

By: Representatives Yancey, Hurst, Newman,
Powell, Shanks, Summers, Tullos, Varner,
Wallace

To: Local and Private
Legislation

HOUSE BILL NO. 1903

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF RANKIN
2 COUNTY, MISSISSIPPI, ON THEIR OWN OR TOGETHER WITH ONE OR MORE
3 GOVERNING AUTHORITIES OF THE MUNICIPALITIES AND EXISTING DRAINAGE
4 DISTRICTS WITHIN THE COUNTY, TO FORM THE RANKIN COUNTY STORMWATER
5 MANAGEMENT AGENCY; TO PROVIDE THAT THE PURPOSE OF THE AGENCY IS TO
6 MANAGE STORMWATER AND DRAINAGE WITHIN THE COUNTY; TO PROVIDE THAT
7 THE AGENCY MAY BE FORMED BY THE PASSAGE OF AN ORDINANCE OR
8 RESOLUTION THAT IS DULY ADOPTED BY THE GOVERNING AUTHORITIES OF
9 EACH PARTICIPATING UNIT OF LOCAL GOVERNMENT; TO PROVIDE THAT AN
10 INDIRECT REFERENDUM MAY BE HELD CONCERNING THE FORMATION OF THE
11 AGENCY; TO PROVIDE THAT THE POWERS OF THE AGENCY SHALL BE VESTED
12 IN THE APPOINTED BOARD OF COMMISSIONERS; TO REQUIRE THE AGENCY,
13 THROUGH ITS BOARD, TO CREATE A COMPLETE COMPREHENSIVE STORMWATER
14 MANAGEMENT PLAN WITHIN 24 MONTHS AFTER THE CREATION OF THE
15 AGENCY; TO PROVIDE THAT THE AGENCY SHALL ANNUALLY IMPOSE A UTILITY
16 CHARGE UPON THE LANDOWNERS OF REAL PROPERTY WITHIN THE TERRITORY
17 OF THE AGENCY; TO PROVIDE THAT LANDOWNERS MAY OBJECT TO THE AMOUNT
18 OF THE UTILITY CHARGE IMPOSED AND THAT SUCH OBJECTION SHALL BE
19 HEARD BY THE BOARD OF SUPERVISORS OF THE COUNTY; TO REQUIRE THE
20 BOARD TO TAKE CERTAIN ACTIONS CONCERNING THE OBJECTION OF THE
21 AMOUNT OF SUCH UTILITY CHARGE; TO REQUIRE THE BOARD OF SUPERVISORS
22 OF THE COUNTY TO LEVY THE UTILITY CHARGE ANNUALLY; AND FOR RELATED
23 PURPOSES.

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

25 **SECTION 1. Legislative findings.** The Legislature recognizes
26 that stormwater accumulation and runoff can pose a significant
27 threat to the health and safety of residents of this state and,
28 further, that serious problems of water management resulting from



29 erosion, floodwater, or sediment damages are arising in the
30 watersheds of the rivers and streams of the State of Mississippi.

31 The Legislature further recognizes that Rankin County,
32 Mississippi, and the municipalities within Rankin County, as the
33 home of the Ross Barnett Reservoir, a significant segment of the
34 Pearl River, and various other natural and man-made bodies of
35 water, have endured significant stormwater accumulation, runoff,
36 and flooding problems over the past decade.

37 Rankin County's stormwater accumulation and runoff have
38 rapidly increased and have led to significant damage to roads,
39 bridges, and commercial and residential structures and property
40 and, further, has placed at risk the lives and safety of
41 individuals trapped in the stormwater's path. The unincorporated
42 portion of Rankin County is densely populated, with supervisor
43 district two alone serving as the home to more than 27,718
44 residents. The Legislature recognizes that, if that area were a
45 municipality, it would be the tenth most populous municipality in
46 the state. With the high volume of platted subdivisions in
47 unincorporated portions of Rankin County, there being no municipal
48 government to address the resulting stormwater problems, a
49 separate governmental organization is required to adequately
50 manage stormwater.

51 The Legislature further recognizes that for the purpose of
52 alleviating such damages and risks and for the purpose of
53 furthering the conservation, development, utilization, and



54 disposal of water, thereby preserving and protecting Rankin
55 County's land and water resources, it is necessary and advisable
56 to authorize the governing authorities of Rankin County, the
57 municipalities within Rankin County, and the Richland Creek
58 Watershed Drainage District to establish a county-wide stormwater
59 management agency with the power to construct, operate, and
60 maintain works of improvement needed to carry out such purposes.

61 The Legislature further recognizes that effective management
62 of stormwater is best performed at the watershed level, which
63 provides a proactive approach to stormwater management and
64 accounts for the overall hydrologic connectivity of drainage
65 across naturally occurring watersheds, and that watersheds
66 commonly traverse the boundaries of multiple political
67 subdivisions. Considering the several highly-populated
68 municipalities situated throughout Rankin County, across multiple
69 watersheds, a county-wide approach is necessary to manage
70 stormwater in Rankin County in a uniform manner.

71 Although Mississippi law currently authorizes the
72 establishment of drainage districts and other similar entities,
73 those organizations are insufficient for many areas of the state,
74 including Rankin County, where stormwater, for its best and most
75 effective management, must be addressed at the watershed level.
76 Accordingly, the Legislature recognizes the need for the governing
77 authorities of Rankin County, the municipalities within Rankin
78 County, and the Richland Creek Watershed Drainage District to



79 establish a county-wide stormwater management agency to provide a
80 modern, watershed-based approach to stormwater management. The
81 establishment of such agency will constitute a significant measure
82 in protecting the health, safety, and welfare of the citizens of
83 Rankin County and the municipalities within Rankin County.

84 **SECTION 2. Definitions.** Whenever used in this act, the
85 following words and phrases shall have the meanings ascribed in
86 this section unless the context clearly indicates otherwise:

87 (a) "Agency" means the Rankin County Stormwater
88 Management Agency authorized under this act.

89 (b) "Board" means the board of commissioners of the
90 agency.

91 (c) "County" means Rankin County, Mississippi.

92 (d) "County-wide stormwater management system" or
93 "stormwater management system" means such stormwater system
94 defined by the agency within the agency's Stormwater Management
95 Plan and may include a system that is designed and constructed,
96 implemented or operated to control, at the watershed level,
97 stormwater discharges to prevent or reduce flooding, over drainage
98 or water pollution or to otherwise affect the quantity or quality
99 of discharges from the stormwater management system. The
100 stormwater management system may include all watersheds, pipes,
101 channels, ditches, streams, wetlands, detention or retention
102 basins, ponds, and other stormwater conveyance or treatment
103 facilities.



104 (e) "Designated representative" or "incorporator" means
105 the person named by resolution of the governing authorities of a
106 participating unit of local government as the representative of
107 that unit of local government for the purpose of acting on its
108 behalf as an incorporator in concert with other similarly named
109 persons in the creation and incorporation of the agency authorized
110 under this act.

111 (f) "Ditch" means any branch or lateral drain, tile
112 drain, levee, sluiceway, water course, floodgate, and any other
113 construction work found necessary for the reclamation of wet and
114 overflowed lands.

