

By: Senator(s) Gollott, Cuevas, Dawkins,
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To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2899

1 AN ACT TO PROVIDE A METHOD FOR THE MANAGEMENT OF STORM WATER
2 AND OTHER NONPOINT SOURCE POLLUTION; TO CREATE THE HARRISON COUNTY
3 STORM WATER MANAGEMENT DISTRICT AND TO DEFINE ITS DUTIES, POWERS
4 AND RESPONSIBILITIES; TO AUTHORIZE PUBLIC AGENCIES TO CONTRACT
5 WITH THE DISTRICT; TO AUTHORIZE THE CONSOLIDATION OF THE HARRISON
6 COUNTY WASTEWATER AND SOLID WASTE MANAGEMENT DISTRICT AND THE
7 HARRISON COUNTY STORM WATER MANAGEMENT DISTRICT BY JOINT
8 RESOLUTION OF SUCH DISTRICTS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** This act shall be known, and may be cited as, the
11 "Harrison County Storm Water Management District Act."

12 **SECTION 2.** (1) It is hereby found and declared that
13 management and proper disposal of storm water is an important
14 public concern; that pollution from inadequate or uneconomical
15 management and/or disposal of storm water and other nonpoint
16 source pollution can adversely affect the economy and growth of
17 the state; and that the need for more adequate and economical
18 storm water and nonpoint source pollution management is most acute
19 within certain counties.

20 (2) It is further found and declared that it is in the
21 public interest to foster and promote by all reasonable means the
22 abatement of storm water and other nonpoint source pollution,
23 including pollution caused by septic tanks and thus to facilitate
24 the abatement of such pollution in the most economically
25 advantageous manner, including through the realization of
26 economies of scale; that the abatement of such pollution can best
27 be accomplished through the establishment of a management district
28 to provide for the planning and financing of adequate storm water
29 and other nonpoint source pollution planning, management and
30 prevention, and the facilities therefor (on a qualitative and



31 quantitative basis) for the benefit of all public agencies and
32 other persons within Harrison County who desire by means of and
33 through such authority to obtain such facilities and services.

34 (3) It is further found and declared that to aid in
35 remedying these conditions, and to promote the most economical
36 development and operation of adequate storm water and other
37 nonpoint source pollution planning, management and prevention, and
38 the facilities therefor, a public body corporate and politic of
39 the state shall be created with authority to cause and assist in
40 compliance with the standards established by law regarding such
41 facilities to plan, acquire, construct, finance, develop, own,
42 operate or maintain such facilities within Harrison County to
43 abate pollution from storm water and other nonpoint sources; and
44 to apply and contract for and to accept grants-in-aid and other
45 funds from the federal government and the state government and
46 their agencies.

47 (4) It is further found and declared that it is necessary in
48 order to accomplish the objectives and purposes of the Harrison
49 County Storm Water Management District and the public agencies
50 with which it contracts, for such district and such public
51 agencies, in the implementation of the powers granted pursuant to
52 this act, to be authorized to engage in conduct which may be
53 anticompetitive or contrary to prohibition of federal or state
54 antitrust laws; and accordingly, it is the intent and policy of
55 this act to displace competition with respect to those powers
56 authorized herein to be exercised by such district and such public
57 agencies.

58 (5) The Legislature further finds that the authority and
59 powers conferred under this act and the expenditure of public
60 money pursuant thereto constitute a valid public purpose; that the
61 creation and establishment of the Harrison County Storm Water
62 Management District is necessary and essential to the
63 accomplishment of the aforesaid purposes; that this act operates



64 on a subject in which the state at large is interested; and that
65 each of these matters are declared as a matter of express
66 legislative determination.

67 **SECTION 3.** Whenever used in this act, the following words
68 and terms shall have the following respective meanings unless a
69 different meaning clearly appears from the context:

70 (a) "Collection and management facilities" means, such
71 pipes, collection facilities, trunk lines, storm drains, retention
72 facilities, pretreatment and treatment facilities and other
73 related facilities which as the district shall deem necessary or
74 advisable for the abatement of pollution from storm water and
75 other nonpoint source pollution.

