

By: Representative Zuber

To: Local and Private
Legislation

HOUSE BILL NO. 1858

1 AN ACT TO AMEND CHAPTER 831, LOCAL AND PRIVATE LAWS OF 1966,
2 AS AMENDED BY CHAPTER 949, LOCAL AND PRIVATE LAWS OF 1980, AS
3 AMENDED BY CHAPTER 844, LOCAL AND PRIVATE LAWS OF 1982, AS AMENDED
4 BY CHAPTER 923, LOCAL AND PRIVATE LAWS OF 1987, AS AMENDED BY
5 CHAPTER 827, LOCAL AND PRIVATE LAWS OF 1988, AS AMENDED BY CHAPTER
6 947, LOCAL AND PRIVATE LAWS OF 1991, TO INCREASE THE NUMBER OF
7 COMMISSIONERS ON THE WEST JACKSON COUNTY UTILITY DISTRICT FROM
8 THREE TO FIVE AND TO REVISE THE COMMISSIONERS' TERMS SO THAT THE
9 EXPIRATION OF SUCH TERMS COINCIDES WITH THE END OF THE DISTRICT'S
10 FISCAL YEAR; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Chapter 831, Local and Private Laws of 1966, as
13 amended by Chapter 949, Local and Private Laws of 1980, as amended
14 by Chapter 844, Local and Private Laws of 1982, as amended by
15 Chapter 923, Local and Private Laws of 1987, as amended by Chapter
16 827, Local and Private Laws of 1988, as amended by Chapter 947,
17 Local and Private Laws of 1991, is amended as follows:

18 Section 1. Any contiguous area situated within the County of
19 Jackson, in the State of Mississippi, and, except as hereinafter
20 provided, not being situated within the corporate boundaries of
21 any existing municipality of said county, and having no adequate
22 water system, sewer system, gas utility system or fire protection
23 facilities serving such area, may become incorporated as a water
24 district, as a sewer district, as a gas utility district, or as a
25 fire protection district, or as a combined water and sewer
26 district, or as a combined water, sewer and gas utility district,
27 or as a combined water, sewer, gas utility and fire protection
28 district, in the following manner:

29 (a) A petition for the incorporation of such a district may
30 be submitted to the board of supervisors of said county, signed by
31 not less than twenty-five (25) owners of real property residing



32 within the boundaries of the proposed district. Such petition
33 shall include (1) a statement for the necessity for the service or
34 services to be supplied by the proposed district; (2) the proposed
35 corporate name for the district; (3) the proposed boundaries of
36 the districts; and (4) an estimate of the cost of the acquisition
37 or construction of the facilities to be operated by the district,
38 which estimate, however, shall not serve as a limitation upon the
39 financing of improvements or extensions to the facilities. Such
40 petition shall be signed in person by the petitioners, with their
41 respective residence addresses, and shall be accompanied by a
42 sworn statement of the person or persons circulating the petition,
43 who shall state under oath that he or they witnessed the signature
44 of each petitioner, that each signature is the signature of the
45 person it purports to be, and that to the best of his or their
46 knowledge, each petitioner was, at the time of signing, an owner
47 of real property within and a resident of the proposed district.

48 No individual tract of land containing one hundred sixty
49 (160) acres or more shall be included in any such district unless
50 the owner or owners of said tract is a signer under oath of the
51 petition for the incorporation of such district.

52 (b) Upon the filing of such petition it shall then be the
53 duty of the board of supervisors of said county to fix a time and
54 place for a public hearing upon the question of the public
55 convenience and necessity of the incorporation of the proposed
56 district. The date fixed for such hearing shall be not more than
57 thirty (30) days after the filing of the petition, and the date of
58 the hearing, the place at which it shall be held, and the purpose
59 of the hearing, shall be set forth in a notice to be signed by the
60 clerk of the board of supervisors of said county and it shall be
61 published in a newspaper having general circulation within such
62 proposed district once a week for at least three (3) consecutive
63 weeks prior to the date of such hearing. The first such
64 publication shall be made not less than twenty-one (21) days prior



65 to the date of such hearing and the last such publication shall be
66 made not more than seven (7) days prior to the date of such
67 hearing. If, at such public hearing, the board of supervisors
68 finds (1) that the public convenience and necessity require the
69 creation of the district, and (2) that the creation of the
70 district is economically sound and desirable, the board of
71 supervisors shall adopt a resolution making the aforesaid findings
72 and declaring its intention to create the district on the
73 specified date. Such resolution shall designate the contemplated
74 and territorial limits of said district, which limits may or may
75 not be the same as the boundaries set forth in the petition.

