

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 or 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.