

By: Senator(s) Robertson, Moffatt

To: Local and Private

SENATE BILL NO. 3215

1 AN ACT TO AMEND CHAPTER 831, LOCAL AND PRIVATE LAWS OF 1966,  
2 AS AMENDED, TO REVISE THE MEMBERSHIP OF THE BOARD OF COMMISSIONERS  
3 OF THE WEST JACKSON COUNTY UTILITY DISTRICT; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Chapter 831, Local and Private Laws of 1966, as  
7 amended by Chapter 949, Local and Private Laws of 1980, as amended  
8 by Chapter 844, Local and Private Laws of 1982, as amended by  
9 Chapter 923, Local and Private Laws of 1987, as amended by Chapter  
10 827, Local and Private Laws of 1988, as amended by Chapter 947,  
11 Local and Private Laws of 1991, is amended as follows:

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

23 (a) A petition for the incorporation of such a district may  
24 be submitted to the board of supervisors of said county, signed by  
25 not less than twenty-five (25) owners of real property residing  
26 within the boundaries of the proposed district. Such petition  
27 shall include (1) a statement for the necessity for the service or  
28 services to be supplied by the proposed district; (2) the proposed



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

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

46 (b) Upon the filing of such petition it shall then be the  
47 duty of the board of supervisors of said county to fix a time and  
48 place for a public hearing upon the question of the public  
49 convenience and necessity of the incorporation of the proposed  
50 district. The date fixed for such hearing shall be not more than  
51 thirty (30) days after the filing of the petition, and the date of  
52 the hearing, the place at which it shall be held, and the purpose  
53 of the hearing, shall be set forth in a notice to be signed by the  
54 clerk of the board of supervisors of said county and it shall be  
55 published in a newspaper having general circulation within such  
56 proposed district once a week for at least three (3) consecutive  
57 weeks prior to the date of such hearing. The first such  
58 publication shall be made not less than twenty-one (21) days prior  
59 to the date of such hearing and the last such publication shall be  
60 made not more than seven (7) days prior to the date of such  
61 hearing. If, at such public hearing, the board of supervisors



62 finds (1) that the public convenience and necessity require the  
63 creation of the district, and (2) that the creation of the  
64 district is economically sound and desirable, the board of  
65 supervisors shall adopt a resolution making the aforesaid findings  
66 and declaring its intention to create the district on the  
67 specified date. Such resolution shall designate the contemplated  
68 and territorial limits of said district, which limits may or may  
69 not be the same as the boundaries set forth in the petition.

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



94 to be prepared for and used at said election shall be in  
95 substantially the following form:

96 For creation of \_\_\_\_\_ district ( )

97 Against creation of \_\_\_\_\_ district ( ) and

98 voters shall vote by placing a cross mark (x) or a check mark (✓)  
99 opposite their choice.

100 (d) If no petition requiring an election be filed or if a  
101 majority of those voting at an election hereunder vote in favor of  
102 the creation of such district, the board of supervisors shall  
103 adopt a resolution creating the district as described in the  
104 aforesaid resolution of intention.

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

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

121 Section 2. (1) (a) From and after the date of the adoption  
122 of the resolution creating such district, such district shall be a  
123 public corporation in perpetuity under its corporate name and  
124 shall, in that name, be a body politic and corporate with power of  
125 perpetual succession.



126           (b) Except as otherwise provided in this section, the  
127 powers of each such district, except as hereinafter provided,  
128 shall be vested in and exercised by a board of commissioners  
129 consisting of three (3) members to be appointed by the board of  
130 supervisors. Upon their initial appointment, one (1) of the  
131 commissioners shall be appointed for a term of two (2) years; one  
132 (1) for a term of four (4) years; and one (1) for a term of six  
133 (6) years; and thereafter each commissioner shall be appointed and  
134 shall hold office for a term of six (6) years.

