

By: Senator(s) Harkins, Kirby, Rhodes

To: Local and Private

SENATE BILL NO. 3217

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF RANKIN
2 COUNTY, MISSISSIPPI, ON THEIR OWN OR TOGETHER WITH ONE OR MORE
3 GOVERNING AUTHORITIES OF THE MUNICIPALITIES AND EXISTING DRAINAGE
4 DISTRICTS WITHIN THE COUNTY, TO FORM THE RANKIN COUNTY STORMWATER
5 MANAGEMENT AGENCY; TO PROVIDE THAT THE PURPOSE OF THE AGENCY IS TO
6 MANAGE STORMWATER AND DRAINAGE WITHIN THE COUNTY; TO PROVIDE THAT
7 THE AGENCY MAY BE FORMED BY THE PASSAGE OF AN ORDINANCE OR
8 RESOLUTION THAT IS DULY ADOPTED BY THE GOVERNING AUTHORITIES OF
9 EACH PARTICIPATING UNIT OF LOCAL GOVERNMENT, AFTER A DULY HELD
10 ELECTION IN WHICH A MAJORITY OF THE QUALIFIED ELECTORS IN THE
11 COUNTY VOTE IN FAVOR OF THE CREATION OF THE AGENCY; TO PROVIDE
12 THAT THE POWERS OF THE AGENCY SHALL BE VESTED IN THE APPOINTED
13 BOARD OF COMMISSIONERS; TO REQUIRE THE AGENCY, THROUGH ITS BOARD,
14 TO CREATE A COMPLETE COMPREHENSIVE STORMWATER MANAGEMENT PLAN
15 WITHIN 24 MONTHS AFTER THE CREATION OF THE AGENCY; TO PROVIDE THAT
16 THE AGENCY SHALL ANNUALLY IMPOSE A UTILITY CHARGE UPON THE
17 LANDOWNERS OF REAL PROPERTY WITHIN THE TERRITORY OF THE AGENCY; TO
18 PROVIDE THAT LANDOWNERS MAY OBJECT TO THE AMOUNT OF THE UTILITY
19 CHARGE IMPOSED AND THAT SUCH OBJECTION SHALL BE HEARD BY THE BOARD
20 OF SUPERVISORS OF THE COUNTY; TO REQUIRE THE BOARD TO TAKE CERTAIN
21 ACTIONS CONCERNING THE OBJECTION OF THE AMOUNT OF SUCH UTILITY
22 CHARGE; TO REQUIRE THE BOARD OF SUPERVISORS OF THE COUNTY TO LEVY
23 THE UTILITY CHARGE ANNUALLY; AND FOR RELATED PURPOSES.

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

25 **SECTION 1. Legislative findings.** The Legislature recognizes
26 that stormwater accumulation and runoff can pose a significant
27 threat to the health and safety of residents of this state and,
28 further, that serious problems of water management resulting from



29 erosion, floodwater, or sediment damages are arising in the
30 watersheds of the rivers and streams of the State of Mississippi.

31 The Legislature further recognizes that Rankin County,
32 Mississippi, and the municipalities within Rankin County, as the
33 home of the Ross Barnett Reservoir, a significant segment of the
34 Pearl River, and various other natural and man-made bodies of
35 water, have endured significant stormwater accumulation, runoff,
36 and flooding problems over the past decade.

37 Rankin County's stormwater accumulation and runoff have
38 rapidly increased and have led to significant damage to roads,
39 bridges, and commercial and residential structures and property
40 and, further, have placed at risk the lives and safety of
41 individuals trapped in the stormwater's path. The unincorporated
42 portion of Rankin County is densely populated, with Supervisor
43 District Two alone serving as the home to more than twenty-seven
44 thousand seven hundred eighteen (27,718) residents. The
45 Legislature recognizes that, if that area were a municipality, it
46 would be the tenth most populous municipality in the state. With
47 the high volume of platted subdivisions in unincorporated portions
48 of Rankin County, there being no municipal government to address
49 the resulting stormwater problems, a separate governmental
50 organization is required to adequately manage stormwater.

51 The Legislature further recognizes that for the purpose of
52 alleviating such damages and risks and for the purpose of
53 furthering the conservation, development, utilization, and



54 disposal of water, thereby preserving and protecting Rankin
55 County's land and water resources, it is necessary and advisable
56 to authorize the governing authorities of Rankin County, the
57 municipalities within Rankin County, and the Richland Creek
58 Watershed Drainage District to establish a county-wide stormwater
59 management agency with the power to construct, operate, and
60 maintain works of improvement needed to carry out such purposes.

61 The Legislature further recognizes that effective management
62 of stormwater is best performed at the watershed level, which
63 provides a proactive approach to stormwater management and
64 accounts for the overall hydrologic connectivity of drainage
65 across naturally occurring watersheds, and that watersheds
66 commonly traverse the boundaries of multiple political
67 subdivisions. Considering the several highly populated
68 municipalities situated throughout Rankin County, across multiple
69 watersheds, a county-wide approach is necessary to manage
70 stormwater in Rankin County in a uniform manner.

71 Although Mississippi law currently authorizes the
72 establishment of drainage districts and other similar entities,
73 those organizations are insufficient for many areas of the state,
74 including Rankin County, where stormwater, for its best and most
75 effective management, must be addressed at the watershed level.
76 Accordingly, the Legislature recognizes the need for the governing
77 authorities of Rankin County, the municipalities within Rankin
78 County, and the Richland Creek Watershed Drainage District to



79 establish a county-wide stormwater management agency to provide a
80 modern, watershed-based approach to stormwater management. The
81 establishment of such agency will constitute a significant measure
82 in protecting the health, safety, and welfare of the citizens of
83 Rankin County and the municipalities within Rankin County.

84 **SECTION 2. Definitions.** Whenever used in this act, the
85 following words and phrases shall have the meanings ascribed in
86 this section unless the context clearly indicates otherwise:

87 (a) "Agency" means the Rankin County Stormwater
88 Management Agency authorized under this act.

89 (b) "Board" means the board of commissioners of the
90 agency.

91 (c) "County" means Rankin County, Mississippi.

92 (d) "County-wide stormwater management system" or
93 "stormwater management system" means such stormwater system
94 defined by the agency within the agency's stormwater management
95 plan and may include a system that is designed and constructed,
96 implemented or operated to control, at the watershed level,
97 stormwater discharges to prevent or reduce flooding, over drainage
98 or water pollution or to otherwise affect the quantity or quality
99 of discharges from the stormwater management system. The
100 stormwater management system may include all watersheds, pipes,
101 channels, ditches, streams, wetlands, detention or retention
102 basins, ponds, and other stormwater conveyance or treatment
103 facilities.