76 (b) "County" means Harrison County.

77 (c) "Ditch" means any branch or lateral drain, tile
78 drain, levee, sluiceway, water course, floodgate, and any other
79 construction work found necessary for the reclamation of wet
80 overflow lands.

81 (d) "District" means the Harrison County Storm Water
82 Management District.

83 (e) "Facilities" mean any structure, building, ditch,
84 pipe, channel, improvement, land or other real or personal
85 property used or useful in storm water management system under
86 this act.

87 (f) "Other nonpoint source pollution" means any runoff
88 which causes or contributes to cause pollution or degradation of
89 the receiving waters.

90 (g) "Person" means a natural person, public agency,
91 cooperative or private corporation, association, firm, partnership
92 or business trust or other entity of any nature whatsoever,
93 organized and existing under the laws of any state or of the
94 United States or any instrumentality thereof.

95 (h) "Project" means the collection, conveyance,
96 retention, detention and any other portion of a storm water



97 management system and any property, real or personal, used as or
98 in connection with those purposes.

99 (i) "Project cost" means:

100 (i) All costs of site preparation and other
101 start-up costs;

102 (ii) All costs of construction;

103 (iii) All costs of real and personal property
104 required for the purposes of the project and facilities related
105 thereto, including land and any rights or undivided interest
106 therein, easements, franchises, fees, utility charges, permits,
107 approvals, licenses, and certificates and the securing of any
108 permits, approvals, licenses and certificates and all machinery
109 and equipment, including motor vehicles which are used for project
110 functions;

111 (iv) All costs of engineering, geotechnical,
112 architectural and legal services;

113 (v) All costs of plans and specifications and all
114 expenses necessary or incident to determining the feasibility or
115 practicability of the project;

116 (vi) Administrative expenses; and

117 (vii) Any other expenses as may be necessary or
118 incidental to the project financing.

119 (j) "Public agency" means any incorporated city or
120 town, county, political subdivision, governmental district or
121 unit, public corporation or governmental agency created under the
122 laws of the state, lying wholly or partially within the management
123 area.

124 (k) "Septic tank" means any private wastewater
125 treatment system, including septic tanks, privy vaults, cesspools,
126 surface and subsurface soil absorption systems, land dispersal
127 systems, and any other kind of private wastewater treatment system
128 the contents of which, if introduced into the waters of the State



129 of Mississippi or of the United States, would cause pollution or
130 degradation of such waters.

131 (l) "State" means the State of Mississippi.

132 (m) "Storm water" means storm water runoff, snowmelt
133 runoff and surface drainage as defined at 40 CFR 122.26(b)(13).

134 (n) "Storm water management system" means a system
135 which is designed and constructed, implemented or operated to
136 control storm water discharges to prevent or reduce flooding, over
137 drainage or water pollution or to otherwise affect the quantity of
138 discharges from the system. The storm water management system
139 includes all pipes, channels, ditches, streams, wetlands,
140 detention or retention basins, ponds or other storm water
141 conveyance or treatment facilities.

142 **SECTION 4.** (1) There is hereby created and established a
143 public body corporate and politic constituting a political
144 subdivision of the State of Mississippi to be known as the
145 "Harrison County Storm Water Management District." The district
146 shall be deemed to be acting in all respects for the benefit of
147 the people of the state in the performance of essential public
148 functions and the district shall be empowered in accordance with
149 the provisions of this act to promote the health, welfare and
150 prosperity of the general public.

151 (2) The district and the Harrison County Wastewater and
152 Solid Waste Management District created by Chapter 885, Local and
153 Private Laws of 1982, and by Chapter 862, Local and Private Laws
154 of 1986, are hereby authorized to be consolidated into a single
155 agency, to be known as the Harrison County Wastewater, Storm Water
156 and Solid Waste Management District, which shall be a continuance
157 of the corporate existence of those districts.