115 (g) "Facility" or "facilities" means any structure,
116 building, ditch, pipe, channel, improvement, land, or other real
117 or personal property used or useful in a county-wide stormwater
118 management system under this act.

119 (h) "Governing authorities" means the elected or duly
120 appointed officials constituting the governing body of a unit of
121 local government.

122 (i) "Incorporation agreement" means that agreement
123 between the designated representatives of participating units of
124 local government setting forth the formal creation of the agency
125 under this act.

126 (j) "Landowner" means an individual or entity
127 possessing title in real property, including any title described
128 as follows:



129 (i) Title held pursuant to a legal lease of school
130 land which is perpetually renewable, or school land legally leased
131 under the provisions of Section 211 of the Mississippi
132 Constitution, the owner of which renders the property for
133 assessment and pays the taxes thereon, as required by law; and

134 (ii) Title held pursuant to a legal lease of lands
135 owned in fee by the Pearl River Valley Water Supply District, to a
136 person, individually or in joint tenancy, who renders the property
137 for assessment and pays the taxes thereon, as required by law.

138 (k) "Member" or "participating unit of local
139 government" means a unit of local government participating in the
140 formation of the agency.

141 (l) "Municipality" means any incorporated city, town,
142 or village lying wholly within the county.

143 (m) "Project" means the collection, conveyance,
144 retention, detention, and any other portion or component of a
145 county-wide stormwater management system and any property, real or
146 personal, used as or in connection with those purposes.

147 (n) "Public agency" means any municipality, county,
148 political subdivision, governmental district or unit, public
149 institution of higher learning, community college district,
150 planning and development district, or any body politic and
151 corporate or governmental agency created under the laws of this
152 state that is not a member of the agency.

153 (o) "State" means the State of Mississippi.



154 (p) "Stormwater" means any flow occurring during or
155 following any form of natural precipitation and resulting from
156 that precipitation.

157 (q) "Watershed" means land area that channels rainfall
158 and other precipitation to creeks, streams, and rivers.

159 (r) "Unit of local government" means the county, any
160 municipality within the county, and the Richland Creek Watershed
161 Drainage District, organized under Title 51 of the Mississippi
162 Code of 1972.

163 **SECTION 3. Agency formation.** (1) The governing authorities
164 of the county, on their own or together with the governing
165 authorities of one or more other units of local government, may
166 form the agency by ordinance or resolution duly adopted by the
167 governing authorities of each participating unit of local
168 government. The ordinance or resolution shall state the
169 following:

- 170 (a) The necessity for the proposed agency;
171 (b) The primary function of the proposed agency;
172 (c) The geographic boundaries of the proposed agency;
173 (d) The date upon which the governing authorities of
174 the participating units of local government intend to create the
175 agency; and

176 (e) Any other information reasonably necessary to
177 inform the constituency of the participating unit or units of



178 local government of the purpose and proposed obligations of such
179 unit or units of local government proposing to create the agency.

180 (2) The territory of the agency may only include geographic
181 area within the boundaries of any participating unit of local
182 government.

183 (3) The agency may be formed although adequate stormwater
184 management activities are being undertaken by one or more of the
185 participating units of local government or by another public
186 agency existing and operating within the geographical area of the
187 agency. The agency shall not impede upon the activities
188 undertaken by any flood control district organized under Title 51
189 of the Mississippi Code of 1972 in existence at the time of the
190 agency's formation, nor upon the activities of the Pearl River
191 Valley Water Supply District.

192 (4) The governing authorities of each participating unit of
193 local government shall hold a public meeting or public hearing on
194 the necessity for creation of the agency, which shall be held not
195 less than thirty (30) days before the proposed date upon which the
196 agency will be created. The governing authorities of each
197 participating unit of local government shall cause a certified
198 copy of the adopted resolution required by this section to be
199 published in a newspaper having a general circulation within the
200 boundaries of the participating unit of local government once a
201 week for at least three (3) consecutive weeks before the date
202 specified for the hearing.



203 (5) If twenty percent (20%) of the qualified electors within
204 the geographic boundaries of the proposed agency file a written
205 petition with the governing bodies of each participating unit of
206 local government, before the date specified in the resolutions or
207 ordinances as the date of the creation of the agency, protesting
208 the creation of the agency, the governing bodies of the county and
209 any participating municipalities, as appropriate, shall call a
210 special election on the question of the creation of the agency.
211 The election shall be held and conducted by the election
212 commissioners of the county and municipality, as appropriate, as
213 nearly as may be in accordance with the general laws governing
214 elections. The election commissioners shall determine which of
215 the qualified electors of the county or municipality reside within
216 geographic boundaries of the proposed agency, and only those
217 qualified electors as reside within the geographic boundaries of
218 the proposed agency shall be entitled to vote in the election.
219 Notice of the election setting forth the time, place or places,
220 and purpose of the election shall be published by the clerk of the
221 board of supervisors and the municipal clerk, as the case may be.
222 The notice shall be published for the time and in the manner
223 provided in subsection (4) of this section. The ballot to be
224 prepared for and used at the election shall be in substantially
225 the following form, with the participating units of local
226 government, other than the county, wishing to join the agency
227 listed within the blank spaces:



228 "PLEASE VOTE 'YES' OR 'NO' ON WHETHER THE RANKIN COUNTY STORMWATER
229 MANAGEMENT AGENCY SHOULD BE ESTABLISHED TO MANAGE STORMWATER AND
230 DRAINAGE WITHIN RANKIN COUNTY AND _____, _____, _____.

231 'YES': 'NO': "

232 The qualified electors may indicate their preference on the line
233 following the answer that they prefer.

234 (6) If no petition meeting the requirements of this section
235 is filed or if a majority of those voting in the election provided
236 in this section vote in favor of the creation of the agency, the
237 governing bodies of each participating unit of local government
238 shall adopt a resolution or ordinance authorizing the creation of
239 the agency.

240 **SECTION 4. Incorporation procedures.** (1) Within thirty
241 (30) days following the last participating unit of local
242 government adopting its authorizing resolution or ordinance, each
243 unit of local government shall name a designated representative,
244 who shall proceed to incorporate the agency by filing for record
245 in the office of the chancery clerk of the county and the clerk of
246 participating municipalities, as the case may be, and the
247 Secretary of State an incorporation agreement approved by each
248 participating unit of local government. The agreement shall
249 comply in form and substance with the requirements of this section
250 and shall be executed in the manner provided in this act.

251 (2) The incorporation agreement shall state:



252 (a) The name of each participating unit of local
253 government and the date on which the governing authorities thereof
254 adopted an authorizing resolution or ordinance;

255 (b) The name of the agency;

256 (c) The period for the duration of the agency, which
257 may be for an indefinite period of time;

258 (d) The location of the principal office of the agency
259 which shall be within the geographic boundaries of the agency;

260 (e) That the agency is organized under this act;

261 (f) The number of commissioners on the agency's board
262 of commissioners and their terms of office;

263 (g) If the exercise by the agency or its board of any
264 of its powers is to be in any way prohibited, limited, or
265 conditioned, a statement of the terms of such prohibition,
266 limitation, or condition; and

267 (h) Any other matters relating to the agency that the
268 incorporators may choose to insert and that are not inconsistent
269 with this act or with the laws of the state.