104 (e) "Designated representative" or "incorporator" means
105 the person named by resolution of the governing authorities of a
106 participating unit of local government as the representative of
107 that unit of local government for the purpose of acting on its
108 behalf as an incorporator in concert with other similarly named
109 persons in the creation and incorporation of the agency authorized
110 under this act.

111 (f) "Ditch" means any branch or lateral drain, tile
112 drain, levee, sluiceway, water course, floodgate, and any other
113 construction work found necessary for the reclamation of wet and
114 overflowed lands.

115 (g) "Facility" or "facilities" means any structure,
116 building, ditch, pipe, channel, improvement, land, or other real
117 or personal property used or useful in a county-wide stormwater
118 management system under this act.

119 (h) "Governing authorities" means the elected or duly
120 appointed officials constituting the governing body of a unit of
121 local government.

122 (i) "Incorporation agreement" means that agreement
123 between the designated representatives of participating units of
124 local government setting forth the formal creation of the agency
125 under this act.

126 (j) "Landowner" means an individual or entity
127 possessing title in real property, including any title described
128 as follows:



129 (i) Title held pursuant to a legal lease of school
130 land which is perpetually renewable, or school land legally leased
131 under the provisions of Section 211 of the Mississippi
132 Constitution, the owner of which renders the property for
133 assessment and pays the taxes thereon, as required by law; and

134 (ii) Title held pursuant to a legal lease of lands
135 owned in fee by the Pearl River Valley Water Supply District, to a
136 person, individually or in joint tenancy, who renders the property
137 for assessment and pays the taxes thereon, as required by law.

138 (k) "Member" or "participating unit of local
139 government" means a unit of local government participating in the
140 formation of the agency.

141 (l) "Municipality" means any incorporated city, town,
142 or village lying wholly within the county.

143 (m) "Project" means the collection, conveyance,
144 retention, detention, and any other portion or component of a
145 county-wide stormwater management system and any property, real or
146 personal, used as or in connection with those purposes.

147 (n) "Public agency" means any municipality, county,
148 political subdivision, governmental district or unit, public
149 institution of higher learning, community college district,
150 planning and development district, or any body politic and
151 corporate or governmental agency created under the laws of this
152 state that is not a member of the agency.

153 (o) "State" means the State of Mississippi.



154 (p) "Stormwater" means any flow occurring during or
155 following any form of natural precipitation and resulting from
156 that precipitation.

157 (q) "Watershed" means land area that channels rainfall
158 and other precipitation to creeks, streams, and rivers.

159 (r) "Unit of local government" means the county, any
160 municipality within the county, and the Richland Creek Watershed
161 Drainage District, organized under Title 51, Mississippi Code of
162 1972.

163 **SECTION 3. Election and agency formation.** (1) Before the
164 agency may be incorporated, the governing authorities of the
165 county shall call for a special election to be held on the
166 question of whether the agency should be formed. The election
167 shall be held and conducted by the election commissioners as
168 nearly as may be in accordance with the general laws governing
169 elections, with the cost of such election to be borne by the
170 county. Notice of the election setting forth the time, place or
171 places, and purpose of the election shall be published by the
172 clerk of the board of supervisors once each week for at least
173 three (3) consecutive weeks in a newspaper published or having a
174 general circulation in the county, with the first publication of
175 the notice to be made not less than twenty-one (21) days before
176 the date fixed in the ordinance or resolution for the election and
177 the last publication to be made not more than seven (7) days



203 local government of the purpose and proposed obligations of such
204 unit or units of local government proposing to create the agency.

205 (3) The territory of the agency may include only the
206 geographic area within the boundaries of any participating unit of
207 local government and shall not encompass the territory of any
208 municipality or the Richland Creek Watershed Drainage District
209 where such units of local government do not join as members of the
210 agency. However, in the case of the Richland Creek Watershed
211 Drainage District and its overlapping municipalities, the
212 territory of the agency may contain the entire geographic area
213 within the boundaries of any participating unit of local
214 government, including any areas overlapping with a
215 nonparticipating unit of local government.

216 (4) The agency may be formed although adequate stormwater
217 management activities are being undertaken by one or more of the
218 participating units of local government or by another public
219 agency existing and operating within the geographical area of the
220 agency. The agency shall not impede upon the activities
221 undertaken by any flood control district organized under Title 51,
222 Mississippi Code of 1972, in existence at the time of the agency's
223 formation, nor upon the activities of the Pearl River Valley Water
224 Supply District.

225 (5) The governing authorities of each participating unit of
226 local government shall cause a certified copy of the adopted
227 resolution or ordinance required by this section to be published



228 in a newspaper having a general circulation within the boundaries
229 of the participating unit of local government once a week for at
230 least three (3) consecutive weeks before the date specified for
231 the agency's incorporation.

232 **SECTION 4. Incorporation procedures.** (1) Within thirty
233 (30) days following the last participating unit of local
234 government adopting its authorizing resolution or ordinance, each
235 unit of local government shall name a designated representative,
236 who shall proceed to incorporate the agency by filing for record
237 in the office of the chancery clerk of the county and the clerk of
238 participating municipalities, as the case may be, and with the
239 Secretary of State an incorporation agreement approved by each
240 participating unit of local government. The agreement shall
241 comply in form and substance with the requirements of this section
242 and shall be executed in the manner provided in this act.

243 (2) The incorporation agreement shall state:

244 (a) The name of each participating unit of local
245 government and the date on which the governing authorities thereof
246 adopted an authorizing resolution or ordinance;

247 (b) The name of the agency;

248 (c) The period for the duration of the agency, which
249 may be for an indefinite period of time;

250 (d) The location of the principal office of the agency,
251 which shall be within the geographic boundaries of the agency;

252 (e) The agency that is organized under this act;



253 (f) The number of commissioners on the agency's board
254 of commissioners, and their terms of office;

255 (g) If the exercise by the agency or its board of any
256 of its powers is to be in any way prohibited, limited, or
257 conditioned, a statement of the terms of such prohibition,
258 limitation, or condition; and

259 (h) Any other matters relating to the agency that the
260 incorporators may choose to insert and that are not inconsistent
261 with this act or with the laws of the state.

262 (3) The incorporation agreement shall be signed and
263 acknowledged by the incorporators before an officer authorized by
264 the laws of the state to take acknowledgements. When the
265 incorporation agreement is filed for record, there shall be
266 attached to it a certified copy of the authorizing resolution or
267 ordinance adopted by the governing authorities of each
268 participating unit of local government.

269 (4) The incorporators shall publish a notice of
270 incorporation once a week for three (3) consecutive weeks in a
271 daily newspaper or newspapers having general circulation
272 throughout the territory of the agency.

273 (5) Upon the filing for record of the agreement and the
274 required documents, the Secretary of State shall issue a
275 certificate of incorporation to the agency. Upon issuance of the
276 certificate of incorporation, the agency shall be a public body
277 corporate and politic constituting a political subdivision of the



278 state with the power of perpetual succession and shall be deemed
279 to be acting in all respects for the benefit of the people of the
280 state in the performance of essential public functions. The
281 agency shall be empowered in accordance with this act to promote
282 the health, welfare, safety, and prosperity of the general public.