135           (c) From and after the effective date of this act, the  
136 powers of the West Jackson County Utility District shall be vested  
137 in and exercised by a board of commissioners consisting of five  
138 (5) members. The terms of the three (3) current members of the  
139 board of commissioners of such district shall be changed on the  
140 effective date of this act so that the commissioner whose term was  
141 set to expire on February 6, 2004, shall expire September 30,  
142 2004, the commissioner whose term was set to expire on February 6,  
143 2006, shall expire September 30, 2006, and the commissioner whose  
144 term was set to expire on February 6, 2008, shall expire on  
145 September 30, 2008. From and after the effective date of this  
146 act, the board of supervisors shall appoint two (2) additional  
147 members, one (1) for an initial term beginning on the effective  
148 date of this act which shall expire on September 30, 2005, and one  
149 (1) for an initial term beginning on the effective date of this  
150 act which shall expire on September 30, 2007. Upon the expiration  
151 of the terms of office as provided for in this subsection, the  
152 term of office of the members of the board of commission shall be  
153 five (5) years.

154           (d) Any vacancy occurring on such board of  
155 commissioners shall be filled by the board of supervisors at any  
156 regular meeting of such board of supervisors, which board of  
157 supervisors shall have the authority to fill all unexpired terms  
158 of any commissioner or commissioners.



159           (e) Notwithstanding the appointive authority herein  
160 granted to the board of supervisors, its legal and actual  
161 responsibilities, authority and function, subsequent to the  
162 creation of any such district, except as hereinafter provided,  
163 shall be specifically limited to said appointive function, and the  
164 operation, management, subsequent possible annexation, abolition  
165 or dissolution of such district, and all other matters in  
166 connection therewith, shall be vested solely and only in said  
167 board of commissioners to the specific exclusion of said board of  
168 supervisors, and the abolition, dissolution or termination of any  
169 such district shall be accomplished only by unanimous resolution  
170 of the board of commissioners. Provided, however, that such board  
171 of commissioners shall have no power, jurisdiction or authority to  
172 abolish, dissolve, or terminate any such district while such  
173 district has any outstanding indebtedness of any kind or  
174 character.

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

178           (a) Within thirty (30) days following May 1, 1987, the  
179 board of supervisors shall appoint two (2) commissioners to the  
180 commission. The five (5) appointed commissioners shall serve  
181 until the expiration of the terms to which they were appointed or  
182 until commissioners are elected and take office, whichever shall  
183 occur first, under the provisions of paragraph (b) of this  
184 subsection. The two (2) additional commissioners appointed under  
185 this paragraph shall be qualified in the same manner and subject  
186 to the same duties and obligations as present commissioners under  
187 Section 4 of this chapter. After the two (2) additional  
188 commissioners are appointed and qualified they shall exercise  
189 equal power with other members and be entitled to the same  
190 benefits and compensation as the other commissioners. From and  
191 after the effective date of this act until the commissioners are



192 elected and qualified under the provisions of paragraph (b)(i) of  
193 this subsection, the appointed commissioners shall take no action  
194 to abolish, dissolve, terminate, transfer or sell the district.

195 (b) As soon as practical after May 1, 1987, the board  
196 of supervisors shall create within the Gautier Utility District  
197 five (5) districts from which commissioners shall be elected. The  
198 board of supervisors shall designate the positions elected from  
199 each district as Post 1, Post 2, Post 3, Post 4 and Post 5. Post  
200 5 shall be an at-large district composed of the entire Gautier  
201 Utility District. The commissioners shall be elected in the  
202 following manner:

203 (i) A commissioner must be a resident of the  
204 district he represents. The initial election for such  
205 commissioners shall be held on June 7, 1988, with subsequent  
206 elections to be held concurrently with the general elections. The  
207 initial election shall be conducted by the use of paper ballots.  
208 After the initial election, the terms of office shall run  
209 concurrent with the term of office of the board of supervisors and  
210 elections shall be held during the same time period as that of the  
211 board of supervisors. For the initial election only, voting shall  
212 be conducted for all districts at the central location. The  
213 initial elections shall be held in accordance with the provisions  
214 of the law pertaining to vacancies or special elections.  
215 Immediately upon receipt of the writ of election, the  
216 commissioners of election shall give notice of such election by  
217 posting notice at the courthouse and in each commissioners  
218 district not less than ninety (90) days before such election. The  
219 election shall be prepared and held in the same manner as a  
220 general election. Candidates for the position of commissioner  
221 shall qualify by filing with the circuit clerk, not later than  
222 5:00 p.m. sixty (60) days before the date of the election, a  
223 petition signed by not less than fifteen (15) qualified electors  
224 of the Gautier Utility District. The candidates shall be placed



225 upon the ballot in alphabetical order and no political party  
226 affiliation shall be designated thereon. The candidate who  
227 receives the highest number of votes for each post shall be  
228 declared elected. The commissioners elected shall serve until  
229 December 31, 1991, or until their successors are elected and  
230 qualified. All costs of the election shall be borne by the  
231 Gautier Utility District and not the county at large.

232 (ii) Beginning with the State General Election in  
233 1991 and every four (4) years thereafter, the commissioners shall  
234 be elected in the same manner and at the same time as other state  
235 and county officers and shall serve for four-year terms.  
236 Candidates shall qualify by filing with the circuit clerk, not  
237 later than 5:00 p.m. sixty (60) days before the date of the  
238 election, a petition signed by not less than fifteen (15)  
239 qualified electors of the Gautier Utility District. The  
240 candidates shall be placed upon the ballot in alphabetical order  
241 and no political party affiliation shall be designated thereon.  
242 The candidate who receives the highest number of votes for each  
243 post shall be declared elected.

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

246 Section 3. Such board of commissioners shall organize by  
247 electing one (1) of its members as chairman and another as vice  
248 chairman. It shall be the duty of the chairman to preside at all  
249 meetings of the board and to act as the chief executive officer of  
250 the board of the district. The vice chairman shall act in the  
251 absence or disability of the chairman. Such board also shall  
252 elect and fix the compensation of a secretary-treasurer who may or  
253 may not be a member of the board. It shall be the duty of the  
254 secretary-treasurer to keep all minutes and records of the board  
255 and to safely keep all funds of the district. The  
256 secretary-treasurer shall be required to execute a bond, payable  
257 to the district, in a sum and with such surety as shall be fixed





258 and approved by the board of commissioners. The terms of all  
259 officers of the board shall be for one (1) year from and after the  
260 date of election and shall run until their respective successors  
261 are appointed and qualified. Each such board of commissioners  
262 shall adopt an official seal with which to attest the official  
263 acts and records of the board and district.

264 Section 4. Every resident citizen of any district created  
265 pursuant to this act, of good reputation, and over twenty-five  
266 (25) years of age, and of sound mind and judgment shall be  
267 eligible to hold the office of commissioner. Each person elected  
268 or appointed as a commissioner, before entering upon the discharge  
269 of the duties of this office, shall be required to execute a bond,  
270 payable to the State of Mississippi, in the penal sum of Ten  
271 Thousand Dollars (\$10,000.00) conditioned that he will faithfully  
272 discharge the duties of his office; and each such bond shall be  
273 approved by the clerk of the board of supervisors and filed with  
274 said clerk. Each commissioner shall take and subscribe to an oath  
275 of office before the clerk of the board of supervisors that he  
276 will faithfully discharge the duties of the office of  
277 commissioner, which oath shall also be filed with said clerk and  
278 by him preserved with such official bond. The commissioners shall  
279 be compensated for their services for each meeting of the board of  
280 commissioners attended, either regular or special, at a rate to be  
281 fixed by the board of supervisors, and shall be reimbursed for all  
282 expenses necessarily incurred in the discharge of their official  
283 duties; provided that the commissioners elected for the Gautier  
284 Utility District shall be entitled to compensation under Section  
285 25-3-69 for not more than fifty (50) days per year.