270 (3) The incorporation agreement shall be signed and
271 acknowledged by the incorporators before an officer authorized by
272 the laws of the state to take acknowledgements. When the
273 incorporation agreement is filed for record, there shall be
274 attached to it a certified copy of the authorizing resolution or
275 ordinance adopted by the governing authorities of each
276 participating unit of local government.



277 (4) The incorporators shall publish a notice of
278 incorporation once a week for three (3) consecutive weeks in a
279 daily newspaper or newspapers having general circulation
280 throughout the territory of the agency.

281 (5) Upon the filing for record of the agreement and the
282 required documents, the Secretary of State shall issue a
283 certificate of incorporation to the agency. Upon issuance of the
284 certificate of incorporation, the agency shall be a public body
285 corporate and politic constituting a political subdivision of the
286 state with the power of perpetual succession and shall be deemed
287 to be acting in all respects for the benefit of the people of the
288 state in the performance of essential public functions. The
289 agency shall be empowered in accordance with this act to promote
290 the health, welfare, safety, and prosperity of the general public.

291 **SECTION 5. Amending incorporation agreement.** (1) The
292 incorporation agreement may be amended in the manner provided in
293 this section. The board of the agency shall first adopt a
294 resolution proposing an amendment to the incorporation agreement.
295 The amendment shall be set forth in full in the resolution and may
296 include any matters that might have been included in the original
297 incorporation agreement.

298 (2) After the adoption of the resolution by the board, the
299 chairman of the board and the secretary of the agency shall submit
300 a certified copy of the resolution and a signed written
301 application in the name of and on behalf of the agency, under its



302 seal, with the governing authorities of each member, requesting
303 the governing authorities to adopt a resolution approving the
304 proposed amendment. As promptly as may be practicable after the
305 filing of the application with the governing authorities, those
306 governing authorities shall review the application and shall adopt
307 a resolution or ordinance either denying the application or
308 authorizing the proposed amendment. The governing authorities
309 shall cause a copy of the application and all accompanying
310 documents to be spread upon or otherwise made a part of the
311 minutes of the meeting of the governing authorities at which final
312 action upon the application is taken. The incorporation agreement
313 may be amended only after the adoption of a resolution or
314 ordinance by the governing authorities of at least two-thirds
315 (2/3) of the members.

316 (3) Within thirty (30) days following the adoption by
317 two-thirds (2/3) of the members of the resolution approving the
318 proposed amendment, the chairman of the agency's board and the
319 secretary of the agency shall sign, and file for record in the
320 office of the county's chancery clerk and any municipal clerk with
321 which the incorporation agreement of the agency was originally
322 filed and the Secretary of State, a certificate in the name of and
323 in behalf of the agency, under its seal, reciting the adoption of
324 the respective resolutions or ordinance by the board and by the
325 governing authorities of each member and setting forth the
326 amendment. The chancery clerk and municipal clerk for any member



327 municipality shall record the certificate in an appropriate book
328 in the clerk's office. When the certificate has been so filed and
329 recorded, the amendment shall become effective.

330 (4) Any member of the agency may withdraw from the agency by
331 submitting a resolution to the board requesting an amendment to
332 the incorporation agreement under subsection (1) of this section.
333 Upon compliance with the requirements of subsections (1) through
334 (3) of this section and payment of its pro rata share of any
335 indebtedness, costs, expenses, and obligations of the agency
336 outstanding at the time of withdrawal, the amendment may become
337 effective upon adoption of a resolution by the board and the
338 governing authorities of two-thirds (2/3) of the agency's members.
339 The withdrawal of a member shall not operate to impair,
340 invalidate, release, or abrogate any contract, lien, bond, permit,
341 indebtedness, or obligation of the agency, except to relieve the
342 withdrawing member from further financial obligation to the
343 agency.

344 **SECTION 6. Addition of agency members.** (1) Any unit of
345 local government may join the agency as a member after the agency
346 has been formed, provided that the governing authorities of such
347 unit of local government, along with the governing authorities of
348 each agency member and the agency's board approve the addition of
349 such unit of local government by a majority vote.

350 (2) Prior to a unit of local government joining the existing
351 agency as a member, the agency's incorporation agreement must be



352 amended, in the manner proscribed by Section 5 of this act, to
353 reflect the addition.

354 (3) Any municipality having a minimum assessed valuation of
355 real and personal property, mobile homes, public utilities and
356 automobiles of Seventy-five Million Dollars (\$75,000,000.00),
357 added as a member of the agency shall appoint one (1) commissioner
358 to the board, for an initial term running from the time of
359 appointment until the end of the term of the commissioner with the
360 shortest remaining term. After the expiration of the initial
361 term, the governing authorities of such added municipality shall
362 appoint a commissioner to serve a term of four (4) years.

363 **SECTION 7. Appointment of commissioners and board authority.**

364 (1) All powers of the agency shall be vested in a board of
365 commissioners.

366 (2) If the governing authorities of the county, without the
367 governing authorities of any other unit of local government, form
368 the agency to manage stormwater within nonincorporated territory
369 of the county, the agency's commissioners shall be chosen in the
370 following manner:

371 (a) Each county supervisor may nominate one (1)
372 commissioner from his or her supervisor district or from the
373 county at large, and any such nominee, before taking office, must
374 first be approved by a majority vote of the board of supervisors.

375 (b) Of the initial appointees made by the board of
376 supervisors, the commissioners' terms shall be staggered as



377 follows: one (1) commissioner shall be appointed to a term of one
378 (1) year; one (1) commissioner shall be appointed to a term of two
379 (2) years; one (1) commissioner shall be appointed to a term of
380 three (3) years; and two (2) commissioners shall be appointed to a
381 term of four (4) years. After the expiration of the initial
382 terms, commissioners shall serve terms of four (4) years.

383 (3) If the governing authorities of the county along with
384 the governing authorities of one or more unit of local government
385 form an agency, the agency's commissioners shall be chosen by the
386 governing authorities of the county in the manner prescribed in
387 subsection (2) of this section. In addition, any municipality
388 having a minimum assessed valuation of real and personal property,
389 mobile homes, public utilities and automobiles of Seventy-five
390 Million Dollars (\$75,000,000.00), may appoint one (1) commissioner
391 for an initial term of two (2) years. After the expiration of the
392 initial term, any commissioner appointed by municipal governing
393 authorities shall serve a term of four (4) years.

394 (4) In the event that the appointment of commissioners
395 results in an even number of commissioners, the Governor of the
396 State of Mississippi shall appoint one (1) commissioner so that
397 there shall be an odd number of commissioners. Such commissioner
398 shall serve for a term of four (4) years. In the event that the
399 addition or withdrawal of a member results in an odd number of
400 commissioners, the term of the individual appointed by the
401 Governor under this subsection shall automatically terminate.



402 (5) Commissioners may serve beyond the end of their
403 respective terms until their successors have been appointed and
404 qualified.