76 (c) A certified copy of the resolution so adopted shall be
77 published in a newspaper having a general circulation within such
78 proposed district once a week for at least three (3) consecutive
79 weeks prior to the date specified in such resolution as the date
80 upon which such board intends to create such district. The first
81 such publication shall be made not less than twenty-one (21) days
82 prior to the date thus specified, and the last such publication
83 shall be made not more than seven (7) days prior to such date. If
84 twenty percent (20%) of the qualified electors of such proposed
85 district file written petition with such board of supervisors on
86 or before the date specified aforesaid, protesting against the
87 creation of such district, the board of supervisors shall call an
88 election on the question of the creation of such district. Such
89 election shall be held and conducted by the election commissioners
90 of the county as nearly as may be in accordance with the general
91 laws governing elections, and such election commissioners shall
92 determine which of the qualified electors of such county reside
93 within the proposed district and only such qualified electors as
94 reside within such proposed district shall be entitled to vote in
95 such election. Notice of such election, setting forth the time,
96 place or places, and purpose of such election shall be published
97 by the clerk of the board of supervisors, and such notice shall be



98 published for the time and the manner herein provided for the
99 publication of the aforesaid resolution of intention. The ballots
100 to be prepared for and used at said election shall be in
101 substantially the following form:

102 For creation of _____ district ()
103 Against creation of _____ district () and
104 voters shall vote by placing a cross mark (x) or a check mark (v)
105 opposite their choice.

106 (d) If no petition requiring an election be filed or if a
107 majority of those voting at an election hereunder vote in favor of
108 the creation of such district, the board of supervisors shall
109 adopt a resolution creating the district as described in the
110 aforesaid resolution of intention.

111 (e) All costs incident to the publication of the aforesaid
112 notices and all other costs incident to the public hearing and
113 election hereunder shall be borne by the parties filing the
114 petition, and the board of supervisors, in its discretion, may
115 require the execution by the parties filing the petition of a cost
116 bond in an amount and with good sureties to guarantee the payment
117 of such costs.

118 (f) Any party having an interest in the subject matter and
119 aggrieved or prejudiced by the findings and adjudication of the
120 board of supervisors may appeal to the circuit court of the county
121 in the manner provided by law for appeals from orders of the board
122 of supervisors; provided, that if no such appeal be taken within a
123 period of fifteen (15) days from and after the date of the
124 adoption of the resolution creating any such district, the
125 creation of such district shall be final and conclusive, and shall
126 not thereafter be subject to attack in any court.

127 Section 2. (1) From and after the date of the adoption of
128 the resolution creating such district, such district shall be a
129 public corporation in perpetuity under its corporate name and
130 shall, in that name, be a body politic and corporate with power of



131 perpetual succession. The powers of each such district, except as
132 hereinafter provided, shall be vested in and exercised by a board
133 of commissioners consisting of five (5) members to be appointed by
134 the board of supervisors. The terms of the three (3)
135 commissioners serving on the effective date of House Bill No. _____,
136 2002 Regular Session, are extended as follows: the term of the
137 commissioner which is scheduled to expire on February 6, 2004,
138 will expire on September 30, 2004; the term of the commissioner
139 which is scheduled to expire on February 6, 2006, will expire on
140 September 30, 2006; and the term of the commissioner which is
141 scheduled to expire on February 6, 2008, will expire on September
142 30, 2008. After the effective date of House Bill No. _____,
143 2002 Regular Session, the board of supervisors shall appoint two (2)
144 additional commissioners. The initial term of one (1) such
145 commissioner will expire on September 30, 2005, and the initial
146 term of the other such commissioner will expire on September 30,
147 2007. Upon the expiration of each of the terms prescribed in this
148 subsection, all commissioners be appointed and shall hold office
149 for a term of five (5) years. Any vacancy occurring on such board
150 of commissioners shall be filled by the board of supervisors at
151 any regular meeting of such board of supervisors, which board of
152 supervisors shall have the authority to fill all unexpired terms
153 of any commissioner or commissioners. Notwithstanding the
154 appointive authority herein granted to the board of supervisors,
155 its legal and actual responsibilities, authority and function,
156 subsequent to the creation of any such district, except as
157 hereinafter provided, shall be specifically limited to said
158 appointive function, and the operation, management, subsequent
159 possible annexation, abolition or dissolution of such district,
160 and all other matters in connection therewith, shall be vested
161 solely and only in said board of commissioners to the specific
162 exclusion of said board of supervisors, and the abolition,
163 dissolution or termination of any such district shall be



164 accomplished only by unanimous resolution of the board of
165 commissioners. Provided, however, that such board of
166 commissioners shall have no power, jurisdiction or authority to
167 abolish, dissolve, or terminate any such district while such
168 district has any outstanding indebtedness of any kind or
169 character.

170 (2) The powers of the Gautier Utility District shall be
171 vested in and exercised by a board of commissioners consisting of
172 five (5) members to be selected in the following manner:

173 (a) Within thirty (30) days following May 1, 1987, the
174 board of supervisors shall appoint two (2) commissioners to the
175 commission. The five (5) appointed commissioners shall serve
176 until the expiration of the terms to which they were appointed or
177 until commissioners are elected and take office, whichever shall
178 occur first, under the provisions of paragraph (b) of this
179 subsection. The two (2) additional commissioners appointed under
180 this paragraph shall be qualified in the same manner and subject
181 to the same duties and obligations as present commissioners under
182 Section 4 of this chapter. After the two (2) additional
183 commissioners are appointed and qualified they shall exercise
184 equal power with other members and be entitled to the same
185 benefits and compensation as the other commissioners. From and
186 after the effective date of this act until the commissioners are
187 elected and qualified under the provisions of paragraph (b)(i) of
188 this subsection, the appointed commissioners shall take no action
189 to abolish, dissolve, terminate, transfer or sell the district.