283 **SECTION 5. Amending incorporation agreement.** (1) The
284 incorporation agreement may be amended in the manner provided in
285 this section. The board of the agency shall first adopt a
286 resolution proposing an amendment to the incorporation agreement.
287 The amendment shall be set forth in full in the resolution and may
288 include any matters that might have been included in the original
289 incorporation agreement.

290 (2) After the adoption of the resolution by the board, the
291 chairman of the board and the secretary of the agency shall submit
292 a certified copy of the resolution and a signed written
293 application in the name of and on behalf of the agency, under its
294 seal, with the governing authorities of each member, requesting
295 the governing authorities to adopt a resolution approving the
296 proposed amendment. As promptly as may be practicable after the
297 filing of the application with the governing authorities, those
298 governing authorities shall review the application and shall adopt
299 a resolution or ordinance either denying the application or
300 authorizing the proposed amendment. The governing authorities
301 shall cause a copy of the application and all accompanying
302 documents to be spread upon or otherwise made a part of the



303 minutes of the meeting of the governing authorities at which final
304 action upon the application is taken. The incorporation agreement
305 may be amended only after the adoption of a resolution or
306 ordinance by the governing authorities of at least two-thirds
307 (2/3) of the members.

308 (3) Within thirty (30) days following the adoption by
309 two-thirds (2/3) of the members of the resolution approving the
310 proposed amendment, the chairman of the agency's board and the
311 secretary of the agency shall sign and file for record in the
312 office of the county's chancery clerk and any municipal clerk with
313 which the incorporation agreement of the agency was originally
314 filed, and with the Secretary of State, a certificate in the name
315 of and on behalf of the agency, under its seal, reciting the
316 adoption of the respective resolutions or ordinances by the board
317 and by the governing authorities of each member and setting forth
318 the amendment. The chancery clerk and municipal clerk for any
319 member municipality shall record the certificate in an appropriate
320 book in the clerk's office. When the certificate has been so
321 filed and recorded, the amendment shall become effective.

322 (4) Any member of the agency may withdraw from the agency by
323 submitting a resolution to the board requesting an amendment to
324 the incorporation agreement under subsection (1) of this section.
325 Upon compliance with the requirements of subsections (1) through
326 (3) of this section and payment of its pro rata share of any
327 indebtedness, costs, expenses, and obligations of the agency



328 outstanding at the time of withdrawal, the amendment may become
329 effective upon adoption of a resolution by the board and the
330 governing authorities of two-thirds (2/3) of the agency's members.
331 The withdrawal of a member shall not operate to impair,
332 invalidate, release, or abrogate any contract, lien, bond, permit,
333 indebtedness, or obligation of the agency, except to relieve the
334 withdrawing member from further financial obligation to the
335 agency.

336 **SECTION 6. Addition of agency members.** (1) Any unit of
337 local government may join the agency as a member after the agency
338 has been formed, provided that the governing authorities of such
339 unit of local government, along with the governing authorities of
340 each agency member and the agency's board approve the addition of
341 such unit of local government by a majority vote.

342 (2) Prior to a unit of local government joining the existing
343 agency as a member, the agency's incorporation agreement must be
344 amended, in the manner prescribed by Section 5 of this act, to
345 reflect the addition.

346 (3) Any municipality having a minimum assessed valuation of
347 real and personal property, mobile homes, public utilities and
348 automobiles of Seventy-five Million Dollars (\$75,000,000.00) added
349 as a member of the agency shall appoint one (1) commissioner to
350 the board, for an initial term running until the end of the term
351 of the commissioner with the shortest remaining term. After the
352 expiration of the initial term, the governing authorities of such



353 added municipality shall appoint a commissioner to serve a term of
354 four (4) years.

355 **SECTION 7. Appointment of commissioners and board authority.**

356 (1) All powers of the agency shall be vested in a board of
357 commissioners.

358 (2) If the governing authorities of the county, without the
359 governing authorities of any other unit of local government, form
360 the agency to manage stormwater within unincorporated territory of
361 the county, the agency's commissioners shall be chosen in the
362 following manner:

363 (a) Each county supervisor may nominate one (1)
364 commissioner from his or her supervisor district or from the
365 county at large, and any such nominee, before taking office, must
366 first be approved by a majority vote of the board of supervisors.

367 (b) Of the initial appointees made by the board of
368 supervisors, the commissioners' terms shall be staggered as
369 follows: one (1) commissioner shall be appointed to a term of one
370 (1) year; one (1) commissioner shall be appointed to a term of two
371 (2) years; one (1) commissioner shall be appointed to a term of
372 three (3) years; and two (2) commissioners shall be appointed to
373 terms of four (4) years. After the expiration of the initial
374 terms, commissioners shall serve terms of four (4) years.

375 (3) If the governing authorities of the county along with
376 the governing authorities of one or more units of local government
377 form an agency, the agency's commissioners shall be chosen by the



378 governing authorities of the county in the manner prescribed in
379 subsection (2) of this section. In addition, any municipality
380 having a minimum assessed valuation of real and personal property,
381 mobile homes, public utilities and automobiles of Seventy-five
382 Million Dollars (\$75,000,000.00), may appoint one (1) commissioner
383 for an initial term of two (2) years. After the expiration of the
384 initial term, any commissioner appointed by municipal governing
385 authorities shall serve a term of four (4) years.

386 (4) If the appointment of commissioners results in an even
387 number of commissioners, the Governor of the State of Mississippi
388 shall appoint one (1) commissioner so that there shall be an odd
389 number of commissioners. Such commissioner shall serve a term of
390 four (4) years. If the addition or withdrawal of a member results
391 in an odd number of commissioners, the term of the individual
392 appointed by the Governor under this subsection shall
393 automatically terminate.

394 (5) Commissioners may serve beyond the end of their
395 respective terms until their successors have been appointed and
396 qualified.

397 (6) A commissioner may be removed from office for neglect of
398 duty, misfeasance, or nonfeasance in office either (a) by a
399 unanimous vote of the governing authorities of the unit of local
400 government that appointed such commissioner; or (b) by a majority
401 vote of the governing authorities of the unit of local government
402 that appointed such commissioner after a recommendation from the



403 board that the commissioner be removed. Any commissioner who does
404 not attend three (3) consecutive meetings of the board shall be
405 subject to removal by a majority vote of the board and shall be
406 replaced with an appointment from the governing authorities of the
407 agency member making the initial appointment.

408 (7) The board shall annually elect a chairman and vice
409 chairman from among its members to serve the next fiscal year.
410 The chairman shall preside at all meetings of the board. The vice
411 chairman shall act in the absence or disability of the chairman.