405 (6) A commissioner may be removed from office for neglect of
406 duty, misfeasance or nonfeasance in office either (a) by a
407 unanimous vote of the governing authorities of the unit of local
408 government that appointed such commissioner; or (b) by a majority
409 vote of the governing authorities of the unit of local government
410 that appointed such commissioner after a recommendation from the
411 board that the commissioner be removed. Any commissioner who does
412 not attend three (3) consecutive meetings of the board shall be
413 subject to removal by a majority vote of the board and shall be
414 replaced with an appointment from the governing authorities of the
415 agency member making the initial appointment.

416 (7) The board shall annually elect a chairman and vice
417 chairman from among its members to serve the next fiscal year.
418 The chairman shall preside at all meetings of the board. The vice
419 chairman shall act in the absence or disability of the chairman.

420 (8) Regular meetings of the board shall be held at least
421 monthly, as set forth in the board's rules or regulations for
422 management of the agency's business and affairs. Additional
423 meetings of the board shall be held at the call of the chairman or
424 whenever a majority of commissioners so request.

425 (9) A quorum for any meeting of the board shall be the
426 majority of the total membership of the board. All business of



427 the board shall be transacted by the majority vote of the members
428 of the board in attendance at a meeting at which a quorum is
429 present. Meetings of the board shall be subject to the Open
430 Meetings Act, codified as Section 25-41-1 et seq.

431 (10) Each commissioner shall give bond, to be paid for by
432 the agency, for the faithful discharge of his or her duties in the
433 amount of at least Fifty Thousand Dollars (\$50,000.00) with a
434 surety company authorized to do business in the State of
435 Mississippi.

436 (11) The board, through its secretary, shall keep accurate
437 and complete records of all its meetings.

438 (12) Commissioners shall serve without a salary but shall be
439 entitled to per diem compensation as provided by Section 25-3-69
440 for each day's actual service, together with mileage as provided
441 in Section 25-3-41 for the distance traveled from their homes to
442 and from the place of meeting.

443 (13) The agency shall be subject to the Mississippi Public
444 Records Act of 1983, codified as Section 25-61-1 et seq.

445 (14) The board shall annually prepare a budget for the
446 agency at least ninety (90) days before the beginning of each
447 fiscal year. The fiscal year shall be from October 1 to September
448 30 of each year. The board shall submit the budget to the
449 governing authorities of each member.

450 (15) The board may employ any personnel and appoint and
451 prescribe the duties of any officers as the board deems necessary



452 or advisable, including a general manager and a secretary, with
453 each having the duties as determined by the board. The board
454 shall establish the compensation of any employee or officer of the
455 agency. The board may require any of its employees to be bonded.
456 The cost of any bond required by this section or by the board
457 shall be paid from funds of the agency.

458 (a) The general manager may also serve as secretary and
459 shall be a person of good moral character and of proven ability as
460 an administrator with a minimum of five (5) years' experience in
461 the management and administration of a public works operation or
462 comparable experience which may include, but is not limited to,
463 supervision, public financing, regulatory codes, and related
464 functions as minimum qualifications to administer the programs and
465 duties of the agency. The general manager shall administer,
466 manage, and direct the affairs and business of the agency, subject
467 to the policies, control, and direction of the board. The general
468 manager shall give bond executed by a surety company or companies
469 authorized to do business in this state in the amount of at least
470 Fifty Thousand Dollars (\$50,000.00) payable to the agency
471 conditioned upon the faithful performance of that person's duties
472 and the proper accounting for all funds.

473 (b) The secretary shall keep a record of the
474 proceedings of the board and the agency and shall be custodian of
475 all books, documents, and papers filed with the agency, the minute
476 book or journal, and the official seal. The secretary may make



477 copies of all minutes and other records and documents of the
478 agency and certify under the seal of the agency that the copies
479 are true and accurate copies, and all persons dealing with the
480 agency may rely upon those certificates.

481 **SECTION 8. Agency authority.** The agency shall have all the
482 rights and powers necessary or convenient to carry out the
483 purposes of this act, including, but not limited to, the
484 following:

485 (a) To sue and be sued in its own name;

486 (b) To adopt an official seal and alter the official
487 seal at its pleasure;

488 (c) To maintain an office or offices at any place or
489 places within the geographic boundaries of its members as it may
490 determine;

491 (d) To acquire, construct, improve, or modify, to
492 operate or cause to be operated and maintained, either as owner of
493 all or of any part in common with others, a stormwater management
494 system within the jurisdiction of the members of the agency;

495 (e) To pay all or part of the cost of the agency's
496 stormwater management system from any contribution by persons,
497 firms, public agencies, or corporations;

498 (f) To receive, accept, and use all funds, public or
499 private, and pay all cost of development, implementation, and
500 maintenance as may be determined as necessary for any project;



501 (g) To acquire by purchase on any terms and conditions
502 and in any manner as it may deem proper, property for public use,
503 or by gift, grant, lease, or otherwise, real property or easements
504 therein, franchises and personal property necessary or convenient
505 for its corporate purposes. These purposes shall include, but are
506 not limited to, the constructing or acquiring of a stormwater
507 management system; the improving, extending, reconstructing,
508 renovating, or remodeling of any existing stormwater management
509 system or part thereof; or the demolition to make room for any
510 project or any part thereof;

511 (h) To insure the stormwater management system and any
512 agency property against all risks as any insurance may be
513 available;

514 (i) To use any property and rent or lease any property
515 to or from others, including public agencies, or make contracts
516 for the use of the property. The agency may sell, lease,
517 exchange, transfer, assign, pledge, mortgage, or grant a security
518 interest for any property. The powers to acquire, use, and
519 dispose of property as set forth in this paragraph shall include
520 the power to acquire, use, and dispose of any interest in that
521 property, whether divided or undivided. Title to any property of
522 the agency shall be held by the agency exclusively for the benefit
523 of the public;

524 (j) To adopt, modify, repeal, promulgate, and enforce
525 rules and regulations implementing or effectuating the powers and



526 duties of the agency under any statute within the agency's
527 jurisdiction, and where otherwise not prohibited by federal or
528 state law, to make exceptions to and grant variances and
529 exemptions from, and to enforce those rules and regulations.
530 Those rules and regulations may include, but shall not be limited
531 to, rules and regulations for (i) the management of the agency's
532 business and affairs; (ii) the use, operation, maintenance, or
533 implementation of the agency's stormwater management system or any
534 portion of that system, facility, or any other property belonging
535 to or operated by the agency; (iii) specifications and standards
536 relating to the planning, design, or construction of the
537 stormwater management system or any facility belonging to or
538 operated by the agency; and (iv) the methods by which the agency
539 shall calculate the utility charge to be imposed upon properties
540 located within the agency's jurisdiction, as authorized by this
541 act. An agency may also adopt best management practices related
542 to stormwater management. Rules, regulations, and best management
543 practices shall be no more stringent or extensive in scope,
544 coverage, or effect than regulations and best management practices
545 promulgated or recommended by the United States Environmental
546 Protection Agency;

