

By: Martinson

To: Local and Private
Legislation

HOUSE BILL NO. 1718

1 AN ACT TO AUTHORIZE THE CITY OF MADISON TO ENTER INTO AN
2 AGREEMENT WITH BEAR CREEK WATER ASSOCIATION, INC., TO PROVIDE
3 WATER, SEWERAGE AND OTHER SERVICES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. (1) It is the purpose of this act to permit the
6 City of Madison, Mississippi, and Bear Creek Water Association,
7 Inc., a nonprofit corporation that provides water and sewerage
8 services within Madison County, Mississippi, to make the most
9 efficient use of their powers in order to upgrade their water and
10 sewer systems for the purpose of improving local water, sewerage
11 and other services to the citizens of the City of Madison and the
12 members of Bear Creek Water Association, Inc.

13 (2) The governing authorities of the City of Madison,
14 Mississippi, in their discretion, may enter into an agreement or
15 agreements with Bear Creek Water Association, Inc., for the
16 purpose of improving water, sewerage or other services to the
17 citizens of the City of Madison or the members of Bear Creek Water
18 Association, Inc., or both, on the basis of mutual advantage.

19 However, no agreement made by the City of Madison and Bear
20 Creek Water Association, Inc., shall be entered into by either
21 party without the approval, by resolution duly adopted and entered
22 into the minutes of both parties, of the governing authorities of
23 both the City of Madison and Bear Creek Water Association, Inc.

24 (3) Any power, authority or responsibility exercised or
25 capable of being exercised by the governing authorities of the
26 City of Madison in connection with the purposes of this act may be

27 carried out jointly with the governing authorities of Bear Creek
28 Water Association, Inc., including, but not limited to, the power
29 and authority to apply for state and federal funds for the
30 construction of a sewer disposal and treatment facility.

31 (4) Any agreement made under this act shall specify the
32 following:

33 (a) The duration of the agreement.

34 (b) The purpose or purposes of the agreement.

35 (c) The precise organization, composition, nature and
36 powers of any separate legal or administrative entity created by
37 the agreement and the specific citation of statutory authority
38 vested in each of the governing authorities of the City of Madison
39 and Bear Creek Water Association, Inc., which citations are to be
40 a part of the agreement.

41 (d) The manner of financing, staffing and supplying the
42 joint or cooperative undertaking and of establishing and
43 maintaining a budget for the undertaking period. The Treasurer
44 and the Disbursing Officer of either the City of Madison or Bear
45 Creek Water Association, Inc., or both, shall be designated in the
46 agreement to receive, disburse and account for all funds of the
47 joint undertaking as a part of the duties of the officer or
48 officers.

49 (e) The permissible method or methods to be employed in
50 accomplishing the partial or complete termination or amendment of
51 the agreement and for disposing of property upon such partial or
52 complete termination or amendment.

53 (f) The provision for administration, through a joint
54 board or other appropriate means, of the joint or cooperative
55 undertaking if the agreement does not establish a separate legal
56 or administrative entity to conduct the joint or cooperative
57 undertaking. If a joint board administers the undertaking, both
58 the governing authorities of the City of Madison and Bear Creek
59 Water Association, Inc., shall be represented equally.

60 (g) The manner of acquiring, holding and disposing of
61 real and personal property used in the joint or cooperative
62 undertaking if the agreement does not establish a separate legal
63 or administrative entity to conduct the joint or cooperative

64 undertaking.

65 (h) Any other necessary and proper matters.

66 SECTION 2. This act shall take effect and be in force from
67 and after its passage.