

By: Representative Sanders

To: Local and Private
Legislation

HOUSE BILL NO. 1957

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF BOLIVAR
2 COUNTY, MISSISSIPPI, TO CONTRIBUTE FUNDS AND SERVICES FOR THE
3 REPAIR AND IMPROVEMENT OF THE SEWER FACILITIES RELATED TO THE
4 CHOCTAW SEWER ASSOCIATION LOCATED IN CHOCTAW, BOLIVAR COUNTY,
5 MISSISSIPPI; TO ESTABLISH THE CREATION OF A WATER AND/OR SEWER
6 DISTRICT WITHIN THE COMMUNITY OF CHOCTAW, BOLIVAR COUNTY,
7 MISSISSIPPI; TO PROVIDE FOR THE POWERS AND DUTIES OF SUCH
8 DISTRICT; TO AUTHORIZE THE BOARD OF SUPERVISORS OF BOLIVAR COUNTY
9 TO TRANSFER ASSETS AND OTHER PROPERTY TO THE DISTRICT; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** As used in this act:

13 (a) "Board" means the Board of Supervisors of the
14 County.

15 (b) "Community" means the community of Choctaw, Bolivar
16 County, Mississippi.

17 (c) "County" means Bolivar County, Mississippi.

18 (d) "MDEQ" means the Mississippi Department of
19 Environmental Quality.

20 (e) "System" means the existing sewer system facilities
21 related to the Choctaw Sewer Association located in the community
22 of Choctaw, Bolivar County, Mississippi, including the lift



station, treatment lagoon and pipes located in the public rights-of-way and related facilities.

(f) "Utility district" means the utility district created by the board under this act.

SECTION 2. The board is authorized, in its discretion, to pay out of any available general funds of the county for the purpose of repairing and improving the system located in the community. The board may also apply for and use grant funds for the same purposes herein. The board may undertake such repairs and improvements through the use of county employees or by contract with third parties.

SECTION 3. (a) Because of the continual disrepair, neglect and inadequacy of the system, including the lack of a proper legal body owning and operating the system and for the public benefit and necessity of the system's users, upon the board's determination of the adequate repair and improvement of the system as set forth in Section 2, the board may initiate the incorporation of a utility district under this section. However, Sections 19-5-151 through 19-5-167, Mississippi Code of 1972, shall not apply as the creation and formation of the utility district by the board shall be exclusively as set forth in this section by adopting a resolution determining the following:

(i) A statement that the public convenience and necessity require the creation of the utility district for the



47 purposes of owning, controlling, operating and maintaining the
48 system;

49 (ii) The proposed boundaries of the district;

50 (iii) The name of the district;

51 (iv) A statement of whether or not the board shall
52 exercise its authority to levy the tax outlined in Section
53 19-5-189 and/or to make assessments as outlined in Section
54 19-5-191, Mississippi Code of 1972.

55 (v) The appointment by the board of supervisors of
56 a board of commissioners to govern the utility district shall
57 consist of no less than three (3) members nor more than five (5)
58 members. Upon their initial appointment, each commissioner shall
59 serve a term of two (2) years; thereafter, each commissioner shall
60 be appointed and shall hold office for a term of five (5) years.
61 Any vacancy occurring on a board of commissioners shall be filled
62 by the board of supervisors at any regular meeting of the board,
63 and such board shall have the authority to fill all unexpired
64 terms of any commissioner or commissioners. Notwithstanding the
65 appointive authority herein granted to the board and any other
66 authority granted in this act, its legal and actual
67 responsibilities, authority and function, subsequent to the
68 creation of any utility district, shall be specifically limited to
69 the appointive function and responsibilities outlined in Sections
70 19-5-179, 19-5-189 and 19-5-191, Mississippi Code of 1972, except
71 that the board of supervisors shall have authority for dissolving,



72 redefining and reconfiguring of such utility district as may be
73 appropriate to ensure the most appropriate and efficient provision
74 of services for the county's citizens. The operation and
75 management of such utility district, and all other matters in
76 connection therewith, shall be vested solely and only in the board
77 of commissioners to the specific exclusion of the board of
78 supervisors.

79 (b) Upon the adoption by the board of the resolution
80 set forth in Section 3(a), the utility district shall be created
81 and it shall have, to the exclusion of any other entity, the sole
82 and exclusive authority, powers and responsibilities as set forth
83 in this act and in Sections 19-5-169 through 19-5-207, Mississippi
84 Code of 1972, unless otherwise stated herein, for the operation,
85 maintenance and improvements of the system.

86 **SECTION 4.** The utility district, by and through its board of
87 commissioners, shall also have the following additional powers and
88 authority:

89 (a) Since the system has previously been constructed,
90 upon the creation of the utility district herein it shall not be
91 required to obtain a certificate of convenience and public
92 necessity from the Mississippi Public Service Commission for
93 operation of the system as set forth in Section 19-5-177,
94 Mississippi Code of 1972.

95 (b) To contract for the operation, maintenance and
96 administrative services for the system with any party deemed



reasonable, necessary and in the best interest of the customers of the utility district.

(c) To collect delinquent sewer user fees by:

(i) Entering into an agreement with any water association or other entity supplying water to the premises of the customers of the utility district, that authorizes the water association to shut off the water service of any of its customers who are sixty (60) days delinquent in the payment of charges for sewer services provided by the utility district. The utility district may pay reasonable fees to the water association for the provision of such disconnection services and any reasonably anticipated loss revenues to the water association resulting from the disconnection of water services, and may make any fee, rate or expense schedule associated therewith to recoup funds from its customers for the provision of such disconnection services.

(ii) Any agreement entered into under this section shall at minimum:

1. Require the utility district to notify the water association of any customer who also has sewer service provided by the utility district who is sixty (60) days or more delinquent in the payment of sewer charges by a method agreeable to the utility district and the water association;

2. Provide that upon receipt of a notification the water association shall shut off the water service of the named customer until payment is made for the



outstanding sewer services that are due and owing to the utility district;

3. Provide that upon satisfaction of the delinquency and any fees and/or penalties connected with the delinquency and the discontinuation or reconnection of water service, the water association shall restart the water service of the customer; and

4. Provide that the utility district shall save and hold harmless the water association against any and all claims based on the disconnection of water service and any other reasonable damages resulting from any action taken by the water association acting under an agreement entered into under this section.

SECTION 5. Upon the creation of the utility district pursuant to this act, the board of supervisors is authorized, in its discretion, to transfer, convey or donate any sewer, water and wastewater assets that it may own related to the system, as well as any lands, rights, easements, franchises, and other property, real and personal, including funds, necessary for the completion and operation of such system to the utility district.

SECTION 6. Upon the creation of the utility district and transfer of all relevant property and/or services stated herein in Section 5 of this act, the county and/or the utility district shall submit a Request for Transfer of Permit form to MDEQ to remove the county from any National Pollutant Discharge



147 Elimination System permit and any other permit granted by MDEQ.
148 MDEQ shall accept such submission and grant the removal of the
149 county from any and all permits issued by MDEQ related to the
150 system.

151 **SECTION 7.** This act shall be liberally construed for the
152 purposes herein set out, the powers hereby granted being
153 additional, cumulative and supplemental to any power granted to
154 the county or any municipality or district therein by any general
155 or local and private act of the Legislature.

156 **SECTION 8.** This act shall take effect and be in force from
157 and after its passage.