158 (3) As used in this section, the words "original districts"
159 refer to the districts which are authorized to be consolidated
160 pursuant to subsection (2) of this section before their



161 consolidation, and the word "district" refers to the single
162 district resulting from that consolidation.

163 Such consolidation may be effected by the unanimous
164 resolution of the original district and the filing of a copy of
165 such resolution with the Secretary of State, certified by the
166 secretaries of each of the original districts.

167 (4) In the event the original districts are consolidated in
168 to the district, the following provisions shall apply:

169 (a) All property, rights and powers of each of the
170 original districts are hereby vested in and shall be exercised by
171 the district, subject, however, to all pledges, covenants,
172 agreements and trusts made or created by the original districts,
173 respectively.

174 (b) All debts, liabilities, obligations, agreements and
175 covenants of the original districts are hereby imposed upon the
176 district. Any property of the original districts in which a
177 mortgage or security interest has been granted to any bondholders
178 or other creditors of either of the original districts shall
179 continue to be subject to that mortgage or security interest until
180 the mortgage or security interest is defeased or terminated in
181 accordance with its terms. All bondholders and other creditors of
182 the original districts and persons having claims against or
183 contracts with the original districts of any kind or character may
184 enforce those debts, claims or contracts against the district in
185 the same manner as they might have against the original districts,
186 respectively, and the rights and remedies of those bondholders,
187 creditors and persons having claims or contracts shall not be
188 limited or restricted in any manner by this act.

189 (c) In continuing the functions and carrying out the
190 contracts, obligations and duties of the original districts, the
191 district is hereby authorized to act in its own name or in the
192 name of either of the original districts as may be convenient or
193 advisable. Any references to either of the original districts in



194 any other law or regulation shall be deemed to refer to and apply
195 to the district.

196 (d) All regulations of the original districts shall
197 continue to be in effect as the regulations of the district until
198 amended, supplemented or rescinded by the district in accordance
199 with law.

200 (e) All employees of the original districts shall
201 become employees of the district. Nothing in this act shall
202 affect the civil service status, if any, of those employees or
203 their rights, privileges, obligations or status with respect to
204 any pension or retirement system.

205 (f) The district shall be governed by the consolidated
206 boards of directors of the original districts, which shall
207 continue as a single board governed by the provisions of this act.

208 (5) The district as hereby established shall be a public
209 body corporate and politic constituting a political subdivision of
210 the State of Mississippi. The district shall be deemed to be
211 acting in all respects for the benefit of the people of the state
212 in the performance of essential public functions and the district
213 shall be empowered in accordance with the provisions of this act
214 to promote the health, welfare and prosperity of the general
215 public.

216 **SECTION 5.** (1) All powers of the district shall be vested
217 in a board of directors. The mayor, acting in his executive
218 capacity of each incorporated city located within the management
219 area, shall serve as a director. In addition, the Board of
220 Supervisors of Harrison County, by majority vote thereof, shall
221 appoint a citizen of the county to serve, at the will and pleasure
222 of the board of supervisors, as a director of such board of
223 directors, and he shall enjoy equal powers with each and every
224 member thereof. Each director may designate a person to represent
225 him at meetings of the board, and each designee may lawfully vote
226 and otherwise act on behalf of the director who designates the



227 designee. Any designation shall be in writing, delivered to the
228 public agency for whom he constitutes the designee, and to the
229 district and shall continue in effect until revoked or amended by
230 writing and delivered to the public agency and the district. All
231 actions affecting rates, bonds or capital improvements shall be by
232 unanimous vote of all members of the board. A majority of the
233 members of the board shall constitute a quorum for lawful action
234 by the board.