412 (8) Regular meetings of the board shall be held at least
413 monthly, as set forth in the board's rules or regulations for
414 management of the agency's business and affairs. Additional
415 meetings of the board shall be held at the call of the chairman or
416 whenever a majority of commissioners so requests.

417 (9) A quorum for any meeting of the board shall be a
418 majority of the total membership of the board. All business of
419 the board shall be transacted by majority vote of the members of
420 the board in attendance at a meeting at which a quorum is present.
421 Meetings of the board shall be subject to the Open Meetings Act,
422 Section 25-41-1 et seq., Mississippi Code of 1972.

423 (10) Each commissioner shall give bond, to be paid for by
424 the agency, for the faithful discharge of his or her duties in the
425 amount of at least Fifty Thousand Dollars (\$50,000.00) with a
426 surety company authorized to do business in the State of
427 Mississippi.



428 (11) The board, through its secretary, shall keep accurate
429 and complete records of all its meetings.

430 (12) Commissioners shall serve without a salary but shall be
431 entitled to per diem compensation as provided by Section 25-3-69
432 for each day's actual service, together with mileage as provided
433 in Section 25-3-41 for the distance traveled from their homes to
434 and from the place of meeting.

435 (13) The agency shall be subject to the Mississippi Public
436 Records Act of 1983, Section 25-61-1 et seq., Mississippi Code of
437 1972.

438 (14) The board shall annually prepare a budget for the
439 agency at least ninety (90) days before the beginning of each
440 fiscal year. The fiscal year shall be from October 1 to September
441 30 of each year. The board shall submit the budget to the
442 governing authorities of each member.

443 (15) The board may employ any personnel and appoint and
444 prescribe the duties of any officers as the board deems necessary
445 or advisable, including a general manager and a secretary, with
446 each having the duties as determined by the board. The board
447 shall establish the compensation of any employee or officer of the
448 agency. The board may require any of its employees to be bonded.
449 The cost of any bond required by this section or by the board
450 shall be paid from funds of the agency. In addition:

451 (a) The general manager may also serve as secretary and
452 shall be a person of good moral character and of proven ability as



453 an administrator with a minimum of five (5) years' experience in
454 the management and administration of a public works operation or
455 comparable experience which may include, but is not limited to,
456 supervision, public financing, regulatory codes, and related
457 functions as minimum qualifications to administer the programs and
458 duties of the agency. The general manager shall administer,
459 manage, and direct the affairs and business of the agency, subject
460 to the policies, control, and direction of the board. The general
461 manager shall give bond executed by a surety company or companies
462 authorized to do business in this state in the amount of at least
463 Fifty Thousand Dollars (\$50,000.00) payable to the agency
464 conditioned upon the faithful performance of that person's duties
465 and the proper accounting for all funds.

466 (b) The secretary shall keep a record of the
467 proceedings of the board and the agency and shall be custodian of
468 all books, documents, and papers filed with the agency, the minute
469 book or journal, and the official seal. The secretary may make
470 copies of all minutes and other records and documents of the
471 agency and certify under the seal of the agency that the copies
472 are true and accurate copies, and all persons dealing with the
473 agency may rely upon those certificates.

474 **SECTION 8. Agency authority.** The agency shall have all the
475 rights and powers necessary or convenient to carry out the
476 purposes of this act, including, but not limited to, the
477 following:



- 478 (a) To sue and be sued in its own name;
- 479 (b) To adopt an official seal and alter the official
480 seal at its pleasure;
- 481 (c) To maintain an office or offices at any place or
482 places within the geographic boundaries of its members as it may
483 determine;
- 484 (d) To acquire, construct, improve, or modify, to
485 operate or cause to be operated and maintained, either as owner of
486 all or of any part in common with others, a stormwater management
487 system within the jurisdiction of the members of the agency;
- 488 (e) To pay all or part of the cost of the agency's
489 stormwater management system from any contribution by persons,
490 firms, public agencies, or corporations;
- 491 (f) To receive, accept, and use all funds, public or
492 private, and pay all cost of development, implementation, and
493 maintenance as may be determined to be necessary for any project;
- 494 (g) To acquire by purchase, on any terms and conditions
495 and in any manner as it may deem proper, property for public use,
496 or by gift, grant, lease, or otherwise, real property or easements
497 therein, franchises and personal property necessary or convenient
498 for its corporate purposes. These purposes shall include, but are
499 not limited to: the constructing or acquiring of a stormwater
500 management system; the improving, extending, reconstructing,
501 renovating, or remodeling of any existing stormwater management



502 system or part thereof; or the demolition to make room for any
503 project or any part thereof;

504 (h) To insure the stormwater management system and any
505 agency property against all risks as any insurance may be
506 available;

507 (i) To use any property and rent or lease any property
508 to or from others, including public agencies, or make contracts
509 for the use of the property. The agency may sell, lease,
510 exchange, transfer, assign, pledge, mortgage, or grant a security
511 interest for any property. The powers to acquire, use, and
512 dispose of property as set forth in this paragraph shall include
513 the power to acquire, use, and dispose of any interest in that
514 property, whether divided or undivided. Title to any property of
515 the agency shall be held by the agency exclusively for the benefit
516 of the public;

517 (j) To adopt, modify, repeal, promulgate, and enforce
518 rules and regulations implementing or effectuating the powers and
519 duties of the agency under any statute within the agency's
520 jurisdiction, and where otherwise not prohibited by federal or
521 state law, to make exceptions to and grant variances and
522 exemptions from, and to enforce those rules and regulations.
523 Those rules and regulations may include, but shall not be limited
524 to, rules and regulations for (i) the management of the agency's
525 business and affairs; (ii) the use, operation, maintenance, or
526 implementation of the agency's stormwater management system or any



527 portion of that system, facility, or any other property belonging
528 to or operated by the agency; (iii) specifications and standards
529 relating to the planning, design, or construction of the
530 stormwater management system or any facility belonging to or
531 operated by the agency; and (iv) the methods by which the agency
532 shall calculate the utility charge to be imposed upon properties
533 located within the agency's jurisdiction, as authorized by this
534 act. An agency may also adopt best management practices related
535 to stormwater management. Rules, regulations, and best management
536 practices shall be no more stringent or extensive in scope,
537 coverage, or effect than regulations and best management practices
538 promulgated or recommended by the United States Environmental
539 Protection Agency;

540 (k) To enter into contracts or leases with any person,
541 entity, or public agency and to execute all instruments necessary
542 or convenient for construction, operation, and maintenance of the
543 stormwater management system and leases of projects. Without
544 limiting the generality of the above, authority is specifically
545 granted to units of local government and to the agency to enter
546 into contracts, lease agreements, or other undertakings relative
547 to the furnishing of stormwater management system services or
548 facilities or both by the agency to a unit of local government and
549 by a unit of local government to the agency. Any contract between
550 the agency and a public agency: may extend over any period of
551 time, including a term that extends beyond the term of the then



