

By: Senator(s) Robertson, Moffatt, Lee
(47th)

To: Local and Private

SENATE BILL NO. 3217

1 AN ACT TO ESTABLISH A SINGLE BOARD OF COMMISSIONERS TO GOVERN
2 MULTIPLE UTILITY DISTRICTS IN JACKSON COUNTY, MISSISSIPPI, THAT
3 PROVIDE WATER AND SEWER SERVICES IN SUCH COUNTY; TO AUTHORIZE
4 EXISTING WATER AND SEWER DISTRICTS TO ELECT TO BE GOVERNED BY SUCH
5 BOARD OF COMMISSIONERS; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD
6 OF COMMISSIONERS AND THE POWERS AND DUTIES OF THE BOARD OF
7 COMMISSIONERS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The purpose of this act is to authorize one (1)
10 governing authority to govern multiple utility districts in
11 Jackson County, Mississippi, regardless of the conterminous nature
12 of the separate utility districts. It is declared that the
13 purpose of allowing one (1) board of commissioners to serve
14 multiple utility districts is to eliminate much of the overhead
15 and governing cost of establishing a utility district which often
16 causes great economical hardship in smaller areas. By providing a
17 more economical means of governing such districts, this act will
18 help ensure the viability of such districts, thereby providing a
19 better water supply system and a better wastewater and sewage
20 treatment system and collection services to the residents of
21 Jackson County, Mississippi, and providing ways and means to carry
22 out and accomplish such purposes, thereby benefiting and making
23 more valuable the lands within the district and the county and
24 preserving and promoting the health, safety and convenience of the
25 residents of the county.

26 **SECTION 2.** (1) Any utility district in Jackson County,
27 Mississippi, created through the provisions of Sections 19-5-151
28 through 19-5-207 for the purposes of provision of water and sewer
29 services, or any district created in Jackson County, Mississippi,

30 through any local and private law of the State of Mississippi for
31 the purposes of the provision of water and sewer services, may
32 elect to join with other utility districts to be governed by a
33 single board of commissioners.

34 (2) Once such a utility district is formed, the utility
35 district may be governed with other utility districts in Jackson
36 County, Mississippi, under a single board of commissioners.

37 (3) The Board of Supervisors of Jackson County shall appoint
38 a board of commissioners to govern the utility districts as
39 hereinafter set forth, and thereafter the powers of the utility
40 districts shall be vested in and exercised by the board of
41 commissioners. Initially, the board of commissioners of the
42 district will consist of seven (7) members, with each
43 participating utility district having at least one (1)
44 representative. Once a new utility district is formed by
45 resolution of the Board of Supervisors of Jackson County, at least
46 one (1) representative from that district will be appointed and
47 added to the board of commissioners within one (1) year of the
48 date of formation of the new utility district.

49 Each commissioner appointed shall reside within the
50 boundaries of a utility district and shall be a qualified elector
51 of Jackson County. The recommendation for appointment shall be
52 made by the member of the board of supervisors in whose district
53 the utility district lies, and if the utility district lies in
54 more than one (1) district, the recommendation shall be jointly
55 made by the supervisor in whose district the utility districts
56 lie.

57 The initial terms of the members of the board of
58 commissioners shall be as follows: one (1) for a term of one (1)
59 year, one (1) for a term of two (2) years, two (2) for a term of
60 three (3) years, one (1) for a term of four (4) years, and two (2)
61 for a term of five (5) years. Terms of succeeding commissioners

62 shall be for five (5) years or until their successor is appointed
63 and qualified.

64 (4) Notwithstanding the appointive authority granted to the
65 Board of Supervisors of Jackson County in this act, its legal and
66 actual responsibilities, authority and function, subsequent to the
67 appointment of the board of commissioners to govern multiple
68 utility districts, shall be specifically limited to the appointive
69 function and any other responsibilities provided to it by law.