235 (2) The board of directors may elect or appoint and
236 prescribe the duties of such officers as the board of directors
237 deem necessary or advisable, including an executive director and a
238 secretary. The executive director, who, at the discretion of the
239 board of directors, may also serve as secretary, shall be a person
240 of good moral character and shall be a professional engineer
241 registered in the State of Mississippi with a minimum of ten (10)
242 years recent practical experience in the management and
243 administration of public works operations which may include, but
244 is not limited to, supervision, public financing, regulatory codes
245 and related functions as minimum qualifications to administer the
246 programs and duties of the district. The executive director shall
247 administer, manage and direct the affairs and business of the
248 district, subject to the policies, control and direction of the
249 board of directors. The executive director shall give bond
250 executed by a surety company or companies authorized to so
251 business in this state in the sum of not less than Twenty-five
252 Thousand Dollars (\$25,000.00) payable to the district, conditioned
253 upon faithful performance of his duties and the proper accounting
254 for all funds which may come into his hands as executive director.
255 The secretary of the district shall keep a record of the
256 proceedings of the district and shall be custodian of all books,
257 documents and papers filed with the district, the minute book or
258 journal of the district and its official seal. The secretary
259 shall have authority to cause copies to be made of all minutes and



260 other records and documents of the district and to certify under
261 the seal of the district that such copies are true and accurate
262 copies, and all persons dealing with the district may rely upon
263 such certificates.

264 **SECTION 6.** The district shall have all of the rights and
265 powers necessary or convenient to carry out and effectuate the
266 purposes and provisions of this act, including, but without
267 limiting the generality of the foregoing, the right and power:

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

269 (b) To adopt an official seal and alter it at the
270 pleasure of the board;

271 (c) To maintain an office or offices at such place or
272 places within the management area as it may determine;

273 (d) To plan, develop, acquire, construct, reconstruct,
274 operate, own, manage, lease (as lessor or lessee), dispose of,
275 participate in, maintain, repair, extend or improve one or more
276 storm water and other nonpoint source pollution collection and
277 management facilities, whether or not such facilities or are to be
278 owned by the district; to acquire, construct, improve or modify,
279 to operate or cause to be operated and maintained, either as owner
280 of all or of any part in common with others, a storm water
281 management system within the counties or municipalities in the
282 district. The district may pay all or part of the costs of any
283 storm water management system from any contribution by person,
284 firms, public agencies or corporations. The district may receive,
285 accept and use all funds, public or private and pay all cost of
286 development, implementation and maintenance as may be determined
287 as necessary for any project;

288 (e) To apply for any necessary and proper permits for
289 the conduct of any activities authorized by this act and any
290 activities conducted by the district shall be subject to the
291 issuance of all necessary and proper permits by the Mississippi



292 Department of Environmental Quality or other governmental entity
293 having jurisdiction regarding such activities;

294 (f) To hold permits related to the management of storm
295 water on its own behalf and as administrative agent for other
296 persons;

297 (g) To acquire, own, hold, use, lease (as lessor or
298 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
299 security interest in any real or personal property, contract,
300 commodity or service or interest therein;

301 (h) To make and enforce, and from time to time, amend
302 and repeal, bylaws and rules and regulations for the management of
303 its business and affairs and for the use, maintenance and
304 operation of any of its collection and management facilities and
305 any other of its properties;

306 (i) To fix, charge, collect, maintain and revise rates,
307 fees and other charges for any services rendered by it to any
308 public agency;

309 (j) To apply and contract for and to accept any grants
310 or gifts or loans or appropriations of funds or property or
311 financial or other aid in any form from the United States or any
312 instrumentality thereof, or from the state or any instrumentality
313 thereof, or from any source, public or private, and to comply with
314 and make agreements with respect to the terms and conditions
315 thereof;

316 (k) To invest any money of the district,
317 notwithstanding any law to the contrary, on such terms and in such
318 manner as the district deems proper;

319 (l) To procure insurance against any loss in connection
320 with its property, other assets and business in such amounts and
321 from such insurers as it may deem necessary or desirable;