547 (k) To enter into contracts or leases with any person,
548 entity, or public agency and to execute all instruments necessary
549 or convenient for construction, operation, and maintenance of the
550 stormwater management system and leases of projects. Without



551 limiting the generality of the above, authority is specifically
552 granted to units of local government and to the agency to enter
553 into contracts, lease agreements, or other undertakings relative
554 to the furnishing of stormwater management system services or
555 facilities or both by the agency to a unit of local government and
556 by a unit of local government to the agency. Any contract between
557 an agency and a public agency may extend over any period of time,
558 including a term that extends beyond the term of the then majority
559 of the existing board members, regardless of any provision or rule
560 of law to the contrary; may be upon such terms and for such
561 consideration, nominal or otherwise, as the parties thereto shall
562 agree; and may provide that it shall continue in effect until all
563 obligations, financial or otherwise, specified therein are paid or
564 terminated;

565 (1) To exercise any powers, rights, or privileges
566 conferred by this act either alone or jointly or in common with
567 any other public or private parties. In any exercise of any
568 powers, rights, and privileges jointly or in common with others
569 for the construction, operation, and maintenance of facilities,
570 the agency may own an undivided interest in any facilities with
571 any other party with which it may jointly or in common exercise
572 the rights and privileges conferred by this act and may enter into
573 any agreement with respect to any facility with any other party
574 participating in those facilities. An agreement may contain any
575 terms, conditions, and provisions, consistent with this section,



576 as the parties to the agreement shall deem to be in their best
577 interest, including, but not limited to, provisions for the
578 planning, design, construction, operation, implementation, and
579 maintenance of any facility by any party to an agreement. Any
580 party or parties shall be designated in or under any agreement as
581 agent or agents on behalf of itself and one or more of the other
582 parties to the agreement, or by any other means as may be
583 determined by the parties. The agreement shall include a method
584 or methods of determining and allocating, among the parties, costs
585 of planning, design, construction, operation, maintenance,
586 renewals, replacements, improvements, and disposal related to any
587 facility. In carrying out its functions and activities as an
588 agent with respect to planning, design, construction, operation,
589 and maintenance of any facility, the agent shall be governed by
590 the laws and regulations applicable to that agent as a separate
591 legal entity and not by any laws or regulations which may be
592 applicable to any of the other participating parties. The agent
593 shall act for the benefit of the public. In any agreement, the
594 agency may delegate its powers and duties related to the planning,
595 design, construction, operation, and maintenance of any facility
596 to the party acting as agent and all actions taken by that agent
597 in accordance with the agreement may be binding upon the agency
598 without further action or approval of the agency;

599 (m) To apply, contract for, accept, receive and
600 administer gifts, grants, appropriations, and donations of money,



601 materials, and property of any kind, including loans and grants
602 from the United States, this state, a unit of local government, or
603 any agency, department, authority, or instrumentality of any of
604 the foregoing, upon any terms and conditions as the United States,
605 the state, a unit of local government, or any agency, department,
606 authority, or instrumentality shall impose. The agency may
607 administer trusts. The agency may sell, lease, transfer, convey,
608 appropriate, and pledge any and all of its property and assets;

609 (n) To employ professional and administrative staff and
610 personnel and to retain legal, engineering, fiscal, accounting,
611 and other professional services, and to enter into contracts for
612 operation and maintenance needs of the agency;

613 (o) To assume or continue any contractual or other
614 business relationships entered into by the members of the agency,
615 including the rights to receive and acquire transferred rights
616 under option to purchase agreements;

617 (p) To enter on public or private lands, waters, or
618 premises for the purpose of making surveys, borings or soundings,
619 or conducting tests, examinations, inspections, improvements,
620 repairs, or other undertakings for the purposes of the agency,
621 subject to responsibility for any damage done to property entered,
622 providing such damage was caused by the agency's actions and not
623 the agency's inaction, which shall not constitute damage.

624 (i) Before any commissioner or agency employee,
625 agent, engineer, or contractor enters upon private lands, waters,



626 or premises to perform the duties authorized within this act, the
627 agency must first obtain permission from the landowner.

628 (ii) The commissioners and the agency's employees,
629 agents, engineers, and contractors may enter in or upon public or,
630 with the permission of the landowner as set forth in this section,
631 private lands or waters, while in the lawful performance of their
632 duties without criminal liability for trespass. Any such
633 individuals shall make a good faith attempt to announce and
634 identify themselves and his or her intentions before entering upon
635 private property and must present documentation sufficient to
636 identify themselves to any landowner requesting such
637 identification. The provisions of this section do not relieve a
638 commissioner or their employees, agents, engineers, and
639 contractors from any civil liability that otherwise is actionable
640 at law or in equity or from criminal liability for trespass if the
641 entry in or upon the property extends beyond the property or area
642 that is necessary to actually perform the individual's duties;

643 (q) To contract with any agency member to provide
644 support services. Any member may contract with the agency to
645 provide any staff support, equipment, materials, labor, and
646 administrative and operational services as it deems advisable and
647 on any terms as may be mutually agreed;

648 (r) To organize the agency by districts;

649 (s) To procure right of way for ditches, laterals,
650 drains, levees, or other necessary infrastructure that may be



651 decided upon, by agreements with the landowners over or through
652 whose lands the same is to be constructed. The agency shall take
653 releases of rights of way for the construction of such ditches,
654 laterals, drains, levees, or other necessary infrastructure from
655 the landowners and file same with the chancery clerk, who shall
656 record them. If the commissioners shall not be able to agree with
657 any landowner as to the amount of damages such landowner should
658 receive for the right of way over which such ditch or other
659 improvements or work shall be constructed, the commissioners may
660 appraise the lands needed for such purposes and proceed as
661 directed in Section 10 of this act;

662 (t) To invest money of the agency, including proceeds
663 from the sale of any bonds subject to any agreements with bond
664 holders on such terms and in such manner as the board deems
665 proper;

666 (u) To enter into contracts to conduct studies of
667 regional issues regarding stormwater services;

668 (v) To provide funding to members of the agency for
669 maintenance and capital improvements affecting stormwater
670 management within the geographic boundaries of such members;

671 (w) To disincentivize, through the utility charge
672 authorized by this act to be imposed upon landowners within the
673 territory of the agency or otherwise, activities or property
674 conditions that in the board's determination negatively impact the



675 stormwater management system, its stormwater management plan, or
676 real property within the territory of the agency;

677 (x) To incentivize, through the utility charge
678 authorized by this act to be imposed upon landowners within the
679 territory of the agency or otherwise, utilization of best
680 management practices related to stormwater management, including
681 the development of detention and retention ponds and other methods
682 of mitigating stormwater accumulation and runoff;

683 (y) To do and perform any acts and things authorized by
684 this act under, through or by means of its officers, agents, and
685 employees, or by contracts with any person or entity; and

686 (z) To do and perform any and all acts or things
687 necessary, convenient, or desirable for the purposes of the
688 agency, or to carry out any power expressly granted in this act.