552 majority of the existing board members, regardless of any
553 provision or rule of law to the contrary; may be upon such terms
554 and for such consideration, nominal or otherwise, as the parties
555 thereto shall agree; and may provide that it shall continue in
556 effect until all obligations, financial or otherwise, specified
557 therein are paid or terminated;

558 (1) To exercise any powers, rights, or privileges
559 conferred by this act either alone or jointly or in common with
560 any other public or private parties. In any exercise of any
561 powers, rights, and privileges jointly or in common with others
562 for the construction, operation, and maintenance of facilities,
563 the agency may own an undivided interest in any facilities with
564 any other party with which it may jointly or in common exercise
565 the rights and privileges conferred by this act and may enter into
566 any agreement with respect to any facility with any other party
567 participating in those facilities. An agreement may contain any
568 terms, conditions, and provisions, consistent with this section,
569 as the parties to the agreement shall deem to be in their best
570 interest, including, but not limited to, provisions for the
571 planning, design, construction, operation, implementation, and
572 maintenance of any facility by any party to an agreement. Any
573 party or parties shall be designated in or under any agreement as
574 agent or agents on behalf of itself and one or more of the other
575 parties to the agreement, or by any other means as may be
576 determined by the parties. The agreement shall include a method



577 or methods of determining and allocating, among the parties, costs
578 of planning, design, construction, operation, maintenance,
579 renewals, replacements, improvements, and disposal related to any
580 facility. In carrying out its functions and activities as an
581 agent with respect to planning, design, construction, operation,
582 and maintenance of any facility, the agent shall be governed by
583 the laws and regulations applicable to that agent as a separate
584 legal entity and not by any laws or regulations which may be
585 applicable to any of the other participating parties. The agent
586 shall act for the benefit of the public. In any agreement, the
587 agency may delegate its powers and duties related to the planning,
588 design, construction, operation, and maintenance of any facility
589 to the party acting as agent, and all actions taken by that agent
590 in accordance with the agreement may be binding upon the agency
591 without further action or approval of the agency;

592 (m) To apply, contract for, accept, receive and
593 administer gifts, grants, appropriations, and donations of money,
594 materials, and property of any kind, including loans and grants
595 from the United States, this state, a unit of local government, or
596 any agency, department, authority, or instrumentality of any of
597 the foregoing, upon any terms and conditions as the United States,
598 the state, a unit of local government, or any agency, department,
599 authority, or instrumentality shall impose. The agency may
600 administer trusts. The agency may sell, lease, transfer, convey,
601 appropriate, and pledge any and all of its property and assets;



602 (n) To employ professional and administrative staff and
603 personnel and to retain legal, engineering, fiscal, accounting,
604 and other professional services, and to enter into contracts for
605 operation and maintenance needs of the agency;

606 (o) To assume or continue any contractual or other
607 business relationships entered into by the members of the agency,
608 including the rights to receive and acquire transferred rights
609 under option to purchase agreements;

610 (p) To enter on public or private lands, waters, or
611 premises for the purpose of making surveys, borings or soundings,
612 or conducting tests, examinations, inspections, improvements,
613 repairs, or other undertakings for the purposes of the agency,
614 subject to responsibility for any damage done to property entered,
615 providing such damage was caused by the agency's actions and not
616 the agency's inaction, which shall not constitute damage;
617 provided:

618 (i) Before any commissioner or agency employee,
619 agent, engineer, or contractor enters upon private lands, waters,
620 or premises to perform the duties authorized within this act, the
621 agency must first obtain permission from the landowner; and

622 (ii) The commissioners and the agency's employees,
623 agents, engineers, and contractors may enter in or upon public or,
624 with the permission of the landowner as set forth in this section,
625 private lands or waters, while in the lawful performance of their
626 duties without criminal liability for trespass. Any such



627 individuals shall make a good-faith attempt to announce and
628 identify themselves and their intentions before entering upon
629 private property and must present documentation sufficient to
630 identify themselves to any landowner requesting such
631 identification. The provisions of this section do not relieve
632 commissioners or their employees, agents, engineers, or
633 contractors from any civil liability that otherwise is actionable
634 at law or in equity or from criminal liability for trespass if the
635 entry in or upon the property extends beyond the property or area
636 that is necessary to actually perform their duties;

637 (q) To contract with any agency member to provide
638 support services. Any member may contract with the agency to
639 provide any staff support, equipment, materials, labor, or
640 administrative or operational services as it deems advisable, and
641 on any terms as may be mutually agreed;

642 (r) To organize the agency by districts;

643 (s) To procure right of way for ditches, laterals,
644 drains, levees, or other necessary infrastructure that may be
645 decided upon, by agreements with the landowners over or through
646 whose lands the same is to be constructed. The agency shall take
647 releases of rights of way for the construction of such ditches,
648 laterals, drains, levees, or other necessary infrastructure from
649 the landowners and file same with the chancery clerk, who shall
650 record them;



651 (t) To invest money of the agency, including proceeds
652 from the sale of any bonds subject to any agreements with bond
653 holders on such terms and in such manner as the board deems
654 proper;

655 (u) To enter into contracts to conduct studies of
656 regional issues regarding stormwater services;

657 (v) To provide funding to members of the agency for
658 maintenance and capital improvements affecting stormwater
659 management within the geographic boundaries of such members;

660 (w) To disincentivize, through the utility charge
661 authorized by this act to be imposed upon landowners within the
662 territory of the agency or otherwise, activities or property
663 conditions that in the board's determination negatively impact the
664 stormwater management system, its stormwater management plan, or
665 real property within the territory of the agency;

666 (x) To incentivize, through the utility charge
667 authorized by this act to be imposed upon landowners within the
668 territory of the agency or otherwise, utilization of best
669 management practices related to stormwater management, including
670 the development of detention and retention ponds and other methods
671 of mitigating stormwater accumulation and runoff;

672 (y) To do and perform any acts and things authorized by
673 this act under, through or by means of its officers, agents, and
674 employees, or by contracts with any person or entity; and



675 (z) To do and perform any and all acts or things
676 necessary, convenient, or desirable for the purposes of the
677 agency, or to carry out any power expressly granted in this act.

678 **SECTION 9. Creation of stormwater management plan. (1)**

679 Within twenty-four (24) months following the agency's creation,
680 the board must complete a comprehensive stormwater management plan
681 to be used in operating the agency and managing all stormwater
682 within the agency's boundaries, other than stormwater managed by
683 other public agencies. Prior to adopting the plan, the board
684 shall hold a hearing on the contents of such plan, after providing
685 notice to the public of such hearing. The plan must be revised,
686 as appropriate, at least once every twenty-four (24) months. A
687 copy of the plan must be provided to the governing authorities of
688 each agency member promptly upon completion.