322 (m) To employ architects, engineers, attorneys,
323 financial advisors and such other consultants as it deems proper
324 and to fix and pay their compensation and to appoint and retain



325 such officers, agents and employees as it deems proper and to fix
326 and pay their compensation;

327 (n) To enter on any lands, waters or premises for the
328 purpose of making surveys, borings, sounding and examinations for
329 the purposes of the district;

330 (o) To do and perform any acts and things authorized by
331 this act under, through or by means of its officers, agents and
332 employees or by contracts with any person;

333 (p) To enter into any and all contracts of such nature
334 and duration, execute any and all instruments, and do and perform
335 any and all acts or things necessary, convenient or desirable for
336 the purposes of the district, or to carry out any power expressly
337 granted in this act including, without limiting the generality of
338 the foregoing, contracts with public agencies and other persons
339 and such public agencies and other person are hereby also
340 empowered to enter into such contracts with the districts which
341 may include provisions for exclusive dealing, fee payment
342 requirements, territorial division and other conduct or
343 arrangements which may have an anticompetitive effect; and

344 (q) To adopt an issue a certificate of necessity to use
345 the power of eminent domain, including the right of immediate
346 possession, in the acquisition of real property. Upon the
347 adoption of such certificate of necessity, which shall state the
348 description of the real property needed to be acquired by eminent
349 domain, the authority shall transmit a copy of such certificate to
350 the Board of Supervisors of Harrison County, the governing
351 authorities of any public entity with the power of eminent domain
352 or to any other entity with the power of eminent domain. Such
353 board or entities may initiate proceedings under the provisions of
354 Title 11, Chapter 27, Mississippi Code of 1972. The eminent
355 domain proceedings thereby initiated shall be conducted according
356 to an governed by the provisions of Title 11, Chapter 27,
357 Mississippi Code of 1972.



358 **SECTION 7.** (1) The district shall have the power to adopt
359 and promulgate all reasonable rules and regulations regarding the
360 specifications and standards relating to the construction,
361 operation and maintenance of all storm water and management
362 facilities located within any public agency which contracts with
363 district pursuant to this act so as to cause compliance with the
364 standards established by any federal or state agency, and so as to
365 effect the abatement of pollution occasioned by storm water and
366 other nonpoint source pollution, including pollution from septic
367 tanks. The district shall also have the power to adopt and
368 promulgate all reasonable rules and regulations regarding the
369 specifications and standards relating to the construction,
370 operation and maintenance of all storm water management facilities
371 either owned or operated by the district so as to cause compliance
372 with the above-described standards and to effect the abatement of
373 pollution.

374 (2) All such rules and regulations prescribed by the
375 district, after publication one (1) time in a newspaper of general
376 circulation in Harrison County, shall have the full force and
377 effect of law, and violation thereof shall be punishable by a fine
378 of not less than Fifty Dollars (\$50.00) and not more than Five
379 Hundred Dollars (\$500.00) per offense as may be prescribed in such
380 rules and regulations.

381 (3) In the event of a violation of any rule or regulation
382 adopted by the district to cause compliance with the standards
383 established by any federal or state agency, or to effect the
384 abatement of pollution, the district in addition to enforcement
385 authority continued herein, shall have authority to sue for and
386 obtain damages or other appropriate relief, including injunctive
387 relief.

388 (4) All such rules and regulations prescribed, and the
389 penalties fixed thereunder, by the authority of this act shall not
390 conflict with or suspend any rules, regulations or penalties



391 prescribed by general law. All fines and penalties levied and
392 collected under this act shall be remitted and accounted for in
393 accordance with the general law relating thereto.