70 The operation, management, abolition or dissolution of the
71 district, and all other matters in connection therewith, shall be
72 vested solely and only in the board of commissioners to the
73 specific exclusion of the Board of Supervisors of Jackson County.
74 Any abolition, dissolution or termination of the district shall be
75 accomplished only by a two-thirds (2/3) vote of the board of
76 commissioners. The board of commissioners shall have no power,
77 jurisdiction or authority to abolish, dissolve or terminate any
78 district while the district has any outstanding indebtedness of
79 any kind or character. No member of the board shall hold public
80 elective office while serving as a commissioner.

81 (5) The Board of Supervisors of Jackson County may vote to
82 remove any commissioner from office by a majority vote for:

83 (a) The failure to attend at least one-half (1/2) of
84 the regularly scheduled meetings of the board during any
85 twelve-month period preceding the vote;

86 (b) For a violation of any statute that the board of
87 supervisors determines, in its discretion, relates to the
88 responsibilities of his office;

89 (c) Conviction of a felony; or

90 (d) For moving his residence outside the utility
91 district he is representing.

92 (6) Upon the expiration of a commissioner's term of office
93 the commissioner shall remain in office until such time as the
94 board of supervisors appoints his successor and the successor

95 takes office. Each member of the board of commissioners may be
96 eligible for reappointment.

97 (7) Any vacancy in office may be filled by the board of
98 supervisors for the unexpired term in the same manner as the
99 original appointment.

100 **SECTION 3.** The board of commissioners shall organize by
101 electing one (1) of its members as chairman and another as vice
102 chairman. The chairman shall preside at all meetings of the
103 board. The vice chairman shall act in the absence or disability
104 of the chairman. The board of commissioners shall also elect a
105 secretary and a treasurer and specify on the minutes the duties
106 and obligations of both of these officers or, in the alternative,
107 may hire some qualified person to perform these functions. The
108 board of commissioners shall also appoint a general manager and
109 other employees as they deem required to administer, manage and
110 direct the affairs and business of the multiple districts subject
111 to the policies, control and direction of the board of
112 commissioners, or may contract for the provision of those services
113 by any other public agency or person. The general manager, if
114 any, shall give a bond executed by a surety company or companies
115 authorized to do business in this state in the penal sum of Fifty
116 Thousand Dollars (\$50,000.00), payable to the districts
117 conditioned upon the faithful performance of his duties and the
118 proper accounting of all funds which may come into his hands as
119 general manager. The proceedings and records of the board of
120 commissioners shall be available for inspection as any other
121 public records. The terms of all officers of the board of
122 commissioners shall be for one (1) year from and after the date of
123 election and shall run until their respective successors are
124 elected and qualified. The board of commissioners shall adopt an
125 official seal with which to attest the official acts and records
126 of the board of commissioners and the multiple districts. A
127 majority of the membership of the board of commissioners shall

128 constitute a quorum. Except as otherwise required under this act,
129 all official acts of the board of commissioners shall require a
130 majority vote of the quorum.

131 **SECTION 4.** Upon express prior authorization of the multiple
132 districts, each commissioner may receive a per diem of not to
133 exceed Fifty Dollars (\$50.00) per day for attending each day's
134 meeting of the board of commissioners and for any actual and
135 necessary expenses incurred; however, in no event shall a
136 commissioner receive compensation for more than twenty-four (24)
137 meetings per year.

138 **SECTION 5.** The powers granted to the multiple districts
139 shall remain in effect and shall be exercised by and through the
140 single board of commissioners, without limitation. This power
141 includes the discretion to exclude wells that are used for
142 agricultural purposes or other necessarily high-volume nonpotable
143 uses from the requirement to connect to any utility district.

144 **SECTION 6.** This act shall be liberally construed for the
145 purposes herein set out, the powers hereby granted being
146 additional, cumulative and supplemental to any power granted to
147 Jackson County or any municipality or district therein by any
148 general or local and private act of the Legislature.

149 **SECTION 7.** If any provisions of this act shall be held to be
150 invalid by any court of competent jurisdiction, the remainder of
151 this act shall not be affected thereby.

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