689 (2) The agency may, at the direction of its board, submit
690 its stormwater management plan as required by state or federal
691 environmental rules and regulations. The agency may also provide
692 services and facilities for implementation of the stormwater
693 management plan.

694 **SECTION 10. Eminent domain.** The board shall not possess
695 eminent domain authority.

696 **SECTION 11. Public agency powers.** For the purpose of
697 attaining the objectives of this act, any public agency may, upon
698 any terms as it may determine, do any of the following:



699 (a) Lend, contribute, or donate money to the agency or
700 perform services for the benefit of the agency;

701 (b) Donate, sell, convey, transfer, lease, or grant to
702 the agency property of any kind, where otherwise not prohibited by
703 law;

704 (c) Contract with the agency for the agency to acquire,
705 construct, or provide facilities and projects for furnishing
706 stormwater management and related services to the public agency or
707 to users within the boundaries of the public agency. In such
708 case, the public agency shall be obligated to make payments which
709 shall be sufficient to enable the agency to meet its expenses, and
710 payments into funds for operation, maintenance, and renewals and
711 replacements. The contracts may also contain other terms and
712 conditions as the agency and the public agency may determine. Any
713 contract may be for a term covering the life of the facilities or
714 for any other term or for an indefinite period. Contracts may
715 provide for payments in the form of contributions to defray the
716 cost of any purpose set forth in the contracts and as advances for
717 any facilities subject to repayment by the agency. A public
718 agency may make those contributions or advances from its general
719 fund, general obligation bond proceeds, or surplus fund or from
720 any monies legally available therefor. Entering into any contract
721 under this section shall not constitute the incurring of a debt by
722 a public agency within the meaning of any constitutional or



723 statutory limitations on debts of the state or units of local
724 government; and

725 (d) Do anything, whether or not specifically authorized
726 in this section, not otherwise prohibited by law, that is
727 necessary or convenient to aid and cooperate with the agency in
728 attaining the objectives of this act.

729 **SECTION 12. No preemption.** This act shall not restrict the
730 authority of any unit of local government to manage stormwater or
731 drainage within the jurisdictional limits of such unit of local
732 government.

733 **SECTION 13. Construction contract requirements.** The board
734 shall make purchases and contracts in accordance with Title 31,
735 Chapter 7, Mississippi Code of 1972, for all construction and
736 improvements carried out by the board.

737 **SECTION 14. Authority to issue bonds and borrow funds.** To
738 finance the operations of the agency, the agency and the board
739 shall possess the same authority to issue bonds and borrow monies
740 as provided in Sections 49-17-755 through 49-17-773, Mississippi
741 Code of 1972, as existing on January 1, 2024.

742 **SECTION 15. Annual audit.** (1) Within sixty (60) days after
743 the end of the fiscal year following the organization of the
744 agency, and annually thereafter, the commissioners shall prepare
745 and retain a copy of a sworn statement of the financial condition
746 of the agency to cover the preceding fiscal year. The report
747 shall contain, among other things: a statement of the cash on



748 hand, together with all other assets of the agency; the total
749 receipts of the preceding year; and the disbursement for
750 administration, for construction, for maintenance, for bonds
751 redeemed, and for interest due on outstanding bonds, together with
752 all other indebtedness of the agency. The commissioners are
753 further authorized and empowered to do any and all things incident
754 to the management and affairs and business of the agency.

755 (2) The State Auditor of Public Accounts or his assistant
756 may annually audit the books, financial reports, and expenditures
757 of the agency in the same manner that such officer audits other
758 boards and commissions, and the same powers and duties that such
759 officer exercises or enjoys with respect to other boards and
760 commissions shall be exercised and performed in the same manner in
761 his audit of the agency.

762 (3) Within ninety (90) days after the close of each fiscal
763 year, the board shall publish in a newspaper of general
764 circulation in the territory of the agency a sworn statement
765 showing the financial condition of the agency. The statement
766 shall also be filed with the governing authorities of each member
767 of the agency.

768 **SECTION 16. Penalty for drain obstruction.** Any person who
769 shall obstruct or damage a drain, drainage work, ditch, facility,
770 or other drainage infrastructure or improvements provided for by
771 this act shall be guilty of a misdemeanor and, on conviction
772 thereof, be fined not more than One Thousand Dollars (\$1,000.00),



773 and he or she shall also be liable to the agency for double the
774 cost of removing such obstruction or repairing such damage.

775 **SECTION 17. Right to pass over lands.** The commissioners and
776 their employees, agents, engineers, and contractors may go upon
777 any and all lands lying within the territory of the agency for the
778 purpose of examining the same and making plans, surveys, profiles,
779 and estimates of the kind, character, and cost of the stormwater
780 management system, and for making repairs and improvements to the
781 stormwater management system, and may go upon such lands at any
782 time for the purpose of removing obstructions, cleaning out, and
783 keeping in repair the ditches and drains. Such entry onto private
784 property must comply with the provision of this act.

785 **SECTION 18. Acquiring existing district rights-of-way.** The
786 agency may acquire rights-of-way through existing drainage
787 districts after obtaining consent of an existing drainage district
788 and upon such terms as the existing district may impose, but when
789 the works or improvements of an existing drainage district are so
790 acquired, the agency shall furnish and provide equivalent relief
791 or protection to that destroyed or impaired by such taking.

792 **SECTION 19. Use of existing ditches.** The agency may, with
793 permission, use any ditches heretofore constructed in any part of
794 the territory of the agency by any landowner. If any such ditches
795 shall be of any value to the agency, the commissioners may allow
796 the landowner reasonable compensation for the value thereof.



797 **SECTION 20. Construction.** This act shall be liberally
798 construed to effectuate the purposes thereof.

799 **SECTION 21. Full and complete authority.** This act, without
800 reference to any other statute, shall be deemed to be full and
801 complete authority for the creation of the agency. No proceedings
802 shall be required for the creation of the agency other than those
803 provided for and required in this act. All the necessary powers
804 to be exercised by the governing authorities of a unit of local
805 government and by the board of the agency, in order to carry out
806 this act, are hereby conferred.

807 **SECTION 22. Authority to impose utility charge.** (1) To
808 fund the agency's operation and duties, the board shall annually
809 impose a utility charge upon landowners of real property within
810 the territory of the agency. Such utility charge shall be
811 proportional to the amount at which such property contributes to
812 stormwater accumulation and runoff within the territory of the
813 agency as ascertainable on the first day of January of each year.
814 The board, by rule or regulation, shall establish a reliable and
815 equitable method to calculate the charge to be imposed on each
816 parcel of real property within the territory of the agency.