286 Section 5. Districts created under the provisions of this  
287 act shall have the powers enumerated in the resolution of the  
288 board of supervisors creating such districts but shall be limited  
289 to the conducting and operating of a water district, a sewer  
290 district, a gas utility district or a fire protection district, or



291 as a combined water and sewer district, or as a combined water,  
292 sewer and gas utility district, or as a combined water, sewer and  
293 fire protection district, or as a combined water, sewer, gas  
294 utility and fire protection district; and to carry out such  
295 purpose or purposes, such districts shall have the power and  
296 authority to acquire, construct, reconstruct, improve, better,  
297 extend, consolidate, maintain, and operate such system or systems  
298 and to contract with any municipality, person, firm or corporation  
299 for a supply of water, gas or for other services required incident  
300 to the operation and maintenance of such a system. As long as any  
301 such district or districts continue to furnish any of the services  
302 which it has authorized to furnish in and by the resolution by  
303 which it was created, it shall be the sole public corporation  
304 empowered to furnish such services within such district except as  
305 set forth in Section 6.

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

318 Provided, however, that with respect to the Escatawpa  
319 Suburban Utility District, the City of Moss Point may annex a part  
320 of said district upon the assumption by said city of the operation  
321 and maintenance of the facilities of such district and shall  
322 assume all obligations of such district with respect to the  
323 payment of any outstanding bonds, including the principal and



324 interest and service charges thereon, of such district, and all  
325 other contractual obligations of such district. Provided further,  
326 that with respect to the Gautier Utility District, the City of  
327 Gautier may annex any part of that parcel of land of the Gautier  
328 Utility District that lies west of the city boundaries of the City  
329 of Gautier, south of Interstate 10 and east of Mississippi Highway  
330 57, without the necessity of annexing all of such Gautier Utility  
331 District or assuming the operation and maintenance of any of the  
332 facilities of such district or assuming any obligations of such  
333 district. Any unincorporated territory currently within the  
334 Gautier Utility District and also within the proposed area to be  
335 annexed by the City of Gautier must have unanimous vote of the  
336 elected Gautier Utility District Commissioners. Otherwise, the  
337 provision regarding annexation hereinabove set forth in the first  
338 paragraph of this section shall remain in full force and effect.

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

355 (2) Any such district or districts shall have the power to  
356 provide funds for either or both of the following purposes: (a)



357 for the purpose of constructing, acquiring, reconstructing,  
358 improving, bettering or extending the utility facilities for such  
359 district or districts; (b) for the purpose of purchasing,  
360 acquiring, taking up, exchanging or redeeming the outstanding  
361 bonds issued by Jackson County under the authority of Section 9,  
362 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate  
363 Bill 1888), Laws of Mississippi of 1962; by the issuance of  
364 revenue bonds as set forth in this subsection or under subsection  
365 (3). Such bonds shall be payable primarily from the revenues of  
366 such facilities and, if and when necessary, from the special fund  
367 provided for in paragraph (4) of this Section 7, and may be issued  
368 without an election being held upon the question of their issuance  
369 and without the publication of any notice of intention to issue  
370 such bonds. The board of commissioners of any district created  
371 pursuant to this act shall issue bonds of such district by  
372 resolution spread upon the minutes of such board. Such bonds  
373 shall contain such covenants and provisions, shall be executed,  
374 shall bear interest at such rate or rates not to exceed fourteen  
375 percent (14%) per annum, shall be in such denomination or  
376 denominations, shall be payable, both as to principal and  
377 interest, at such place or places, and shall mature at such time  
378 or times not exceeding thirty-five (35) years from their date, all  
379 as shall be determined by such board of commissioners and set  
380 forth in the resolution pursuant to which such bonds shall be  
381 issued. Any provisions of the general laws to the contrary  
382 notwithstanding, any bonds and interest coupons issued pursuant to  
383 the authority of this act shall possess all of the qualities of  
384 negotiable instruments, and such bonds and interest coupons shall  
385 be exempt from all state, county, municipal and other taxation  
386 under the laws of the State of Mississippi. Any bonds issued  
387 pursuant to the authority of this act may be refunded in the  
388 manner provided herein, and bonds for the betterment, improvement  
389 or extension of the system may be included with such refunding



390 bonds. Such bonds may be sold without the necessity of  
391 advertising for bids therefor, and may be sold by negotiated  
392 private sale and on such terms, conditions and covenants as may be  
393 agreed to by and between the issuing authority and the purchasers  
394 of such bonds.