190 (b) As soon as practical after May 1, 1987, the board
191 of supervisors shall create within the Gautier Utility District
192 five (5) districts from which commissioners shall be elected. The
193 board of supervisors shall designate the positions elected from
194 each district as Post 1, Post 2, Post 3, Post 4 and Post 5. Post
195 5 shall be an at-large district composed of the entire Gautier



196 Utility District. The commissioners shall be elected in the
197 following manner:

198 (i) A commissioner must be a resident of the
199 district he represents. The initial election for such
200 commissioners shall be held on June 7, 1988, with subsequent
201 elections to be held concurrently with the general elections. The
202 initial election shall be conducted by the use of paper ballots.
203 After the initial election, the terms of office shall run
204 concurrent with the term of office of the board of supervisors and
205 elections shall be held during the same time period as that of the
206 board of supervisors. For the initial election only, voting shall
207 be conducted for all districts at the central location. The
208 initial elections shall be held in accordance with the provisions
209 of the law pertaining to vacancies or special elections.
210 Immediately upon receipt of the writ of election, the
211 commissioners of election shall give notice of such election by
212 posting notice at the courthouse and in each commissioners
213 district not less than ninety (90) days before such election. The
214 election shall be prepared and held in the same manner as a
215 general election. Candidates for the position of commissioner
216 shall qualify by filing with the circuit clerk, not later than
217 5:00 p.m. sixty (60) days before the date of the election, a
218 petition signed by not less than fifteen (15) qualified electors
219 of the Gautier Utility District. The candidates shall be placed
220 upon the ballot in alphabetical order and no political party
221 affiliation shall be designated thereon. The candidate who
222 receives the highest number of votes for each post shall be
223 declared elected. The commissioners elected shall serve until
224 December 31, 1991, or until their successors are elected and
225 qualified. All costs of the election shall be borne by the
226 Gautier Utility District and not the county at large.

227 (ii) Beginning with the State General Election in
228 1991 and every four (4) years thereafter, the commissioners shall



229 be elected in the same manner and at the same time as other state
230 and county officers and shall serve for four-year terms.
231 Candidates shall qualify by filing with the circuit clerk, not
232 later than 5:00 p.m. sixty (60) days before the date of the
233 election, a petition signed by not less than fifteen (15)
234 qualified electors of the Gautier Utility District. The
235 candidates shall be placed upon the ballot in alphabetical order
236 and no political party affiliation shall be designated thereon.
237 The candidate who receives the highest number of votes for each
238 post shall be declared elected.

239 Vacancies shall be filled by the procedure set forth in
240 Section 23-15-839, Mississippi Code of 1972.

241 Section 3. Such board of commissioners shall organize by
242 electing one (1) of its members as chairman and another as vice
243 chairman. It shall be the duty of the chairman to preside at all
244 meetings of the board and to act as the chief executive officer of
245 the board of the district. The vice chairman shall act in the
246 absence or disability of the chairman. Such board also shall
247 elect and fix the compensation of a secretary-treasurer who may or
248 may not be a member of the board. It shall be the duty of the
249 secretary-treasurer to keep all minutes and records of the board
250 and to safely keep all funds of the district. The
251 secretary-treasurer shall be required to execute a bond, payable
252 to the district, in a sum and with such surety as shall be fixed
253 and approved by the board of commissioners. The terms of all
254 officers of the board shall be for one (1) year from and after the
255 date of election and shall run until their respective successors
256 are appointed and qualified. Each such board of commissioners
257 shall adopt an official seal with which to attest the official
258 acts and records of the board and district.

259 Section 4. Every resident citizen of any district created
260 pursuant to this act, of good reputation, and over twenty-five
261 (25) years of age, and of sound mind and judgment shall be



262 eligible to hold the office of commissioner. Each person elected
263 or appointed as a commissioner, before entering upon the discharge
264 of the duties of this office, shall be required to execute a bond,
265 payable to the State of Mississippi, in the penal sum of Ten
266 Thousand Dollars (\$10,000.00) conditioned that he will faithfully
267 discharge the duties of his office; and each such bond shall be
268 approved by the clerk of the board of supervisors and filed with
269 said clerk. Each commissioner shall take and subscribe to an oath
270 of office before the clerk of the board of supervisors that he
271 will faithfully discharge the duties of the office of
272 commissioner, which oath shall also be filed with said clerk and
273 by him preserved with such official bond. The commissioners shall
274 be compensated for their services for each meeting of the board of
275 commissioners attended, either regular or special, at a rate to be
276 fixed by the board of supervisors, and shall be reimbursed for all
277 expenses necessarily incurred in the discharge of their official
278 duties; provided that the commissioners elected for the Gautier
279 Utility District shall be entitled to compensation under Section
280 25-3-69 for not more than fifty (50) days per year.