689 **SECTION 9. Creation of stormwater management plan. (1)**

690 Within twenty-four (24) months following the agency's creation,
691 the board must complete a comprehensive stormwater management plan
692 to be used in operating the agency and managing all stormwater
693 within the agency's boundaries, other than stormwater managed by
694 other public agencies. Prior to adopting the plan, the board
695 shall hold a hearing on the contents of such plan, after providing
696 notice to the public of such hearing. The plan must be revised,
697 as appropriate, at least once every twenty-four (24) months. A
698 copy of the plan must be provided to the governing authorities of
699 each agency member promptly upon completion.



700 (2) The agency may, at the direction of its board, submit
701 its stormwater management plan as required by state or federal
702 environmental rules and regulations. The agency may also provide
703 services and facilities for implementation of the stormwater
704 management plan.

705 **SECTION 10. Power to acquire real property.** The board shall
706 not possess eminent domain authority. The governing authorities
707 of a member, however, may exercise the power of eminent domain,
708 upon written request of the board of commissioners, for the
709 particular purpose of the acquisition of property for the agency's
710 stormwater management system. The power of eminent domain shall
711 be exercised as provided in Chapter 27, Title 11, Mississippi Code
712 of 1972.

713 **SECTION 11. Public agency powers.** For the purpose of
714 attaining the objectives of this act, any public agency may, upon
715 any terms as it may determine, do any of the following:

716 (a) Lend, contribute, or donate money to any agency or
717 perform services for the benefit of the agency;

718 (b) Donate, sell, convey, transfer, lease, or grant to
719 the agency property of any kind, where otherwise not prohibited by
720 law;

721 (c) Contract with the agency for the agency to acquire,
722 construct, or provide facilities and projects for furnishing
723 stormwater management and related services to the public agency or
724 to users within the boundaries of the public agency. In such



725 case, the public agency shall be obligated to make payments which
726 shall be sufficient to enable the agency to meet its expenses, and
727 payments into funds for operation, maintenance, and renewals and
728 replacements. The contracts may also contain other terms and
729 conditions as the agency and the public agency may determine. Any
730 contract may be for a term covering the life of the facilities or
731 for any other term or for an indefinite period. Contracts may
732 provide for payments in the form of contributions to defray the
733 cost of any purpose set forth in the contracts and as advances for
734 any facilities subject to repayment by the agency. A public
735 agency may make those contributions or advances from its general
736 fund, general obligation bond proceeds, or surplus fund or from
737 any monies legally available therefor. The entering into of any
738 contract under this section shall not constitute the incurring of
739 a debt by a public agency within the meaning of any constitutional
740 or statutory limitations on debts of the state or units of local
741 government; and

742 (d) Do anything, whether or not specifically authorized
743 in this section, not otherwise prohibited by law, that is
744 necessary or convenient to aid and cooperate with the agency in
745 attaining the objectives of this act.

746 **SECTION 12. No preemption.** This act shall not restrict the
747 authority of any unit of local government to manage stormwater or
748 drainage within the jurisdictional limits of such unit of local
749 government.



750 **SECTION 13. Construction contract requirements.** A board
751 shall make purchases and contracts in accordance with Chapter 7 of
752 Title 31 of the Mississippi Code for all construction and
753 improvements carried out by the board.

754 **SECTION 14. Authority to issue bonds and borrow funds.** The
755 agency and the board shall possess the authority authorized in
756 Section 49-17-755 through 49-17-773, Mississippi Code of 1972,
757 relating to the issuance of bonds and the borrowing of monies to
758 finance the operations of the agency.

759 **SECTION 15. Annual audit.** (1) Within sixty (60) days after
760 the end of the fiscal year following the organization of the
761 agency, and annually thereafter, the commissioners shall prepare
762 and retain a copy of a sworn statement of the financial condition
763 of the agency to cover the preceding fiscal year. The report
764 shall contain, among other things, a statement of the cash on
765 hand, together with all other assets of the agency; the total
766 receipts of the preceding year; the disbursement for
767 administration, for construction, for maintenance, for bonds
768 redeemed, and for interest due on outstanding bonds, together with
769 all other indebtedness of the agency. The commissioners are
770 further authorized and empowered to do any and all things incident
771 to the management and affairs and business of the agency.

772 (2) The State Auditor of Public Accounts or his assistant
773 may annually audit the books, financial reports, and expenditures
774 of the agency in the same manner that such officer audits other



775 boards and commissions; and the same powers and duties that such
776 officer exercises or enjoys with respect to other boards and
777 commissions shall be exercised and performed in the same manner in
778 his audit of the agency.

779 (3) Within ninety (90) days after the close of each fiscal
780 year, the board shall publish in a newspaper of general
781 circulation in the territory of the agency a sworn statement
782 showing the financial condition of the agency. The statement
783 shall also be filed with the governing authorities of each member
784 of the agency.

785 **SECTION 16. Penalty for drain obstruction.** Any person who
786 shall obstruct or damage a drain, drainage work, ditch, facility,
787 or other drainage infrastructure or improvements provided for by
788 this act shall be guilty of a misdemeanor and, on conviction
789 thereof, be fined not more than One Thousand Dollars (\$1,000.00),
790 and he or she shall also be liable to the agency for double the
791 cost of removing such obstruction or repairing such damage.

792 **SECTION 17. Right to pass over lands.** The commissioners and
793 their employees, agents, engineers, and contractors, may go upon
794 any and all of the lands lying within the territory of the agency
795 for the purpose of examining the same and making plans, surveys,
796 profiles, and estimates of the kind, character, and cost of the
797 stormwater management system, and for making repairs and
798 improvements to the stormwater management system, and may go upon
799 such lands at any time for the purpose of removing obstructions,



800 cleaning out, and keeping in repair the ditches and drains. Such
801 entry onto private property must comply with the provision of this
802 act.

803 **SECTION 18. Acquiring existing district rights of way.** The
804 agency may acquire rights of way through existing drainage
805 districts, after obtaining consent of an existing drainage
806 district and upon such terms as the existing district may impose,
807 but when the works or improvements of an existing drainage
808 district are so acquired, the agency shall furnish and provide
809 equivalent relief or protection to that destroyed or impaired by
810 such taking.

811 **SECTION 19. Use of existing ditches.** The agency may, with
812 permission, use any ditches heretofore constructed in any part of
813 the territory of the agency by any landowner. If any such ditches
814 shall be of any value to the agency, the commissioners may allow
815 the landowner reasonable compensation for the value thereof.

816 **SECTION 20. Construction.** This act shall be liberally
817 construed to effectuate the purposes thereof.

818 **SECTION 21. Full and complete authority.** This act, without
819 reference to any other statute, shall be deemed to be full and
820 complete authority for the creation of the agency. No proceedings
821 shall be required for the creation of the agency other than those
822 provided for and required in this act. All the necessary powers
823 to be exercised by the governing authorities of a unit of local



824 government and by the board of the agency, in order to carry out
825 this act, are hereby conferred.

826 **SECTION 22. Authority to impose utility charge.** (1) To
827 fund the agency's operation and duties, the board shall annually
828 impose a utility charge upon landowners of real property within
829 the territory of the agency. Such utility charge shall be
830 proportional to the amount at which such property contributes to
831 stormwater accumulation and runoff within the territory of the
832 agency as of the first day of January of each year. The board, by
833 rule or regulation, shall establish a reliable and equitable
834 method to calculate the charge to be imposed on each parcel of
835 real property within the territory of the agency.