394 **SECTION 8.** (1) Any public agency may, pursuant to a duly
395 adopted resolution of the governing body of such public agency,
396 enter into contracts with the district for the district to:

397 (a) Acquire, finance, lease (as lessor or lessee),
398 improve, extend, operate or maintain the collection and/or
399 management facilities of the public agency; or

400 (b) Acquire, finance, lease (as lessor or lessee),
401 improve, extend, operate or maintain storm water collection and/or
402 management facilities to be owned by the authority or any other
403 person for the purpose of furnishing services to the public
404 agency; including in each instance such contracts whereby the
405 public agency is obligated to make payments in amounts which shall
406 be sufficient to enable the district to meet its expenses.

407 (2) If ten percent (10%) or fifteen hundred (1500),
408 whichever is less, of the qualified electors of any affected
409 public agency shall file a written protest against entering into
410 such contract with the district on or before the date and time
411 specified in such resolution, then an election on the question of
412 entering into such contract shall be called and held as set forth
413 in Section 9 of this act; however, in the event Harrison County is
414 an affected public agency, then the qualified electors of such
415 county shall mean the qualified electors of such county who reside
416 within the unincorporated areas within such county's geographical
417 limits. If no such protest is filed, then such contracts may be
418 issued without an election. Such contracts may also contain such
419 other terms and conditions as the authority and the public agency
420 may determine, including provisions whereby the public agency is
421 obligated to make payments under such contracts irrespective of
422 whether or not use or services are rendered or whether or not the
423 collection or disposal facilities contemplated by such contracts



424 are completed, operable or operating, and notwithstanding
425 suspension, interruption, interference, reduction or curtailment
426 of the use or services of such collection or disposal facilities.
427 Such contract may be for a term covering the life of the
428 facilities or for any other term or for an indefinite period, and
429 may be made with or without consideration.

430 (3) Contracts referred to in this section may provide that
431 the obligation of a public agency to make payments to the district
432 with respect to certain storm water collection and/or management
433 facilities is several, or is joint and several, with the
434 obligations of other public agencies or other persons contracting
435 with the authority for the use or services of such treatment
436 facilities; and, where the public agency's obligation is joint and
437 several, then in the event any other public agency or other person
438 defaults in his obligation, the public agency may be required to
439 increase its payments to the authority by a proportional amount,
440 taking into consideration the remaining persons who are likewise
441 contracting with the authority and who are not in default.

442 (4) The obligations of a public agency arising under the
443 terms of any contract referred to in this section, shall not be
444 construed as being included within the indebtedness limitation of
445 the public agency for purposes of any constitutional or statutory
446 limitation or provision. To the extent provided in such contract
447 and to the extent such obligations of the public agency are
448 payable solely from the revenues and other money derived by the
449 public agency from the operation of its storm water management
450 facilities or any combination thereof which are the subject of
451 such contract, such obligations may be treated as expenses of
452 operating such facilities. Charges for the use of the storm water
453 management system shall be reasonably calculated to reflect use of
454 the facilities made by properties in the district.

455 (5) Contracts referred to in this section may also provide
456 for payments in the form of contributions to defray the cost of



457 any purpose set forth in the contracts and as advances for any
458 collection and/or management facilities which are subject to such
459 contracts. A public agency may make such contributions or
460 advances from its general fund or surplus fund or from any money
461 legally available therefor.

462 (6) Contracts referred to in this section may, in order to
463 provide effective and prompt cooperation and coordination of any
464 matters among persons contracting with the district as provided in
465 this act, establish a coordinating committee of such persons.
466 Such committee shall consist of one (1) representative selected by
467 the district who shall be the coordinating committee's chairman,
468 and such other representatives from among the contracting parties
469 as shall be provided for by the terms of the contract. Such
470 coordinating committee shall have such rights and powers with
471 respect to the subject matter of the contract as shall be provided
472 for therein.

473 (7) Payments made or to be made to the district by a public
474 agency pursuant to a contract for the use or services of storm
475 water management facilities shall be determined by the method
476 specified in such contract and shall not be subject to approval or
477 review by the Public Service Commission.

