

By: Senator(s) Kirby

To: Local and Private

SENATE BILL NO. 3172  
(As Passed the Senate)

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

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

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

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

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

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

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

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

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

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

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

47 (ii) All costs of construction;

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

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

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

61 (vi) Administrative expenses; and

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

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

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

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

79           (i) "Metropolitan area" means all of the area or  
80 territory lying within Rankin County, Mississippi, and lying  
81 within five (5) miles from any portion of the corporate limits of  
82 the City of Brandon, the City of Flowood, the City of Pearl or the  
83 City of Richland; provided, however, that the metropolitan area  
84 shall not include any area located within the corporate limits of  
85 a municipality which is not a member agency, except that the  
86 metropolitan area shall include any area located within the  
87 Jackson International Airport.

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

93           (k) "Metropolitan authority" means \* \* \* the \* \* \*  
94 authority.

95           (l) "Municipality" means any incorporated city or town  
96 of the State of Mississippi, whether operating under general law

97 or under special charter, lying wholly or partly within the  
98 metropolitan area.

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

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

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

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

128           (q) "System" means any or all of the following:  
129 sewerage system, waste disposal system and water supply system and

130 all vehicles, structures, devices, facilities and appliances used  
131 for treatment or distribution of potable water or for collecting  
132 or conducting waste, solid waste or sewage to an ultimate point  
133 for treatment or disposal.

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

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

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

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

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

160 Words of the masculine gender shall be deemed and construed  
161 to include correlative words of the feminine and neuter genders.  
162 Unless the context shall otherwise indicate, words and terms

163 herein defined shall be equally applicable to the plural as well  
164 as the singular form of any such words and terms.

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

175 (2) A petition for the organization of a metropolitan  
176 authority shall be filed in the Chancery Court of Rankin County,  
177 which petition shall show the proposed metropolitan area, the  
178 proposed member public agencies and the necessity and desirability  
179 of the proposed metropolitan authority and shall be signed by duly  
180 authorized elected public officials of the municipalities within  
181 the proposed metropolitan area joining in filing the petition and  
182 the authorized officers of any other public agency joining in the  
183 petition. Upon the filing of said petition the chancery clerk  
184 shall promptly give written notice of the same to a chancellor of  
185 said chancery court who shall enter an order setting a date not  
186 less than thirty (30) days from the date of the order for a  
187 hearing on the organization of such metropolitan authority. Any  
188 public agency not a petitioner and any private utility within the  
189 proposed metropolitan area shall be served with process as a party  
190 defendant to said petition. The chancery clerk shall cause a  
191 notice of such hearing addressed to the taxpayers and qualified  
192 electors of the proposed metropolitan area and all other persons  
193 interested to be published once a week for at least three (3)  
194 successive weeks in a newspaper or newspapers published in Rankin  
195 County having a general circulation within the proposed

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

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

229 finds that the proposed metropolitan authority should not be  
230 organized, then he shall dismiss the proceedings.

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

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

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

256 Section 4. All powers of the metropolitan authority shall be  
257 exercised by a board of directors to be selected and composed as  
258 follows: The governing body of each member agency shall appoint  
259 one (1) person to serve on the board of directors of the  
260 metropolitan authority, each such director to serve at the  
261 pleasure of the respective governing body.

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

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

295 system, the presence of directors representing more than sixty  
296 percent (60%) of the total payments for use of the \* \* \* system of  
297 the metropolitan authority during the preceding fiscal year.

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

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

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

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

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

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

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

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

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

393 until bonds specified therein, refunding bonds issued in lieu of  
394 such bonds, and all other obligations specified therein are paid  
395 or terminated. Any such contract shall be binding upon the  
396 parties thereto according to its terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

953 \* \* \*

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

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