836 (2) In ascertaining the boundaries of the lands that are
837 subject to the utility charge, the board may use either of the
838 following:

839 (a) The descriptions of lands and subdivisions thereof
840 as shown on the official United States Government surveys and
841 plats of lands within the agency;

842 (b) The descriptions of lands and subdivisions thereof
843 as shown upon any plat of lands within the agency and recorded
844 upon the land records of the county;

845 (c) Any metes and bounds descriptions found in the
846 latest filed conveyance of such lands and of record in the records
847 of deeds of the county; or



848 (d) Any other reliable method of determining property
849 boundaries, including parcel numbers assigned or used by the tax
850 assessor or collector for ad valorem taxation.

851 (3) Real property owned by any of the following entities
852 shall be exempt from the utility charge authorized by this
853 section:

854 (a) The State of Mississippi, so long as such property
855 is not under lease to a third party; and

856 (b) Any member of the agency as long as such property
857 is not under lease by the member to a third party.

858 (4) The board shall also calculate all damages that will
859 accrue to any landowner by reason of the agency's improvements,
860 including all injury to lands damaged; and when the board returns
861 no calculation of damages as to any tract of land, it shall be
862 deemed a finding by the board that no damages will be sustained.

863 (5) The utility charge provided for in this section may be
864 made even though evidences of indebtedness have been issued or
865 validated or both prior thereto, but the lien of the holders of
866 any such indebtedness shall not be impaired thereby.

867 (6) In the event that the Richland Creek Watershed Drainage
868 District is joined in the agency as a member, the owners of real
869 property within the territory of such drainage district shall not
870 be liable to the drainage district for the tax imposed to fund
871 such drainage district under Title 51, Chapter 29, Mississippi
872 Code of 1972, for any year in which such property owners are



873 charged the fee imposed by this act. In such event, such property
874 owners shall be liable only to the agency for the fee imposed for
875 stormwater management purposes.

876 (7) The board shall annually complete a list of all utility
877 charges imposed on real property within the territory of the
878 agency. Such list shall be in a format that is compatible with
879 the software or other methods used by the county's tax collector
880 to collect ad valorem taxes. Upon completing its list of utility
881 charges, the board shall promptly, but not later than the first
882 Monday of July of each year, file the list with the clerk of the
883 board of supervisors.

884 (8) The board of supervisors shall give notice by
885 publication for two (2) weeks by two (2) insertions in some
886 newspaper published and having a general circulation in the
887 territory of each member of the agency, stating that the
888 landowners of lands upon which utility charges have been imposed
889 for stormwater management purposes within the territory of the
890 agency, if they desire, may appear before the board of supervisors
891 on the date and time and place fixed by the board of supervisors,
892 which date shall be on the first Monday of August, or the next
893 business day thereafter, and present complaints, if any they have,
894 against the utility charge imposed upon land in the territory of
895 the agency. The notice, provided under this subsection, shall
896 give description of the lands in as large tracts as the
897 description will permit and shall state that utility charges have



898 been imposed upon such lands for stormwater management purposes;
899 that any landowner of real property within the territory of the
900 agency who is aggrieved by the charge imposed upon his or her real
901 property shall file his or her written complaint or objection, in
902 specific terms, with the board of supervisors prior to the time
903 designated for the hearing.

904 (9) All persons who fail to file objections shall be
905 concluded by the charge imposed and shall be precluded from
906 questioning its validity after its final approval by the board of
907 supervisors or by operation of law, except minors and persons non
908 compos mentis.

909 (10) The board of supervisors shall examine the list of
910 charges imposed by the agency, at the hearing required by this
911 section, hear and determine all objections thereto, and shall sit
912 from day to day until the same shall have been disposed of, and
913 all proper corrections made, or may take objections under
914 advisement as provided in this subsection. The board of
915 supervisors may increase or diminish the charge imposed upon any
916 property within the agency, so that the charge imposed upon
917 property shall be proportional to the amount at which such
918 property contributes to stormwater accumulation and runoff within
919 the territory of the agency and consistent with the rules and
920 regulations governing the operation of the agency, as promulgated
921 by the board. Where an individual charge has been increased,
922 immediate notice in writing shall be sent by the secretary of the



923 board of supervisors by mail to the affected landowner. At such
924 meeting, the board of supervisors shall have the power to change
925 erroneous utility charges or to add omitted property, but any
926 person affected by such action shall have notice as provided
927 above. If the board of supervisors adjourns before considering
928 any objections filed, such objections shall be heard at the next
929 regular meeting of the board of supervisors. The board of
930 supervisors may take an objection under advisement to allow the
931 landowner or his designee or the board of supervisors to compile
932 information relating to the objection.

933 (11) If from any cause the meeting of the board of
934 supervisors at which objections to the imposition of the charge
935 authorized by the act should be heard, be not held, then all such
936 objections shall be continued and may be heard at the next meeting
937 of the board of supervisors, either regular, adjourned, or
938 special. If the board of supervisors fails to give the proper
939 notice to the landowner of the meeting at which objections are to
940 be heard, the board of supervisors shall immediately proceed to
941 give such notice and shall fix the time when it will hear and
942 determine all objections therein contained. If the board of
943 supervisors fails to hold any meeting, or give any notice, or to
944 perform any other duty in reference to the utility charges
945 authorized by the act, at the time required by law, such duty
946 shall be performed at a later date upon the giving of proper
947 notice to persons affected.



948 (12) The board of supervisors may require any landowner to
949 bring books or records as will fully inform the board of
950 supervisors as to the proper charge to be imposed against such
951 landowner's property before such board of supervisors while
952 hearing objections or complaints. Any landowner failing or
953 refusing to comply with such demand shall be precluded from
954 objecting to the charge imposed upon his or her property.

955 (13) All charges imposed for stormwater management purposes
956 must be approved by an order of the board of supervisors entered
957 on the minutes, but the failure to make and enter such order shall
958 not vitiate the imposition of the charge if it shall appear that
959 the charges were imposed according to law.

960 (14) The list of charges so prepared and filed with the
961 clerk of the board of supervisors shall stand as the final charges
962 imposed upon the lands within the territory of the agency and no
963 new charges shall be required unless, in the opinion of the
964 commissioners, it becomes necessary to raise the charges upon such
965 lands because of additional contribution to stormwater
966 accumulation caused by the lands other than those captured by the
967 initial annual charge or because it becomes absolutely necessary
968 in order to raise funds to preserve and maintain the improvements
969 of the agency.

970 (15) When establishing the utility charge to be imposed on
971 real property within the territory of the agency, the
972 commissioners shall establish a rate for lands used for



973 agricultural purposes, which shall be commensurate with such
974 land's general tendency to aid in managing stormwater accumulation
975 and runoff, and such rate shall be less than the rate applicable
976 to lands used for nonagricultural purposes.