281 Section 5. Districts created under the provisions of this
282 act shall have the powers enumerated in the resolution of the
283 board of supervisors creating such districts but shall be limited
284 to the conducting and operating of a water district, a sewer
285 district, a gas utility district or a fire protection district, or
286 as a combined water and sewer district, or as a combined water,
287 sewer and gas utility district, or as a combined water, sewer and
288 fire protection district, or as a combined water, sewer, gas
289 utility and fire protection district; and to carry out such
290 purpose or purposes, such districts shall have the power and
291 authority to acquire, construct, reconstruct, improve, better,
292 extend, consolidate, maintain, and operate such system or systems
293 and to contract with any municipality, person, firm or corporation
294 for a supply of water, gas or for other services required incident



295 to the operation and maintenance of such a system. As long as any
296 such district or districts continue to furnish any of the services
297 which it has authorized to furnish in and by the resolution by
298 which it was created, it shall be the sole public corporation
299 empowered to furnish such services within such district except as
300 set forth in Section 6.

301 Section 6. Any area adjacent to any district created
302 pursuant to this act and situated within Jackson County,
303 Mississippi, may be annexed to and become a part of such district
304 by the same procedure as prescribed in Section 1 of this act for
305 the original creation of such district. None of the territory
306 lying within any such district shall be subject to annexation by
307 any city, town or village unless all of the territory of such
308 district be so annexed, in which event such city, town or village
309 shall assume the operation and maintenance of the facilities of
310 such district and shall assume all obligations of such district
311 with respect to the payment of any outstanding bonds of such
312 district, and all other contractual obligations of such district.

313 Provided, however, that with respect to the Escatawpa
314 Suburban Utility District, the City of Moss Point may annex a part
315 of said district upon the assumption by said city of the operation
316 and maintenance of the facilities of such district and shall
317 assume all obligations of such district with respect to the
318 payment of any outstanding bonds, including the principal and
319 interest and service charges thereon, of such district, and all
320 other contractual obligations of such district. Provided further,
321 that with respect to the Gautier Utility District, the City of
322 Gautier may annex any part of that parcel of land of the Gautier
323 Utility District that lies west of the city boundaries of the City
324 of Gautier, south of Interstate 10 and east of Mississippi Highway
325 57, without the necessity of annexing all of such Gautier Utility
326 District or assuming the operation and maintenance of any of the
327 facilities of such district or assuming any obligations of such



328 district. Any unincorporated territory currently within the
329 Gautier Utility District and also within the proposed area to be
330 annexed by the City of Gautier must have unanimous vote of the
331 elected Gautier Utility District Commissioners. Otherwise, the
332 provision regarding annexation hereinabove set forth in the first
333 paragraph of this section shall remain in full force and effect.

334 Section 7. (1) The water and sewer system constructed by
335 Jackson County, Mississippi, in the Bayou Casotte and Escatawpa
336 areas of Jackson County, under the authority of Section 9, Chapter
337 365, Laws of Mississippi of 1958, and Chapter 395 (Senate Bill
338 1888), Laws of Mississippi of 1962, may, in the discretion of the
339 board of supervisors, be constituted as a combined water, sewer
340 and fire protection district or combined water and sewer district
341 or districts with all the rights, powers, duties and obligations
342 granted to such districts by this act, notwithstanding that part
343 of such district or districts may include territory now within the
344 corporate limits of a municipality. The board of supervisors, in
345 its discretion, may, by resolution, declare its intention to
346 create such district or districts without the necessity of a prior
347 petition being filed with the board of supervisors, and such
348 resolution shall be published and the proceedings shall thereafter
349 be had as provided by Section 1(b), (c), (d) and (f) of this act.

350 (2) Any such district or districts shall have the power to
351 provide funds for either or both of the following purposes: (a)
352 for the purpose of constructing, acquiring, reconstructing,
353 improving, bettering or extending the utility facilities for such
354 district or districts; (b) for the purpose of purchasing,
355 acquiring, taking up, exchanging or redeeming the outstanding
356 bonds issued by Jackson County under the authority of Section 9,
357 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate
358 Bill 1888), Laws of Mississippi of 1962; by the issuance of
359 revenue bonds as set forth in this subsection or under subsection
360 (3). Such bonds shall be payable primarily from the revenues of



361 such facilities and, if and when necessary, from the special fund
362 provided for in paragraph (4) of this Section 7, and may be issued
363 without an election being held upon the question of their issuance
364 and without the publication of any notice of intention to issue
365 such bonds. The board of commissioners of any district created
366 pursuant to this act shall issue bonds of such district by
367 resolution spread upon the minutes of such board. Such bonds
368 shall contain such covenants and provisions, shall be executed,
369 shall bear interest at such rate or rates not to exceed fourteen
370 percent (14%) per annum, shall be in such denomination or
371 denominations, shall be payable, both as to principal and
372 interest, at such place or places, and shall mature at such time
373 or times not exceeding thirty-five (35) years from their date, all
374 as shall be determined by such board of commissioners and set
375 forth in the resolution pursuant to which such bonds shall be
376 issued. Any provisions of the general laws to the contrary
377 notwithstanding, any bonds and interest coupons issued pursuant to
378 the authority of this act shall possess all of the qualities of
379 negotiable instruments, and such bonds and interest coupons shall
380 be exempt from all state, county, municipal and other taxation
381 under the laws of the State of Mississippi. Any bonds issued
382 pursuant to the authority of this act may be refunded in the
383 manner provided herein, and bonds for the betterment, improvement
384 or extension of the system may be included with such refunding
385 bonds. Such bonds may be sold without the necessity of
386 advertising for bids therefor, and may be sold by negotiated
387 private sale and on such terms, conditions and covenants as may be
388 agreed to by and between the issuing authority and the purchasers
389 of such bonds.

