

By: Representative Bennett

To: Conservation and Water Resources

HOUSE BILL NO. 1250

1 AN ACT TO AMEND SECTION 17-17-313, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT THE BOARD OF COMMISSIONERS FOR ANY REGIONAL SOLID
3 WASTE MANAGEMENT AUTHORITY SHALL INCLUDE THE PRESIDENT OF THE
4 BOARD OF SUPERVISORS OF THE SUPERVISOR'S COUNTY IN WHICH THE
5 MUNICIPAL SOLID WASTE MANAGEMENT FACILITY IS LOCATED; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 17-17-313, Mississippi Code of 1972, is
9 amended as follows:

10 17-17-313. (1) All powers of the authority shall be vested
11 in the board of commissioners. Each member of the authority shall
12 have at least one (1) commissioner on the board.

13 The incorporators shall by duly adopted resolution or bylaws
14 designate the vote of each commissioner based upon pro rata
15 population, municipal solid waste volume or such other criteria as
16 they may determine. In the alternative, the incorporators by duly
17 adopted resolution, may authorize appointments to the board by the
18 members to reflect population, municipal solid waste volume or
19 such other criteria as the incorporators may determine. In
20 addition, the incorporators shall designate a term for each



21 commissioner at the time of incorporation so as to establish
22 staggered terms of office. No commissioner shall serve for a term
23 to exceed four (4) years unless duly reappointed. Such
24 resolutions for the composition of the board and the vote of its
25 commissioners shall be filed with the incorporation agreement.

26 (a) Initially, the board shall be composed as follows:

27 (i) Within thirty (30) days of the effective date
28 of the incorporation agreement, the board of supervisors of each
29 participating county and the mayor of each municipality acting on
30 behalf and with the consent of the governing body of each
31 participating municipality shall appoint at least one (1) person
32 to the board as determined by the resolution of the incorporators.

33 (ii) The governing body of each county or
34 municipality shall appoint only individuals who are residents of
35 its respective county or municipality or an employee thereof.

36 (iii) The number of commissioners of the board
37 shall be increased by at least one (1) each time a county or
38 municipality enters into membership and executes a contract for
39 solid waste management. The board shall establish the vote or
40 number of commissioners based upon the same terms as the original
41 resolution of the incorporators. Within fifteen (15) days of
42 entering into the contract, the governing body of the county or
43 municipality, entering into such contract shall appoint at least
44 one (1) person to the board. Any commissioner appointed under the
45 provision shall serve for a term of four (4) years.



46 (iv) After the initial term, the commissioners
47 shall serve a term of four (4) years, and for such period
48 thereafter until a successor shall be duly appointed and
49 qualified.

50 (v) Upon selection of a site for any municipal
51 solid waste management facility owned and/or operated by the
52 authority, the situs county shall have a minimum representation at
53 least as great as any single member. Such representation shall
54 include a minimum of one (1) commissioner from the * * * county in
55 which the facility is located * * *, and the * * * president of
56 the board of supervisors of the * * * county or his or her
57 designee shall serve in this position.

58 (b) Each commissioner of the board shall be eligible
59 for reappointment. All vacancies shall be filled by appointment
60 in the same manner, provided that any person appointed to fill a
61 vacancy shall serve only for the unexpired term. Any commissioner
62 may be removed at any time prior to the expiration of the member's
63 term of office for misfeasance, malfeasance or willful neglect of
64 duty, as determined by the appointing political subdivision.
65 Before assuming office, each commissioner shall take and subscribe
66 to the constitutional oath of office before a chancery clerk, and
67 a record of such oath shall be filed with the Secretary of State.
68 The board of commissioners shall annually select a chairman and a
69 vice chairman.



70 (2) The board may appoint an executive committee to be
71 composed of not less than five (5) persons. No member shall have
72 more than one (1) representative on the executive committee. The
73 chairman of the board shall serve as chairman of the executive
74 committee. The executive committee is empowered to execute all
75 powers vested in the full board between meetings of the board. A
76 majority plus one (1) shall constitute a quorum for the
77 transaction of business. All actions of the executive committee
78 must be ratified by a majority of the board at a regular or called
79 meeting of the board.

80 (3) The board may employ such personnel and appoint and
81 prescribe the duties of such officers as the board deems necessary
82 or advisable, including a general manager and a secretary of the
83 authority. The general manager may also serve as secretary and
84 shall be a person of good moral character and of proven ability as
85 an administrator with a minimum of five (5) years' experience in
86 the management and administration of a public works operation or
87 comparable experience which may include, but is not limited to,
88 supervision, public financing, regulatory codes and related
89 functions as minimum qualifications to administer the programs and
90 duties of the authority. The general manager shall administer,
91 manage and direct the affairs and business of the authority,
92 subject to the policies, control and direction of the board. The
93 general manager and any commissioner not bonded in another
94 capacity shall give bond executed by a surety company or companies



95 authorized to do business in this state in the penal sum of Fifty
96 Thousand Dollars (\$50,000.00) payable to the authority conditioned
97 upon the faithful performance of his duties and the proper
98 accounting for all funds. The board may require any of its
99 employees to be bonded. The cost of any bond required by this
100 section or by the board shall be paid from funds of the authority.
101 The secretary shall keep a record of the proceedings of the
102 authority and shall be custodian of all books, documents and
103 papers filed with the authority, the minute book or journal, and
104 the official seal. The secretary may make copies of all minutes
105 and other records and documents of the authority and to certify
106 under the seal of the authority that such copies are true and
107 accurate copies, and all persons dealing with the authority may
108 rely upon such certificates.

109 (4) Regular meetings of the board shall be held as set forth
110 in its bylaws, rules or regulations. Additional meetings of the
111 board shall be held at the call of the chairman or whenever any
112 three (3) commissioners so request.

113 (5) Upon express, prior authorization of the authority, each
114 commissioner may receive compensation in an amount not to exceed
115 Forty Dollars (\$40.00) per day for attending each day's meeting of
116 the board and for each day spent in attending to the business of
117 the authority and, in addition, may receive reimbursement for
118 actual and necessary expenses incurred as provided by Section
119 25-3-41, Mississippi Code of 1972. Each commissioner shall not be



120 entitled to any additional compensation other than that
121 specifically provided for in this subsection.

122 (6) The board shall prepare a budget for the authority for
123 each fiscal year at least ninety (90) days prior to the beginning
124 of each fiscal year, which shall be from July 1 to June 30 of each
125 year, and shall submit it to the governing body of each member.

126 **SECTION 2.** This act shall take effect and be in force from
127 and after July 1, 2019.