395 (3) Funds for operation or debt service or both of the  
396 Gautier Utility District may be provided by charges assessed  
397 against the property abutting upon the sewer, or abutting upon the  
398 railroad and/or utility right-of-way, street, road, highway,  
399 easement or alley in which such sewer mains or water mains are  
400 installed according to the frontage thereof.

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

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



422           Upon petition to the proper taxing authority, tracts of land  
423 containing five (5) or more contiguous acres of unsubdivided or  
424 unimproved property shall be excluded from assessment under this  
425 subsection, provided that if the excluded property is subsequently  
426 improved or subdivided within five (5) years after being excluded  
427 from assessment, such property shall be immediately subject to a  
428 charge of one hundred percent (100%) of all costs incurred to date  
429 in addition to all future costs; if the excluded property is  
430 subsequently improved or subdivided five (5) or more years after  
431 being excluded from assessment, such property shall be immediately  
432 subject to all previous costs less depreciation computed on a  
433 proportion of the design life of the project on a thirty-five-year  
434 basis and all future costs.

435           (4) If there shall be insufficient revenues accruing from  
436 the operation of any such district or districts to meet the  
437 interest and/or principal payments when due on any bonds issued  
438 under the authority of this act, then, upon certification of such  
439 fact by the board of commissioners of such district or districts  
440 to the board of supervisors, it shall be the mandatory duty of the  
441 Board of Supervisors of Jackson County to levy an ad valorem tax  
442 not to exceed five (5) mills on all taxable property in such  
443 district, provided, however, that in the Gautier Utility District,  
444 the Board of Supervisors of Jackson County may levy an ad valorem  
445 tax not to exceed eight (8) mills on all taxable property in the  
446 Gautier Utility District, to provide a special fund for the  
447 payment of such bonds and interest thereon, which fund shall be  
448 used for no other purpose, provided, however, that the provisions  
449 of this paragraph (4) shall not be applicable when such bonds have  
450 been assumed by any municipality under the provisions of Section  
451 9(1)(k) hereof.

452           (5) The board of supervisors, upon adoption by the  
453 Commissioners of the Gautier Utility District of a resolution  
454 requesting funding, shall levy a special tax, not to exceed four



455 (4) mills annually, on all of the taxable real property in the  
456 Gautier Utility District, the avails of which shall be paid over  
457 to the board of commissioners of the district to be used for the  
458 operation, support and maintenance of the fire protection  
459 activities of the Gautier Utility District.

460 (6) In the event that the Gautier Utility District  
461 Commission does not fund the operation or debt of the district  
462 under subsection (3), then the board of supervisors, upon adoption  
463 by the Gautier Utility District Commissioners of a resolution  
464 requesting funding, shall levy a special tax, not to exceed four  
465 (4) mills annually, on all of the taxable property in the Gautier  
466 Utility District, the avails of which shall be paid over to the  
467 Board of Commissioners of the Gautier Utility District to be used  
468 for the operation, support and maintenance of any service provided  
469 by the Gautier Utility District. Water and sewer service shall be  
470 considered one (1) service in the Gautier Utility District.