390 (3) Funds for operation or debt service or both of the
391 Gautier Utility District may be provided by charges assessed
392 against the property abutting upon the sewer, or abutting upon the
393 railroad and/or utility right-of-way, street, road, highway,



394 easement or alley in which such sewer mains or water mains are
395 installed according to the frontage thereof.

396 The Board of Commissioners of the Gautier Utility District,
397 after giving notice and hearing protests in the manner prescribed
398 by Sections 21-41-5 and 21-41-7, Mississippi Code of 1972, shall
399 by resolution spread upon its minutes define the services to be
400 offered, the approximate cost of the services and improvements,
401 and the entire area to be benefited by each improvement; each such
402 improvement may be designated as a project, or all such
403 improvements may be designated as one (1) project.

404 The resolution shall direct that the cost to be assessed
405 against each lot or parcel of land shall be determined by dividing
406 the entire assessable cost of the project by the total number of
407 front feet fronting on the street, easement or other right-of-way
408 in which all of the mains embraced within the project are
409 installed and multiplying the quotient by the total number of
410 front feet in any particular lot or parcel of land fronting on the
411 street, easement or other right-of-way in which sewer mains or
412 water mains are installed. The result thereof shall be delivered
413 by governing authorities of the Gautier Utility District to the
414 county board of supervisors as the amount of special tax to be
415 assessed against each lot or piece of ground for the owner's part
416 of the total cost of the improvements.

417 Upon petition to the proper taxing authority, tracts of land
418 containing five (5) or more contiguous acres of unsubdivided or
419 unimproved property shall be excluded from assessment under this
420 subsection, provided that if the excluded property is subsequently
421 improved or subdivided within five (5) years after being excluded
422 from assessment, such property shall be immediately subject to a
423 charge of one hundred percent (100%) of all costs incurred to date
424 in addition to all future costs; if the excluded property is
425 subsequently improved or subdivided five (5) or more years after
426 being excluded from assessment, such property shall be immediately



427 subject to all previous costs less depreciation computed on a
428 proportion of the design life of the project on a thirty-five-year
429 basis and all future costs.

430 (4) If there shall be insufficient revenues accruing from
431 the operation of any such district or districts to meet the
432 interest and/or principal payments when due on any bonds issued
433 under the authority of this act, then, upon certification of such
434 fact by the board of commissioners of such district or districts
435 to the board of supervisors, it shall be the mandatory duty of the
436 Board of Supervisors of Jackson County to levy an ad valorem tax
437 not to exceed five (5) mills on all taxable property in such
438 district, provided, however, that in the Gautier Utility District,
439 the Board of Supervisors of Jackson County may levy an ad valorem
440 tax not to exceed eight (8) mills on all taxable property in the
441 Gautier Utility District, to provide a special fund for the
442 payment of such bonds and interest thereon, which fund shall be
443 used for no other purpose, provided, however, that the provisions
444 of this paragraph (4) shall not be applicable when such bonds have
445 been assumed by any municipality under the provisions of Section
446 9(1)(k) hereof.

447 (5) The board of supervisors, upon adoption by the
448 Commissioners of the Gautier Utility District of a resolution
449 requesting funding, shall levy a special tax, not to exceed four
450 (4) mills annually, on all of the taxable real property in the
451 Gautier Utility District, the avails of which shall be paid over
452 to the board of commissioners of the district to be used for the
453 operation, support and maintenance of the fire protection
454 activities of the Gautier Utility District.

455 (6) In the event that the Gautier Utility District
456 Commission does not fund the operation or debt of the district
457 under subsection (3), then the board of supervisors, upon adoption
458 by the Gautier Utility District Commissioners of a resolution
459 requesting funding, shall levy a special tax, not to exceed four



460 (4) mills annually, on all of the taxable property in the Gautier
461 Utility District, the avails of which shall be paid over to the
462 Board of Commissioners of the Gautier Utility District to be used
463 for the operation, support and maintenance of any service provided
464 by the Gautier Utility District. Water and sewer service shall be
465 considered one (1) service in the Gautier Utility District.

466 (7) The taxes and assessments authorized to be levied and
467 made under subsections (3), (5) or (6) of this section shall not
468 be levied until the board of supervisors, or, in the case of an
469 elected board of commissioners, the commissioners adopt a
470 resolution setting forth the intent to levy the tax, the property
471 subject to such tax and the purposes to which the avails of such
472 tax will be employed. Such resolution shall be published in a
473 newspaper having a general circulation within the Gautier Utility
474 District once a week for at least three (3) consecutive weeks
475 prior to the date specified in such resolution as the date upon
476 which such board intends to levy the tax. The first such
477 publication shall be made not less than twenty-one (21) days prior
478 to the date specified, and the last such publication shall be made
479 not more than fourteen (14) days prior to such date.

