shall be placed

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

235 (ii) Beginning with the State General Election in
236 1991 and every four (4) years thereafter, the commissioners shall
237 be elected in the same manner and at the same time as other state
238 and county officers and shall serve for four-year terms.
239 Candidates shall qualify by filing with the circuit clerk, not
240 later than 5:00 p.m. sixty (60) days before the date of the
241 election, a petition signed by not less than fifteen (15)
242 qualified electors of the Gautier Utility District. The
243 candidates shall be placed upon the ballot in alphabetical order
244 and no political party affiliation shall be designated thereon.
245 The candidate who receives the highest number of votes for each
246 post shall be declared elected.

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

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

261 and approved by the board of commissioners. The terms of all
262 officers of the board shall be for one (1) year from and after the
263 date of election and shall run until their respective successors
264 are appointed and qualified. Each such board of commissioners
265 shall adopt an official seal with which to attest the official
266 acts and records of the board and district.

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

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

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

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

321 Provided, however, that with respect to the Escatawpa
322 Suburban Utility District, the City of Moss Point may annex a part
323 of said district upon the assumption by said city of the operation
324 and maintenance of the facilities of such district and shall
325 assume all obligations of such district with respect to the
326 payment of any outstanding bonds, including the principal and

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

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

358 (2) Any such district or districts shall have the power to
359 provide funds for either or both of the following purposes: (a)

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

393 bonds. Such bonds may be sold without the necessity of
394 advertising for bids therefor, and may be sold by negotiated
395 private sale and on such terms, conditions and covenants as may be
396 agreed to by and between the issuing authority and the purchasers
397 of such bonds.

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

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

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

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

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

455 (5) The board of supervisors, upon adoption by the
456 Commissioners of the Gautier Utility District of a resolution
457 requesting funding, shall levy a special tax, not to exceed four

458 (4) mills annually, on all of the taxable real property in the
459 Gautier Utility District, the avails of which shall be paid over
460 to the board of commissioners of the district to be used for the
461 operation, support and maintenance of the fire protection
462 activities of the Gautier Utility District.

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

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

488 If twenty percent (20%) or one hundred fifty (150), whichever
489 is the lesser, of the qualified electors of the Gautier Utility
490 District file a written petition with such board of supervisors or

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

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

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

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

520 Section 8. Any district created pursuant to the provisions
521 of this act shall be vested with all the powers necessary and
522 requisite for the accomplishment of the purpose for which such
523 district is created, capable of being delegated by the

524 Legislature. No enumeration of powers therein shall be construed
525 to impair or limit any general grant of power herein contained nor
526 to limit any such grant to a power or powers of the same class or
527 classes as those enumerated. Such districts are empowered to do
528 all acts necessary, proper or convenient in the exercise of the
529 powers granted under this act.

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

534 (a) To sue and be sued.

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

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

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

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

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

551 (g) To make such covenants in connection with the
552 issuance of bonds or to secure the payments of bonds that a
553 private business corporation can make under the general laws of
554 the state.

555 (h) To use any right-of-way, easement or other similar
556 property or property rights or any material or equipment necessary

557 or convenient in connection with the acquisition, improvement,
558 operation or maintenance of the facilities of such district, held
559 by the state or any political subdivision thereof; provided that
560 the governing body of such political subdivision shall consent to
561 such use.

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

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

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

587 (l) To contract with any municipality for the
588 operation, maintenance and extension of any utility system or
589 systems in any such district or districts by the municipality upon

590 such terms, conditions and covenants as may be agreed upon between
591 the municipality and the district or districts.

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

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

607 Section 10. In any district created under the provisions of
608 this act, which includes water or sewer facilities, or both, the
609 board of supervisors may, where it finds unhealthy or unsanitary
610 or deleterious conditions exist in such district because of
611 inadequate or contaminated water supplies or lack of approved
612 septic tanks or because of high water tables, or inadequate
613 drainage or inadequate provisions for disposal of sewage, require
614 by order or resolution all dwellings and buildings within such
615 district that are within reasonable proximity to such systems to
616 be connected to the water and sewer systems of such district. Any
617 person, firm or corporation within such district declining or
618 refusing to connect to such district water and sewer system after
619 the adoption by the board of supervisors of an order or resolution
620 predicated on such findings shall be guilty of a misdemeanor, and
621 shall be subject to a fine not to exceed One Hundred Dollars
622 (\$100.00), to be imposed by any court of competent jurisdiction,

623 and each day that such dwelling or building shall remain
624 unconnected to such district water and sewer system shall
625 constitute a separate offense. After the adoption of such order
626 or resolution, it shall be unlawful for any dwelling or building
627 to be constructed within such district, unless, where it is
628 feasible to do so, provision is made to connect such building or
629 dwelling to the district water and sewer system, and the drilling
630 of private wells to provide water for human consumption and the
631 construction of outhouses, cesspools, and septic tanks in such
632 district shall be unlawful and punishable as a misdemeanor as
633 herein provided.

