

By: Senator(s) Harkins, Horhn, Blount,
Norwood, Simmons (12th)

To: Municipalities

SENATE BILL NO. 2306

1 AN ACT TO AMEND SECTION 51-35-317, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NUMBER OF DIRECTORS FOR FLOOD AND DRAINAGE CONTROL
3 DISTRICTS FOR CERTAIN MUNICIPALITIES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 51-35-317, Mississippi Code of 1972, is
6 amended as follows:

7 51-35-317. All powers of the district shall be exercised by
8 a board of directors, to be composed of the following:

9 (a) In the event the proposed flood and drainage
10 control district lies wholly within the limits of one (1)
11 municipality, the governing authorities of said municipality shall
12 appoint three (3) directors and the board of supervisors of the
13 county in which said municipality lies shall appoint two (2)
14 directors.

15 (b) In the event the proposed flood and drainage
16 control district is comprised of lands lying partly in a
17 municipality and partly outside the limits of a municipality but
18 wholly in one (1) county, the governing authorities of said



19 municipality shall appoint three (3) directors and the board of
20 supervisors of the county in which said municipality lies shall
21 appoint two (2) directors. However, should the assessed valuation
22 of land and property and improvements in said district outside the
23 municipality, according to the last preceding tax assessment roll
24 for county and state taxes, exceed said assessment for the land
25 and property and improvements of the district lying within the
26 municipality, the board of supervisors of the county in which said
27 district lies shall appoint three (3) directors and said
28 municipality shall appoint two (2) directors.

29 (c) In the event the proposed flood and drainage
30 control district is comprised of lands lying, in whole or in part,
31 in one or more municipalities which are in existence at the time
32 of the creation of such district, and in one or more counties and
33 not falling within the description of paragraph (a) or (b) above,
34 each such municipality shall appoint one (1) director and the
35 board of supervisors of each county in which part of the lands of
36 the proposed district lie shall appoint one (1) director. If a
37 district is enlarged under Section 51-35-315(w), each municipality
38 within the enlarged district with a population above one hundred
39 thousand (100,000), according to the most recent decennial census,
40 shall have two (2) additional directors, who shall be the
41 emergency manager for such municipality and the emergency manager
42 for the county in which such municipality is located. However, in
43 the event that selection of directors in said manner results in an



44 even number of directors, the Governor of the State of Mississippi
45 shall appoint one (1) additional director * * * so that there
46 shall be an odd number of directors.

47 (d) Each director shall take and subscribe to the oath
48 of office required by Section 268 of the Constitution of the State
49 of Mississippi, before a chancery clerk, that he will faithfully
50 discharge the duties of the office, which oath shall be filed with
51 the said clerk and by him preserved.

52 (e) Each director shall receive a fee not to exceed
53 such amount as set forth in Section 25-3-69 for attending each
54 meeting of the board and for each day actually spent in attending
55 to the necessary business of the district and shall receive
56 reimbursement for actual expenses thus incurred upon express
57 authorization of the board.

58 (f) The board of directors shall annually elect from
59 its number a president and a vice president of the district and
60 such other officers as in the judgment of the board are necessary.
61 The president shall be the chief executive officer of the district
62 and the presiding officer of the board, and shall have the same
63 right to vote as any other director. The vice president shall
64 perform all the duties and exercise all powers conferred by this
65 article upon the president when the president is absent or fails
66 or declines to act, except the president's right to vote. The
67 board shall also appoint a secretary and a treasurer who may or
68 may not be members of the board, and it may combine these offices.



69 The treasurer shall give bond in the sum of not less than Fifty
70 Thousand Dollars (\$50,000.00), as set by the board of directors,
71 and each director shall give bond in the sum of not less than Ten
72 Thousand Dollars (\$10,000.00), and the premiums on said bonds
73 shall be an expense of the district. The condition of each such
74 bond shall be that the treasurer or director will faithfully
75 perform all duties of the office and account for all money which
76 shall come into his custody as treasurer or director of the
77 district.

78 (g) In the event a county or municipality entitled to
79 appoint a director or directors to the district shall not do so
80 within twenty (20) days from the date of the order of the chancery
81 court creating the district, the chancery court or the chancellor
82 in vacation shall forthwith exercise the right of said county or
83 municipality in appointing a director or directors.

84 (h) Each director shall hold office for a period of
85 four (4) years from the date of his appointment. However, in
86 order to insure continuity of experience among the members of the
87 board of directors in any district created after March 26, 1981,
88 one (1) member of the initial board of directors shall hold office
89 for only one (1) year, one (1) member shall hold office for only
90 two (2) years, and one (1) member shall hold office for only three
91 (3) years, and, at the initial meeting of the board of directors,
92 they shall determine by lot which of their members shall serve for
93 only one (1), two (2), or three (3) years.



94 (i) No person shall be disqualified from serving as a
95 member of the board of directors by virtue of his having
96 previously served as a director, by virtue of his holding any
97 other office, political or otherwise, or by virtue of his not
98 residing in or owning lands in said district.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2023.