480 If twenty percent (20%) or one hundred fifty (150), whichever
481 is the lesser, of the qualified electors of the Gautier Utility
482 District file a written petition with such board of supervisors or
483 commissioners as the case may be on or before the date specified
484 aforesaid, protesting the levy of the tax, the board of
485 supervisors or commissioners shall call an election on the
486 question of the levy of the tax. Such election shall be held and
487 conducted by the election commissioners of the county as nearly as
488 may be in accordance with the general laws governing elections,
489 and such election commissioners shall determine which of the
490 qualified electors of such county reside within the proposed
491 district, and only such qualified electors as reside within the
492 district shall be entitled to vote in such election. Notice of



493 such election setting forth the time, place or places, and purpose
494 of such election shall be published by the clerk of the board of
495 supervisors, and such notice shall be published for the time and
496 the manner provided above for the publication of the resolution of
497 intention. The ballots to be prepared for and used at said
498 election shall be in substantially the following form:

499 "FOR THE TAX ()
500 AGAINST THE TAX ()" and voters shall vote
501 by placing a cross mark (x) or a check mark (v) opposite their
502 choice.

503 If no petition is filed which would require an election, or
504 in the event of such election a majority of those voting vote in
505 favor of such tax, the board of supervisors shall levy the tax as
506 set forth in the resolution of intention.

507 (8) The taxes authorized to be levied under subsections (5)
508 and (6) of this section and the increase in millage authorized by
509 subsection (4) of this section shall not be included in computing
510 any statutory growth limitations for the first year such taxes are
511 initially levied or increased.

512 Section 8. Any district created pursuant to the provisions
513 of this act shall be vested with all the powers necessary and
514 requisite for the accomplishment of the purpose for which such
515 district is created, capable of being delegated by the
516 Legislature. No enumeration of powers therein shall be construed
517 to impair or limit any general grant of power herein contained nor
518 to limit any such grant to a power or powers of the same class or
519 classes as those enumerated. Such districts are empowered to do
520 all acts necessary, proper or convenient in the exercise of the
521 powers granted under this act.

522 Section 9. Any district created pursuant to the provisions
523 of this act, acting by and through the board of commissioners of
524 such district, its governing authority, shall have the following,
525 among other, powers:



526 (a) To sue and be sued.

527 (b) To acquire by purchase, gift, devise, lease, or
528 exercise the powers of eminent domain or other mode of
529 acquisition, hold and dispose of real and personal property of
530 every kind within or without the district, including franchise
531 rights.

532 (c) To make and enter into contracts, conveyances,
533 mortgages, deeds of trust, bonds, leases, or contracts for
534 financial advisory services.

535 (d) To incur debts, to borrow money, to issue
536 negotiable bonds, and to provide for the rights of the holders
537 thereof.

538 (e) To fix, maintain and collect, and revise rates and
539 charges for the services rendered by or through the facilities of
540 such district subject to subsection (2) of this section.

541 (f) To pledge all or any part of its revenues to the
542 payment of its obligations.

543 (g) To make such covenants in connection with the
544 issuance of bonds or to secure the payments of bonds that a
545 private business corporation can make under the general laws of
546 the state.

547 (h) To use any right-of-way, easement or other similar
548 property or property rights or any material or equipment necessary
549 or convenient in connection with the acquisition, improvement,
550 operation or maintenance of the facilities of such district, held
551 by the state or any political subdivision thereof; provided that
552 the governing body of such political subdivision shall consent to
553 such use.

554 (i) Such districts shall have the same status as
555 counties and municipalities concerning payment of sales taxes on
556 purchases made by such districts for district purposes.

557 (j) To sell to any municipality under such terms,
558 conditions and covenants as may be imposed or required by such



559 district or districts, part or all of the utility system or
560 systems within such district or districts, provided, however, that
561 in the event of a sale of all of such system or systems, within
562 any such district or districts, the municipality shall assume all
563 obligations of such district or districts as a condition precedent
564 to such sale.

565 (k) To contract with Jackson County, or with any
566 municipality thereof, or similar district or districts for the
567 assumption of any bonds of such district or districts or bonds now
568 outstanding issued by Jackson County under the provisions of
569 Section 9, Chapter 365, Laws of Mississippi of 1958, and Chapter
570 395 (Senate Bill 1888), Laws of Mississippi of 1962, for the
571 Escatawpa and Bayou Casotte areas in Jackson County, under such
572 terms, conditions and covenants as may be agreed upon among the
573 county, municipality or districts, as the case may be, consistent
574 with the terms of such outstanding bonds. Any municipality,
575 district or districts, shall be authorized to pledge to the
576 payment of the bonds and obligations so assumed, any revenues,
577 including revenues from its existing water, sewer and gas utility
578 systems not theretofore pledged.

579 (l) To contract with any municipality for the
580 operation, maintenance and extension of any utility system or
581 systems in any such district or districts by the municipality upon
582 such terms, conditions and covenants as may be agreed upon between
583 the municipality and the district or districts.