977 **SECTION 23. Levy of utility charge by supervisors.** (1) It
978 shall be the duty of the board of supervisors to annually levy the
979 utility charges authorized under this act, at the same time when
980 the county tax levy is made or at any succeeding regular meeting.

981 (2) After the levy of charges to be paid shall have been
982 made and become final, and for the purpose of facilitating the
983 collection of the charges so levied, it shall be the duty of the
984 board of supervisors to provide a copy or copies of the list of
985 charges submitted by the agency to the tax collector. In such
986 list, the agency shall inscribe the names of the landowners; the
987 description of the tracts of land upon which such charges have
988 been imposed, including the parcel number assigned by the tax
989 assessor or collector for ad valorem taxation; the total charge
990 against each tract; and the amount of the levy for the current
991 year, plus any increases or deductions made by the board of
992 supervisors, which shall be the amount of charge to be collected
993 for that year by the tax collector. Such list or lists shall
994 constitute the authority and be the guide for the collection of
995 the charges by the collector.

996 **SECTION 24. Appeal from levy of utility charge.** Any person
997 aggrieved by the utility charge levied by a board of supervisors



998 under this act shall appeal in the manner provided for appeals of
999 assessments of ad valorem taxes under Sections 11-51-77 and
1000 27-35-119, Mississippi Code of 1972.

1001 **SECTION 25. Enforcement of payment of utility charge. (1)**

1002 Any person or entity that neglects or refuses to pay the utility
1003 charge levied by the board of supervisors under this act on the
1004 due date thereof shall be liable for interest at the rate of one
1005 half of one percent (.5%) per month or fractional part thereof
1006 from the delinquent date to the date payment is made. When the
1007 due date for any payment shall fall on a Saturday, Sunday, or
1008 legal holiday, the payment shall be received by the tax collector
1009 on the first working day after such day or days without any
1010 interest being owed.

1011 (2) The agency may impose a lien on all real property where
1012 the payment of the utility charge on such property is more than
1013 ninety (90) days delinquent. The agency shall cause notice of
1014 such lien to be filed in the land records maintained by the
1015 chancery clerk.

1016 (3) The agency may initiate a civil cause of action against
1017 a delinquent landowner in a court of competent jurisdiction in
1018 order to enforce payment of the charge authorized under this act.
1019 The agency shall be entitled to all reasonable costs incurred to
1020 collect the delinquent charge, including attorneys' fees and costs
1021 of court.



1022 **SECTION 26. Payment to county for levying utility charges.**

1023 The agency shall compensate the offices of the county tax
1024 assessor, tax collector, and chancery clerk for duties performed
1025 under this act by such offices, with such compensation to be paid
1026 to the county. The manner of such compensation shall be
1027 negotiated between the board and the offices of tax assessor, tax
1028 collector, and chancery clerk by contract or other mutually
1029 agreeable method.

1030 **SECTION 27. Establishment of districts authorized.** (1) The

1031 agency may divide the territory within the agency into one or more
1032 districts, as determined by the agency's board.

1033 (2) The board, in its discretion and for a period not to
1034 exceed the first three (3) years of the agency's existence, may
1035 choose not to exercise the agency's authority within all of the
1036 territory of the agency and may, instead, identify one or more
1037 districts in which the board wishes to exercise its authority.
1038 Such determination shall be spread on the board's minutes, which
1039 shall include a description of the territory situated within each
1040 such district.

1041 (3) The agency may only impose the utility charge authorized
1042 by the act on real property in districts in which the agency
1043 chooses to operate, and in no event may an agency impose the
1044 charge on properties within a district in which the agency's board
1045 has opted to temporarily not exercise its authority.



1046 (4) The agency may, at any time, begin exercising its
1047 authority in additional districts or within the entire territory
1048 of the agency. Such determination shall be spread on the board's
1049 minutes, which shall include a description of the territory in
1050 which the board will exercise its authority.

1051 **SECTION 28. Dissolution.** (1) The agency may be dissolved
1052 by its members whenever the agency does not have any outstanding
1053 indebtedness, bonded or otherwise. To enable dissolution, the
1054 agency may sell all easements, rights of way, drains, canals,
1055 ditches, or other property for an amount equal to its fair cash
1056 market value which will be sufficient to enable it to pay off and
1057 discharge all of its outstanding indebtedness, bonded or
1058 otherwise. The agency's members may dissolve the agency as set
1059 forth in this section:

1060 (a) To initiate dissolution of the agency, the
1061 governing authorities of each member of the agency shall approve a
1062 resolution finding that it is in the best interests of the
1063 landowners of the agency that the agency be dissolved. The agency
1064 board shall file a copy of its resolution, along with the
1065 resolution of each agency member, with the clerk of the board of
1066 supervisors and, as the case may be, the municipal clerk of each
1067 agency member, along with the Secretary of State.

1068 (b) The governing authorities of each member of the
1069 agency shall hold a public meeting or public hearing on the
1070 necessity for dissolution of the agency. A certified copy of the



1071 adopted resolution or ordinance shall be published in a newspaper
1072 having a general circulation within the participating unit of
1073 local government once a week for at least three (3) consecutive
1074 weeks before the date specified in the resolution or ordinance as
1075 the date upon which the participating units of local government
1076 intend to dissolve the agency. The publication shall command all
1077 persons interested in the affairs of the agency to appear at the
1078 time, date, and place set for the hearing of said petition to show
1079 cause, if any they can, why the agency should not be dissolved.
1080 If, after the hearing, the governing authorities of the
1081 participating unit of local government determine that it is in the
1082 best interest of the landowners of real property within the
1083 territory of the agency to dissolve the agency, such governing
1084 authorities may, by resolution, find that the agency should be
1085 dissolved. After the governing authorities of each member of the
1086 agency approve such a resolution, the agency shall have one
1087 hundred twenty (120) days to wind up its affairs.

1088 (c) If the agency will have funds on hand after all of
1089 its debts and all expenses have been paid, the surplus shall,
1090 prior to dissolution, be refunded among the landowners of real
1091 property within the territory of the agency on such equitable and
1092 just basis and terms as the board shall find to be proper.

1093 (d) After the one hundred twenty (120) days authorized
1094 by the section for the agency to wind up its affairs, the
1095 governing authorities of the members shall file a notice of



1096 dissolution with the Secretary of State, the chancery clerk, and
1097 the clerk of participating municipalities, as the case may be, and
1098 thereafter the agency shall have no further existence and no
1099 further utility charges shall be levied against any of the lands
1100 embraced within the limits of the agency. All of the unpaid
1101 benefits and utility charges levied against the lands in the
1102 agency for stormwater management purposes shall stand canceled,
1103 and the lien therefor shall be unenforceable.

1104 **SECTION 29. Severability.** If any part of this act is
1105 declared invalid, unenforceable, or unconstitutional by a court of
1106 competent jurisdiction, that part shall be severable from the
1107 remaining portions of this act, and the remaining portions shall
1108 continue in full force and effect as if the invalid,
1109 unenforceable, or unconstitutional portion were omitted.

1110 **SECTION 30.** This act shall take effect and be in force from
1111 and after July 1, 2024.