817 (2) In ascertaining the boundaries of the lands that are
818 subject to the utility charge, the board may use any of the
819 following:



820 (a) The descriptions of lands and subdivisions thereof
821 as shown on the official United States government surveys and
822 plats of lands within the agency;

823 (b) The descriptions of lands and subdivisions thereof
824 as shown upon any plat of lands within the agency and recorded
825 upon the land records of the county;

826 (c) Any metes and bounds descriptions found in the
827 latest filed conveyance of such lands and of record in the records
828 of deeds of the county; or

829 (d) Any other reliable method of determining property
830 boundaries, including parcel numbers assigned or used by the tax
831 assessor or collector for ad valorem taxation.

832 (3) Real property owned by any of the following entities
833 shall be exempt from the utility charge authorized by this
834 section:

835 (a) The State of Mississippi, so long as such property
836 is not under lease to a third party; and

837 (b) Any member of the agency as long as such property
838 is not under lease by the member to a third party.

839 (4) The board shall also calculate all damages that will
840 accrue to any landowner by reason of the agency's improvements,
841 including all injury to lands damaged, and when the board returns
842 no calculation of damages as to any tract of land, it shall be
843 deemed a finding by the board that no damages will be sustained.



844 (5) The utility charge provided for in this section may be
845 made even though evidences of indebtedness have been issued or
846 validated or both prior thereto, but the lien of the holders of
847 any such indebtedness shall not be impaired thereby.

848 (6) In the event that the Richland Creek Watershed Drainage
849 District is joined in the agency as a member, the owners of real
850 property within the territory of such drainage district shall not
851 be liable to the drainage district for the tax imposed to fund
852 such drainage district under Title 51, Chapter 29, Mississippi
853 Code of 1972, for any year in which such property owners are
854 charged the fee imposed by this act. In such event, such property
855 owners shall be liable only to the agency for the fee imposed for
856 stormwater management purposes.

857 (7) The board shall annually complete a list of all utility
858 charges imposed on real property within the territory of the
859 agency. Such list shall be in a format that is compatible with
860 the software or other methods used by the county's tax collector
861 to collect ad valorem taxes. Upon completing its list of utility
862 charges, the board shall promptly, but not later than the first
863 Monday of July of each year, file the list with the clerk of the
864 board of supervisors.

865 (8) The board of supervisors shall give notice by
866 publication for two (2) weeks by two (2) insertions in some
867 newspaper published and having a general circulation in the
868 territory of each member of the agency, stating that the



869 landowners of lands upon which utility charges have been imposed
870 for stormwater management purposes within the territory of the
871 agency may appear before the board of supervisors on the date and
872 time and place fixed by the board of supervisors, which date shall
873 be on the first Monday of August, or the next business day
874 thereafter, and present complaints against the utility charge
875 imposed upon land in the territory of the agency. The notice
876 provided under this subsection shall give description of the lands
877 in as large tracts as the description will permit and shall state
878 that utility charges have been imposed upon such lands for
879 stormwater management purposes, and that any landowner of real
880 property within the territory of the agency who is aggrieved by
881 the charge imposed upon his or her real property shall file his or
882 her written complaint or objection, in specific terms, with the
883 board of supervisors prior to the time designated for the hearing.

884 (9) All persons who fail to file objections, except minors
885 and persons non compos mentis, shall be assessed the charge and
886 shall be precluded from questioning its validity after its final
887 approval by the board of supervisors or by operation of law.

888 (10) The board of supervisors shall examine the list of
889 charges imposed by the agency and, at the hearing required by this
890 section, hear and determine all objections thereto, and shall sit
891 from day to day until the same shall have been disposed of, and
892 all proper corrections made, or may take objections under
893 advisement as provided in this subsection. The board of



894 supervisors may increase or diminish the charge imposed upon any
895 property within the agency, so that the charge imposed upon
896 property shall be proportional to the amount at which such
897 property contributes to stormwater accumulation and runoff within
898 the territory of the agency and consistent with the rules and
899 regulations governing the operation of the agency, as promulgated
900 by the board. Where an individual charge has been increased,
901 immediate notice in writing shall be sent by the secretary of the
902 board of supervisors by mail to the affected landowner. At such
903 meeting, the board of supervisors shall have the power to change
904 erroneous utility charges or to add omitted property, but any
905 person affected by such action shall have notice as provided
906 above. If the board of supervisors adjourns before considering
907 any objections filed, such objections shall be heard at the next
908 regular meeting of the board of supervisors. The board of
909 supervisors may take an objection under advisement to allow the
910 landowner or his designee or the board of supervisors to compile
911 information relating to the objection.

912 (11) If from any cause the meeting of the board of
913 supervisors at which objections to the imposition of the charge
914 authorized by the act should be heard, be not held, then all such
915 objections shall be continued and may be heard at the next meeting
916 of the board of supervisors, either regular, adjourned, or
917 special. If the board of supervisors fails to give the proper
918 notice to the landowner of the meeting at which objections are to



919 be heard, the board of supervisors shall immediately proceed to
920 give such notice and shall fix the time when it will hear and
921 determine all objections therein contained. If the board of
922 supervisors fails to hold any meeting, or give any notice, or to
923 perform any other duty in reference to the utility charges
924 authorized by this act, at the time required by law, such duty
925 shall be performed at a later date upon the giving of proper
926 notice to persons affected.

927 (12) In hearing objections or complaints, the board of
928 supervisors may require any landowner to bring books or records
929 that will fully inform the board of supervisors as to the proper
930 charge to be imposed against such landowner's property. Any
931 landowner failing or refusing to comply with such demand shall be
932 precluded from objecting to the charge imposed upon his or her
933 property.

934 (13) All charges imposed for stormwater management purposes
935 must be approved by an order of the board of supervisors entered
936 on the minutes, but the failure to make and enter such order shall
937 not vitiate the imposition of the charge if it shall appear that
938 the charges were imposed according to law.

939 (14) The list of charges so prepared and filed with the
940 clerk of the board of supervisors shall stand as the final charges
941 imposed upon the lands within the territory of the agency, and no
942 new charges shall be required unless, in the opinion of the
943 commissioners, it becomes necessary to raise the charges upon such



944 lands because of additional contribution to stormwater
945 accumulation caused by the lands other than those captured by the
946 initial annual charge or because it becomes absolutely necessary
947 in order to raise funds to preserve and maintain the improvements
948 of the agency.

949 (15) When establishing the utility charge to be imposed on
950 real property within the territory of the agency, the
951 commissioners shall establish a rate for lands used for
952 agricultural purposes, which shall be commensurate with such
953 land's general tendency to aid in managing stormwater accumulation
954 and runoff, and such rate shall be less than the rate applicable
955 to lands used for nonagricultural purposes.

956 **SECTION 23. Levy of utility charge by supervisors.** (1) It
957 shall be the duty of the board of supervisors to annually levy the
958 utility charges authorized under this act, at the same time when
959 the county tax levy is made or at any succeeding regular meeting.