478 **SECTION 9.** (1) Where an election is to be called as
479 provided in Section 8 of this act, the governing authority of the
480 affected public agency shall publish a notice of such election
481 once a week for at least three (3) consecutive weeks in a
482 newspaper having a general circulation within Harrison County.
483 The first publication of such notice shall be made not less than
484 twenty-one (21) days prior to the date fixed for such election and
485 the last publication shall be made not more than seven (7) days
486 prior to such a date.

487 (2) An election provided for in this act shall be held in
488 the affected public agency, as far as practicable, in the same
489 manner as other elections are held in such affected public



490 agencies. At such election, all qualified electors of the
491 affected public agency may vote; however, in the event Harrison
492 County is an affected public agency, then the qualified electors
493 of such county shall mean the qualified electors of such county
494 who reside within the unincorporated areas within Harrison
495 County's geographical limits. The ballots used at such election
496 shall have printed thereon a brief statement of the nature of the
497 contract and the words "FOR THE CONTRACT" and "AGAINST THE
498 CONTRACT" and the voters shall vote by placing a cross (x) or
499 check mark (√) opposite his choice on the proposition.

500 (3) When the results of the election shall have been
501 canvassed by the respective election directors of the affected
502 public agencies and certified by them to the board of directors of
503 the district, it shall be the duty of the board of directors of
504 the district to determine and adjudicate whether or not a majority
505 of the qualified electors who voted thereon in the affected public
506 agency voted in favor of the contract, and unless a majority of
507 the qualified electors who voted thereon in the affected public
508 agency voted in favor of the contract, then such contract shall
509 not be entered into. Should a majority of the qualified electors
510 who vote thereon in the affected public agency vote in favor of
511 entering into the contract, then the affected public agency may
512 enter into the contract.

513 **SECTION 10.** If the district finds and records on its minutes that
514 the acquisition or construction of any collection and/or
515 management facilities, or any interest therein, or any portion
516 thereof, or any property or any interest therein or any portion
517 thereof, which is authorized by this act is available or can be
518 acquired or contracted for, from or with only a single source,
519 person, firm or corporation, then such acquisition or contract may
520 be made or entered into without meeting the requirements of any
521 law relating to acquisition purchases or contracts by competitive
522 bids. If, after advertising for competitive bids as to other



523 proposed purchases, acquisition or contract, only one (1) bid is
524 received, the district may reject the bid and negotiate privately
525 any purchase, contract or acquisition for a consideration not
526 exceeding that proposed in the bid.

527 **SECTION 11.** The district shall cause an audit of its books
528 and accounts to be made at least once in each year by an
529 independent certified public accountant and the cost thereof may
530 be paid from any available money of the district.

531 **SECTION 12.** This act shall be deemed to provide an
532 additional, alternative and complete method for the doing of the
533 things authorized hereby and shall be deemed and construed to be
534 supplemental and additional to any powers conferred by other law
535 on public agencies (including the provisions of Sections 51-39-1
536 through 51-39-43, Mississippi Code of 1972) and not in derogation
537 of any such powers now existing; provided, that insofar as the
538 provisions of this act are inconsistent with the provisions of any
539 other law, general, special or local, (including the provisions of
540 Sections 51-39-1 through 51-39-43, Mississippi Code of 1972) now
541 in existence or hereafter (unless with specific reference to this
542 act) adopted, the provisions of this act shall be controlling.

543 Except as expressly provided in this act, the actions
544 contemplated hereby, including, without limitation, the entering
545 into of the contracts referred to in Section 8 of this act by the
546 district, the contracting public agencies and any other persons
547 thereto, and the setting of rates, fees and charges by the
548 district, may be taken without the obtaining of any authorization
549 approval or consent of the state or any political subdivision or
550 any department, division, commission, board, bureau, agency or
551 instrumentality of either thereof and without any other proceeding
552 or the fulfilling of any other condition or the happening of any
553 other thing, except as expressly provided in this act.

554 **SECTION 13.** This act shall take effect and be in force from
555 and after its passage.