584 (m) To contract with the United States of America, or
585 any agency of the United States of America, the State of
586 Mississippi, or any political subdivision of the State of
587 Mississippi, or any agency, commission, authority, board, or other
588 entity thereof, or any municipality or municipalities, for any of
589 the additional purposes authorized by Section 11 of this act.

590 Section 10. In any district created under the provisions of
591 this act, which includes water or sewer facilities, or both, the



592 board of supervisors may, where it finds unhealthy or unsanitary
593 or deleterious conditions exist in such district because of
594 inadequate or contaminated water supplies or lack of approved
595 septic tanks or because of high water tables, or inadequate
596 drainage or inadequate provisions for disposal of sewage, require
597 by order or resolution all dwellings and buildings within such
598 district that are within reasonable proximity to such systems to
599 be connected to the water and sewer systems of such district. Any
600 person, firm or corporation within such district declining or
601 refusing to connect to such district water and sewer system after
602 the adoption by the board of supervisors of an order or resolution
603 predicated on such findings shall be guilty of a misdemeanor, and
604 shall be subject to a fine not to exceed One Hundred Dollars
605 (\$100.00), to be imposed by any court of competent jurisdiction,
606 and each day that such dwelling or building shall remain
607 unconnected to such district water and sewer system shall
608 constitute a separate offense. After the adoption of such order
609 or resolution, it shall be unlawful for any dwelling or building
610 to be constructed within such district, unless, where it is
611 feasible to do so, provision is made to connect such building or
612 dwelling to the district water and sewer system, and the drilling
613 of private wells to provide water for human consumption and the
614 construction of outhouses, cesspools, and septic tanks in such
615 district shall be unlawful and punishable as a misdemeanor as
616 herein provided.

617 Section 11. In addition to the purposes authorized by
618 Section 7(2) of this act, any district or districts created under
619 the provisions of this act and/or any municipality within Jackson
620 County, Mississippi, is or are hereby authorized and empowered to
621 issue bonds of such district, districts or municipality in the
622 manner provided in Section 7(2) of this act for any or all of the
623 following purposes:



624 (a) To purchase or acquire any of the outstanding bonds
625 of Jackson County issued under the authority of Section 9, Chapter
626 365, Laws of Mississippi of 1958 and Chapter 395 (Senate Bill
627 1888), Laws of Mississippi of 1962;

628 (b) To refund the outstanding utility bonds of any
629 district, districts or municipality;

630 (c) To improve, better or extend the water, sewer or
631 gas utility system or systems of such district, districts or
632 municipality;

633 (d) To purchase or acquire part or all of the utility
634 system or systems of any other district, districts or
635 municipality, including part or all of such system or systems
636 within the corporate boundaries of any municipality;

637 (e) To purchase or acquire the outstanding utility
638 bonds of any other district, districts or municipality;

639 (f) To purchase or acquire part or all of the utility
640 system or systems of one or more municipalities, including such
641 system or systems within the corporate boundaries of such
642 municipality or municipalities;

643 (g) To purchase or acquire part or all of any privately
644 owned utility system or systems;

645 (h) To purchase or acquire part or all of any utility
646 system or systems owned by the United States of America, or any
647 agency of the United States of America, or the State of
648 Mississippi, or any political subdivision of the state, or any
649 agency, commission, authority, board or other entity thereof; and
650 to provide therefor as follows:

651 In the event that any outstanding bonds to be purchased,
652 acquired or refunded by any district, districts or municipality,
653 by the terms thereof (1) mature without option of prior payment
654 after the date of the district or municipal bonds to be issued, or
655 (2) mature on specified dates, but with the option reserved unto
656 said county to call in, pay and redeem such bonds on a date



657 subsequent to the date of the district or municipal bonds to be
658 issued, and in the event that the holder or holders of such
659 outstanding revenue bonds cannot be immediately located or will
660 not accept district or municipal bonds to be issued in exchange
661 for and upon surrender and cancellation of a like amount of such
662 outstanding bonds, then the district or municipality may, in its
663 discretion, sell such district or municipal bonds to be issued and
664 deposit with a trustee to be designated in the resolution issuing
665 such district or municipal bonds to be issued an amount sufficient
666 to redeem all such outstanding county, district or municipal
667 bonds, together with accrued interest and any premium required for
668 such redemption on the earliest call date, or on the maturity date
669 of noncallable bonds. Such deposits shall be a trust fund, and
670 shall be used for no purpose other than the redemption of such
671 outstanding bonds, the payment of interest thereon as the same
672 accrued, and the payment of any premium required for redemption of
673 such bonds on their callable or maturity date or dates. In the
674 event that any of such outstanding bonds are subject to call for
675 redemption, the county, district, districts or municipality, prior
676 to the issuance of district or municipal bonds therefor, shall
677 exercise such right or call and shall call such outstanding bonds
678 for redemption on the earliest possible call date.