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

485 If twenty percent (20%) or one hundred fifty (150), whichever  
486 is the lesser, of the qualified electors of the Gautier Utility  
487 District file a written petition with such board of supervisors or



488 commissioners, as the case may be, on or before the date specified  
489 aforesaid, protesting the levy of the tax, the board of  
490 supervisors or commissioners shall call an election on the  
491 question of the levy of the tax. Such election shall be held and  
492 conducted by the election commissioners of the county as nearly as  
493 may be in accordance with the general laws governing elections,  
494 and such election commissioners shall determine which of the  
495 qualified electors of such county reside within the proposed  
496 district, and only such qualified electors as reside within the  
497 district shall be entitled to vote in such election. Notice of  
498 such election setting forth the time, place or places, and purpose  
499 of such election shall be published by the clerk of the board of  
500 supervisors, and such notice shall be published for the time and  
501 the manner provided above for the publication of the resolution of  
502 intention. The ballots to be prepared for and used at said  
503 election shall be in substantially the following form:

504 "FOR THE TAX ( )  
505 AGAINST THE TAX ( )" and voters shall vote  
506 by placing a cross mark (x) or a check mark (√) opposite their  
507 choice.

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

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

517 Section 8. Any district created pursuant to the provisions  
518 of this act shall be vested with all the powers necessary and  
519 requisite for the accomplishment of the purpose for which such  
520 district is created, capable of being delegated by the





521 Legislature. No enumeration of powers therein shall be construed  
522 to impair or limit any general grant of power herein contained nor  
523 to limit any such grant to a power or powers of the same class or  
524 classes as those enumerated. Such districts are empowered to do  
525 all acts necessary, proper or convenient in the exercise of the  
526 powers granted under this act.

527 Section 9. Any district created pursuant to the provisions  
528 of this act, acting by and through the board of commissioners of  
529 such district, its governing authority, shall have the following,  
530 among other, powers:

531 (a) To sue and be sued.

532 (b) To acquire by purchase, gift, devise, lease, or  
533 exercise the powers of eminent domain or other mode of  
534 acquisition, hold and dispose of real and personal property of  
535 every kind within or without the district, including franchise  
536 rights.

537 (c) To make and enter into contracts, conveyances,  
538 mortgages, deeds of trust, bonds, leases, or contracts for  
539 financial advisory services.

540 (d) To incur debts, to borrow money, to issue  
541 negotiable bonds, and to provide for the rights of the holders  
542 thereof.

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

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

548 (g) To make such covenants in connection with the  
549 issuance of bonds or to secure the payments of bonds that a  
550 private business corporation can make under the general laws of  
551 the state.

552 (h) To use any right-of-way, easement or other similar  
553 property or property rights or any material or equipment necessary



554 or convenient in connection with the acquisition, improvement,  
555 operation or maintenance of the facilities of such district, held  
556 by the state or any political subdivision thereof; provided that  
557 the governing body of such political subdivision shall consent to  
558 such use.

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

562 (j) To sell to any municipality under such terms,  
563 conditions and covenants as may be imposed or required by such  
564 district or districts, part or all of the utility system or  
565 systems within such district or districts, provided, however, that  
566 in the event of a sale of all of such system or systems, within  
567 any such district or districts, the municipality shall assume all  
568 obligations of such district or districts as a condition precedent  
569 to such sale.

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

584 (l) To contract with any municipality for the  
585 operation, maintenance and extension of any utility system or  
586 systems in any such district or districts by the municipality upon



587 such terms, conditions and covenants as may be agreed upon between  
588 the municipality and the district or districts.

589 (m) To contract with the United States of America, or  
590 any agency of the United States of America, the State of  
591 Mississippi, or any political subdivision of the State of  
592 Mississippi, or any agency, commission, authority, board, or other  
593 entity thereof, or any municipality or municipalities, for any of  
594 the additional purposes authorized by Section 11 of this act.