960 (2) After the levy of charges to be paid shall have been
961 made and become final, and for the purpose of facilitating the
962 collection of the charges so levied, it shall be the duty of the
963 board of supervisors to provide a copy or copies of the list of
964 charges submitted by the agency to the tax collector. In such
965 list, the agency shall inscribe: the names of the landowners; the
966 description of the tracts of land upon which such charges have
967 been imposed, including the parcel number assigned by the tax
968 assessor or collector for ad valorem taxation; the total charge



969 against each tract; and the amount of the levy for the current
970 year, plus any increases or deductions made by the board of
971 supervisors, which shall be the amount of charges to be collected
972 for that year by the tax collector. Such list or lists shall
973 constitute the authority and be the guide for the collection of
974 the charges by the collector.

975 **SECTION 24. Appeal from levy of utility charge.** Any person
976 aggrieved by the utility charge levied by the board of supervisors
977 under this act shall appeal in the manner provided for appeals of
978 assessments of ad valorem taxes under Sections 11-51-77 and
979 27-35-119, Mississippi Code of 1972.

980 **SECTION 25. Enforcement of payment of utility charge.** (1)
981 Any person or entity that neglects or refuses to pay the utility
982 charge levied by the board of supervisors under this act on the
983 due date thereof shall be liable for interest at the rate of
984 one-half percent (0.5%) per month, or fractional part thereof,
985 from the delinquent date to the date payment is made. When the
986 due date for any payment shall fall on a Saturday, Sunday, or
987 legal holiday, the payment shall be received by the tax collector
988 on the first working day after such day or days without any
989 interest being owed.

990 (2) The agency may impose a lien on all real property where
991 the payment of the utility charge on such property is more than
992 ninety (90) days delinquent. The agency shall cause notice of



993 such lien to be filed in the land records maintained by the
994 chancery clerk.

995 (3) The agency may initiate a civil cause of action against
996 a delinquent landowner in a court of competent jurisdiction in
997 order to enforce payment of the charge authorized under this act.
998 The agency shall be entitled to all reasonable costs incurred to
999 collect the delinquent charge, including attorneys' fees and costs
1000 of court.

1001 **SECTION 26. Payment to county for levying utility charges.**

1002 The agency shall compensate the offices of the county tax
1003 assessor, tax collector, and chancery clerk for duties performed
1004 under this act by such offices, with such compensation to be paid
1005 to the county. The manner of such compensation shall be
1006 negotiated between the board and the offices of the tax assessor,
1007 tax collector, and chancery clerk by contract or other mutually
1008 agreeable method.

1009 **SECTION 27. Establishment of districts authorized.** (1) The

1010 agency may divide the territory within the agency into one or more
1011 districts, as determined by the agency's board.

1012 (2) The board, in its discretion and for a period not to
1013 exceed the first three (3) years of the agency's existence, may
1014 choose not to exercise the agency's authority within all of the
1015 territory of the agency and may, instead, identify one or more
1016 districts in which the board wishes to exercise its authority.
1017 Such determination shall be spread on the board's minutes, which



1018 shall include a description of the territory situated within each
1019 such district.

1020 (3) The agency may impose the utility charge authorized by
1021 the act only on real property in districts in which the agency
1022 chooses to operate, and in no event may an agency impose the
1023 charge on properties within a district in which the agency's board
1024 has opted temporarily not to exercise its authority.

1025 (4) The agency may, at any time, begin exercising its
1026 authority in additional districts or within the entire territory
1027 of the agency. Such determination shall be spread on the board's
1028 minutes, which shall include a description of the territory in
1029 which the board will exercise its authority.

1030 **SECTION 28. Dissolution.** The agency may be dissolved by its
1031 members whenever the agency does not have any outstanding
1032 indebtedness, bonded or otherwise. To enable dissolution, the
1033 agency may sell all easements, rights of way, drains, canals,
1034 ditches, or other property for an amount equal to its fair cash
1035 market value which will be sufficient to enable it to pay off and
1036 discharge all of its outstanding indebtedness, bonded or
1037 otherwise. The agency's members may dissolve the agency as set
1038 forth in this section:

1039 (a) To initiate dissolution of the agency, the
1040 governing authorities of each member of the agency shall approve a
1041 resolution finding that it is in the best interests of the
1042 landowners of the agency that the agency be dissolved. The agency



1043 board shall file a copy of its resolution, along with the
1044 resolution or ordinance of each agency member, with the clerk of
1045 the board of supervisors and, as the case may be, the municipal
1046 clerk of each agency member, along with the Secretary of State.

1047 (b) The governing authorities of each member of the
1048 agency shall hold a public meeting or public hearing on the
1049 necessity for dissolution of the agency. A certified copy of the
1050 adopted resolution or ordinance shall be published in a newspaper
1051 having a general circulation within the participating unit of
1052 local government once a week for at least three (3) consecutive
1053 weeks before the date specified in the resolution or ordinance as
1054 the date upon which the participating units of local government
1055 intend to dissolve the agency. The publication shall command all
1056 persons interested in the affairs of the agency to appear at the
1057 time, date, and place set for the hearing of said petition to show
1058 cause, if any they can, why the agency should not be dissolved.
1059 If, after the hearing, the governing authorities of the
1060 participating unit of local government determine that it is in the
1061 best interest of the landowners of real property within the
1062 territory of the agency to dissolve the agency, such governing
1063 authorities may, by resolution, find that the agency should be
1064 dissolved. After the governing authorities of each member of the
1065 agency approve such a resolution, the agency shall have one
1066 hundred twenty (120) days to conclude its affairs.



1067 (c) If the agency shall have funds on hand after all of
1068 its debts and expenses have been paid, the surplus shall, prior to
1069 dissolution, be refunded among the landowners of real property
1070 within the territory of the agency on such equitable and just
1071 basis and terms as the board shall find to be proper.

1072 (d) After the one hundred twenty (120) days authorized
1073 by this section for the agency to conclude its affairs, the
1074 governing authorities of the members shall file a notice of
1075 dissolution with the Secretary of State, the chancery clerk, and
1076 the clerk of participating municipalities, as the case may be, and
1077 thereafter, the agency shall have no further existence, and no
1078 further utility charges shall be levied against any of the lands
1079 embraced within the limits of the agency. All of the unpaid
1080 benefits and utility charges levied against the lands in the
1081 agency for stormwater management purposes shall stand canceled,
1082 and the lien therefor shall be unenforceable.

1083 **SECTION 29. Severability.** If any part of this act is
1084 declared invalid, unenforceable, or unconstitutional by a court of
1085 competent jurisdiction, that part shall be severable from the
1086 remaining portions of this act, and the remaining portions shall
1087 continue in full force and effect as if the invalid,
1088 unenforceable, or unconstitutional portion were omitted.

1089 **SECTION 30.** This act shall take effect and be in force from
1090 and after July 1, 2024.