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

641 (a) To purchase or acquire any of the outstanding bonds
642 of Jackson County issued under the authority of Section 9, Chapter
643 365, Laws of Mississippi of 1958 and Chapter 395 (Senate Bill
644 1888), Laws of Mississippi of 1962;

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

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

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

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

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

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

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

668 In the event that any outstanding bonds to be purchased,
669 acquired or refunded by any district, districts or municipality,
670 by the terms thereof (1) mature without option of prior payment
671 after the date of the district or municipal bonds to be issued, or
672 (2) mature on specified dates, but with the option reserved unto
673 said county to call in, pay and redeem such bonds on a date
674 subsequent to the date of the district or municipal bonds to be
675 issued, and in the event that the holder or holders of such
676 outstanding revenue bonds cannot be immediately located or will
677 not accept district or municipal bonds to be issued in exchange
678 for and upon surrender and cancellation of a like amount of such
679 outstanding bonds, then the district or municipality may, in its
680 discretion, sell such district or municipal bonds to be issued and
681 deposit with a trustee to be designated in the resolution issuing
682 such district or municipal bonds to be issued an amount sufficient
683 to redeem all such outstanding county, district or municipal
684 bonds, together with accrued interest and any premium required for
685 such redemption on the earliest call date, or on the maturity date
686 of noncallable bonds. Such deposits shall be a trust fund, and
687 shall be used for no purpose other than the redemption of such
688 outstanding bonds, the payment of interest thereon as the same

689 accrued, and the payment of any premium required for redemption of
690 such bonds on their callable or maturity date or dates. In the
691 event that any of such outstanding bonds are subject to call for
692 redemption, the county, district, districts or municipality, prior
693 to the issuance of district or municipal bonds therefor, shall
694 exercise such right or call and shall call such outstanding bonds
695 for redemption on the earliest possible call date.

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

716 The district or municipal bonds herein authorized may be
717 issued concurrently and in combination with bonds issued to
718 provide funds for any or all of the purposes authorized by this
719 act. In the issuance of bonds hereunder a sufficient sum shall be
720 added to the principal amount thereof to provide for the payment
721 of all costs necessarily incident to the issuance and delivery or

722 exchange of such bonds, and to provide for the payment into the
723 bond and interest fund of a sum not exceeding the average annual
724 principal and interest requirements of such bonds, as a reserve
725 therefor.

726 Section 12. Jackson County, Mississippi, is hereby
727 authorized to sell to any municipality therein the utility systems
728 existing within the Bayou Casotte and Escatawpa areas and any such
729 municipality is hereby authorized to purchase the same from said
730 county, and thereupon to assume payment of the bonded indebtedness
731 of said county incurred therefor. Any municipality assuming the
732 bonds issued by any district under the provisions of this act, or
733 bonds issued by Jackson County under the authority of Section 9,
734 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate
735 Bill 1888), Laws of Mississippi of 1962, for Bayou Casotte and
736 Escatawpa areas, is hereby authorized and empowered to provide for
737 the purchase, acquisition, redemption, payment or refunding of
738 such outstanding bonds, and is further authorized and empowered to
739 provide for the calling in, paying, acquiring, redeeming or
740 refunding the outstanding revenue bonds of such municipality
741 issued for water, sewer and gas utility systems by the issuance of
742 refunding bonds of such municipality. Such refunding bonds may be
743 issued concurrently and in combination with bonds issued for the
744 purchase, acquisition, redemption, payment or refunding of such
745 outstanding county bonds, district bonds or bonds issued for the
746 betterment, extension and improvement of the utility systems of
747 such municipality. The bonds authorized to be issued hereby by
748 the municipality may be issued in the same manner and subject to
749 the same limitations, provided for by issuances of district bonds
750 or refunding bonds, under the provisions of this act. Any
751 municipality shall have the power to provide for the refunding of
752 any bonds to be purchased or refunded as conferred on the district
753 or districts by Section 11 of this act. The authority conferred
754 by this act upon such municipality shall be full and complete

755 authority for the issuance of such municipal revenue bonds, and no
756 other proceedings shall be required for the issuance of such
757 municipal revenue bonds, and all the necessary powers to be
758 exercised by the governing authorities of such municipality in
759 order to carry out the provisions of this act are hereby
760 conferred.

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

772 Section 14. Any bonds issued under the provisions of this
773 act may be submitted to validation under the provisions of Chapter
774 13, Title 31, Mississippi Code of 1972.

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

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

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

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

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