679 The district or municipality may, by resolution, direct that
680 such trust fund be invested in bonds, notes, certificates or other
681 obligations of or guaranteed by the United States of America and
682 maturity or being redeemable at or prior to the time when such
683 funds will be needed for the redemption of such outstanding bonds.
684 For the purpose of determining the adequacy of such deposits, the
685 maturity value or redemption value of all such investments and the
686 interest accruing thereon to maturity or call date, shall be
687 considered as cash on hand. The district or municipality is
688 further authorized to make such covenants and to do any and all
689 acts and things as may be necessary, convenient and desirable in



690 order to secure such district or municipal bonds, in order to make
691 such district or municipal bonds more marketable, notwithstanding
692 that such covenants, acts or things may not be enumerated herein
693 or expressly authorized herein; it being the intention hereby to
694 give the governing authority of the district or municipality in
695 issuing such bonds, the power to do all things required or
696 necessary in the issuance of such bonds and for their execution,
697 that may not be inconsistent with the Constitution of the State of
698 Mississippi.

699 The district or municipal bonds herein authorized may be
700 issued concurrently and in combination with bonds issued to
701 provide funds for any or all of the purposes authorized by this
702 act. In the issuance of bonds hereunder a sufficient sum shall be
703 added to the principal amount thereof to provide for the payment
704 of all costs necessarily incident to the issuance and delivery or
705 exchange of such bonds, and to provide for the payment into the
706 bond and interest fund of a sum not exceeding the average annual
707 principal and interest requirements of such bonds, as a reserve
708 therefor.

709 Section 12. Jackson County, Mississippi, is hereby
710 authorized to sell to any municipality therein the utility systems
711 existing within the Bayou Casotte and Escatawpa areas and any such
712 municipality is hereby authorized to purchase the same from said
713 county, and thereupon to assume payment of the bonded indebtedness
714 of said county incurred therefor. Any municipality assuming the
715 bonds issued by any district under the provisions of this act, or
716 bonds issued by Jackson County under the authority of Section 9,
717 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate
718 Bill 1888), Laws of Mississippi of 1962, for Bayou Casotte and
719 Escatawpa areas, is hereby authorized and empowered to provide for
720 the purchase, acquisition, redemption, payment or refunding of
721 such outstanding bonds, and is further authorized and empowered to
722 provide for the calling in, paying, acquiring, redeeming or



723 refunding the outstanding revenue bonds of such municipality
724 issued for water, sewer and gas utility systems by the issuance of
725 refunding bonds of such municipality. Such refunding bonds may be
726 issued concurrently and in combination with bonds issued for the
727 purchase, acquisition, redemption, payment or refunding of such
728 outstanding county bonds, district bonds or bonds issued for the
729 betterment, extension and improvement of the utility systems of
730 such municipality. The bonds authorized to be issued hereby by
731 the municipality may be issued in the same manner and subject to
732 the same limitations, provided for by issuances of district bonds
733 or refunding bonds, under the provisions of this act. Any
734 municipality shall have the power to provide for the refunding of
735 any bonds to be purchased or refunded as conferred on the district
736 or districts by Section 11 of this act. The authority conferred
737 by this act upon such municipality shall be full and complete
738 authority for the issuance of such municipal revenue bonds, and no
739 other proceedings shall be required for the issuance of such
740 municipal revenue bonds, and all the necessary powers to be
741 exercised by the governing authorities of such municipality in
742 order to carry out the provisions of this act are hereby
743 conferred.

744 Section 13. This act, without reference to any other
745 statute, shall be deemed to be full and complete authority for the
746 creation of such districts and for the issuance of such bonds by
747 such districts or municipalities, and no proceedings shall be
748 required for the creation of such districts or for the issuance of
749 such bonds other than those provided for and required herein, and
750 all the necessary powers to be exercised by the board of
751 supervisors of such county and by the board of commissioners of
752 any such district, and the governing authorities of such
753 municipality in order to carry out the provisions of this act, are
754 hereby conferred.



755 Section 14. Any bonds issued under the provisions of this
756 act may be submitted to validation under the provisions of Chapter
757 13, Title 31, Mississippi Code of 1972.

758 Section 15. This act shall be liberally construed for the
759 purposes herein set out, the powers hereby granted being
760 additional, cumulative and supplemental to any power granted to
761 the County of Jackson, or any municipality therein by any general
762 or local act of the Legislature.

763 Section 16. Notwithstanding any section to the contrary, the
764 City of Gautier shall comply with all existing laws on the
765 extension or contraction of corporate boundaries as provided in
766 Sections 21-1-27 through 21-1-47, Mississippi Code of 1972, and
767 any other applicable provisions of state law.

768 Section 17. If any provisions of this act shall be held to
769 be invalid by any court of competent jurisdiction, the remainder
770 of this act shall not be affected thereby.

771 Section 18. In the event that the City of Gautier acquires
772 the assets and assumes the obligations of or otherwise takes over
773 the Gautier Utility District, the commission shall be dissolved
774 and the provisions of this act relating to the Gautier Utility
775 District shall be void.

776 Section 19. The Board of Supervisors of Jackson County,
777 Mississippi, is directed to submit this act, immediately upon
778 approval by the Governor, or upon approval by the Legislature
779 subsequent to a veto, to the Attorney General of the United States
780 or to the United States District Court for the District of
781 Columbia in accordance with the provisions of the Voting Rights
782 Act of 1965, as amended and extended.

783 **SECTION 2.** This act shall take effect and be in force from
784 and after its passage.