595 Section 10. In any district created under the provisions of  
596 this act, which includes water or sewer facilities, or both, the  
597 board of supervisors may, where it finds unhealthy or unsanitary  
598 or deleterious conditions exist in such district because of  
599 inadequate or contaminated water supplies or lack of approved  
600 septic tanks or because of high water tables, or inadequate  
601 drainage or inadequate provisions for disposal of sewage, require  
602 by order or resolution all dwellings and buildings within such  
603 district that are within reasonable proximity to such systems to  
604 be connected to the water and sewer systems of such district. Any  
605 person, firm or corporation within such district declining or  
606 refusing to connect to such district water and sewer system after  
607 the adoption by the board of supervisors of an order or resolution  
608 predicated on such findings shall be guilty of a misdemeanor, and  
609 shall be subject to a fine not to exceed One Hundred Dollars  
610 (\$100.00), to be imposed by any court of competent jurisdiction,  
611 and each day that such dwelling or building shall remain  
612 unconnected to such district water and sewer system shall  
613 constitute a separate offense. After the adoption of such order  
614 or resolution, it shall be unlawful for any dwelling or building  
615 to be constructed within such district, unless, where it is  
616 feasible to do so, provision is made to connect such building or  
617 dwelling to the district water and sewer system, and the drilling  
618 of private wells to provide water for human consumption and the  
619 construction of outhouses, cesspools, and septic tanks in such



620 district shall be unlawful and punishable as a misdemeanor as  
621 herein provided.

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

629 (a) To purchase or acquire any of the outstanding bonds  
630 of Jackson County issued under the authority of Section 9, Chapter  
631 365, Laws of Mississippi of 1958 and Chapter 395 (Senate Bill  
632 1888), Laws of Mississippi of 1962;

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

635 (c) To improve, better or extend the water, sewer or  
636 gas utility system or systems of such district, districts or  
637 municipality;

638 (d) To purchase or acquire part or all of the utility  
639 system or systems of any other district, districts or  
640 municipality, including part or all of such system or systems  
641 within the corporate boundaries of any municipality;

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

644 (f) To purchase or acquire part or all of the utility  
645 system or systems of one or more municipalities, including such  
646 system or systems within the corporate boundaries of such  
647 municipality or municipalities;

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

650 (h) To purchase or acquire part or all of any utility  
651 system or systems owned by the United States of America, or any  
652 agency of the United States of America, or the State of



653 Mississippi, or any political subdivision of the state, or any  
654 agency, commission, authority, board or other entity thereof; and  
655 to provide therefor as follows:

656         In the event that any outstanding bonds to be purchased,  
657 acquired or refunded by any district, districts or municipality,  
658 by the terms thereof (1) mature without option of prior payment  
659 after the date of the district or municipal bonds to be issued, or  
660 (2) mature on specified dates, but with the option reserved unto  
661 said county to call in, pay and redeem such bonds on a date  
662 subsequent to the date of the district or municipal bonds to be  
663 issued, and in the event that the holder or holders of such  
664 outstanding revenue bonds cannot be immediately located or will  
665 not accept district or municipal bonds to be issued in exchange  
666 for and upon surrender and cancellation of a like amount of such  
667 outstanding bonds, then the district or municipality may, in its  
668 discretion, sell such district or municipal bonds to be issued and  
669 deposit with a trustee to be designated in the resolution issuing  
670 such district or municipal bonds to be issued an amount sufficient  
671 to redeem all such outstanding county, district or municipal  
672 bonds, together with accrued interest and any premium required for  
673 such redemption on the earliest call date, or on the maturity date  
674 of noncallable bonds. Such deposits shall be a trust fund, and  
675 shall be used for no purpose other than the redemption of such  
676 outstanding bonds, the payment of interest thereon as the same  
677 accrued, and the payment of any premium required for redemption of  
678 such bonds on their callable or maturity date or dates. In the  
679 event that any of such outstanding bonds are subject to call for  
680 redemption, the county, district, districts or municipality, prior  
681 to the issuance of district or municipal bonds therefor, shall  
682 exercise such right or call and shall call such outstanding bonds  
683 for redemption on the earliest possible call date.

684         The district or municipality may, by resolution, direct that  
685 such trust fund be invested in bonds, notes, certificates or other



686 obligations of or guaranteed by the United States of America and  
687 maturity or being redeemable at or prior to the time when such  
688 funds will be deeded for the redemption of such outstanding bonds.  
689 For the purpose of determining the adequacy of such deposits, the  
690 maturity value or redemption value of all such investments and the  
691 interest accruing thereon to maturity or call date, shall be  
692 considered as cash on hand. The district or municipality is  
693 further authorized to make such covenants and to do any and all  
694 acts and things as may be necessary, convenient and desirable in  
695 order to secure such district or municipal bonds, in order to make  
696 such district or municipal bonds more marketable, notwithstanding  
697 that such covenants, acts or things may not be enumerated herein  
698 or expressly authorized herein; it being the intention hereby to  
699 give the governing authority of the district or municipality in  
700 issuing such bonds, the power to do all things required or  
701 necessary in the issuance of such bonds and for their execution,  
702 that may not be inconsistent with the Constitution of the State of  
703 Mississippi.

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

714 Section 12. Jackson County, Mississippi, is hereby  
715 authorized to sell to any municipality therein the utility systems  
716 existing within the Bayou Casotte and Escatawpa areas and any such  
717 municipality is hereby authorized to purchase the same from said  
718 county, and thereupon to assume payment of the bonded indebtedness



719 of said county incurred therefor. Any municipality assuming the  
720 bonds issued by any district under the provisions of this act, or  
721 bonds issued by Jackson County under the authority of Section 9,  
722 Chapter 365, Laws of Mississippi of 1958, and Chapter 395 (Senate  
723 Bill 1888), Laws of Mississippi of 1962, for Bayou Casotte and  
724 Escatawpa areas, is hereby authorized and empowered to provide for  
725 the purchase, acquisition, redemption, payment or refunding of  
726 such outstanding bonds, and is further authorized and empowered to  
727 provide for the calling in, paying, acquiring, redeeming or  
728 refunding the outstanding revenue bonds of such municipality  
729 issued for water, sewer and gas utility systems by the issuance of  
730 refunding bonds of such municipality. Such refunding bonds may be  
731 issued concurrently and in combination with bonds issued for the  
732 purchase, acquisition, redemption, payment or refunding of such  
733 outstanding county bonds, district bonds or bonds issued for the  
734 betterment, extension and improvement of the utility systems of  
735 such municipality. The bonds authorized to be issued hereby by  
736 the municipality may be issued in the same manner and subject to  
737 the same limitations, provided for by issuances of district bonds  
738 or refunding bonds, under the provisions of this act. Any  
739 municipality shall have the power to provide for the refunding of  
740 any bonds to be purchased or refunded as conferred on the district  
741 or districts by Section 11 of this act. The authority conferred  
742 by this act upon such municipality shall be full and complete  
743 authority for the issuance of such municipal revenue bonds, and no  
744 other proceedings shall be required for the issuance of such  
745 municipal revenue bonds, and all the necessary powers to be  
746 exercised by the governing authorities of such municipality in  
747 order to carry out the provisions of this act are hereby  
748 conferred.

749 Section 13. This act, without reference to any other  
750 statute, shall be deemed to be full and complete authority for the  
751 creation of such districts and for the issuance of such bonds by



752 such districts or municipalities, and no proceedings shall be  
753 required for the creation of such districts or for the issuance of  
754 such bonds other than those provided for and required herein, and  
755 all the necessary powers to be exercised by the board of  
756 supervisors of such county and by the board of commissioners of  
757 any such district, and the governing authorities of such  
758 municipality in order to carry out the provisions of this act, are  
759 hereby conferred.

760 Section 14. Any bonds issued under the provisions of this  
761 act may be submitted to validation under the provisions of Chapter  
762 13, Title 31, Mississippi Code of 1972.

763 Section 15. This act shall be liberally construed for the  
764 purposes herein set out, the powers hereby granted being  
765 additional, cumulative and supplemental to any power granted to  
766 the County of Jackson, or any municipality therein by any general  
767 or local act of the Legislature.

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

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

776 Section 18. In the event that the City of Gautier acquires  
777 the assets and assumes the obligations of or otherwise takes over  
778 the Gautier Utility District, the commission shall be dissolved  
779 and the provisions of this act relating to the Gautier Utility  
780 District shall be void.

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

