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1935	Whites Auto	Supplies for jail	3.30
36	Xerox	Supplies for mch. etc.	338.64
<u>Madison Co. Planning & Zoning Fund:</u>			
37	H. Nolen Fancher, Atty.	Attending Zoning Meeting 9/8/70	10.00
38	A. F. Barnett	" " "	10.00
39	R. A. Brown	" " "	10.00
40	Luther Graves	" Regular "	10.00
1941	R. H. Posey	" " "	10.00
42	R. A. Brown	" " "	10.00
43	A. F. Barnett	" " "	10.00
44	H. Nolen Fancher	" " "	10.00
<u>Sec. 16, T 10N, R 3 E Principal Fund:</u>			
45	Miss. Forestry Commission	Working in salvage timber sale	202.07
<u>General County Bridge Fund:</u>			
46	Ernest B. Lester, Cty. Engineer	Prof. service jobs S-0417(1) B & S-0517(2) B	2,000.00
47	Wardell's Restaurant	Feeding jurors	61.77
48	Good Shop(Walt Constance	Feeding jurors	25.20
49	W. B. Noble, Sheriff	Attending Board meeting	10.00
50	W. A. Sims, Chancery Clerk	Attending Board meeting	60.00

In the Matter of Accepting Bids for the 4th Quarter, 1970.

Pursuant to request for bids, for bids from suppliers to do business with the County; the following bids are hereby approved and accepted by the Board, to-wit:

- Southern Record Rebuilding & Mfg. Co., Inc.
- Hydrotex
- Dickson Treating Company
- Jackson Ready-Mix Concrete

So ordered this October 5th, 1970.

In the Matter of the West Madison Utility District.

There came on for consideration by the Board, the matter of the creation of the West Madison Utility District as described in the resolution of intention heretofore adopted by this Board, whereupon Supervisor Pat H. Luckett, Jr. offered the following resolution and moved its adoption, to-wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, CREATING THE WEST MADISON UTILITY DISTRICT AS DESCRIBED IN THE RESOLUTION OF INTENTION HERETOFORE ADOPTED BY THIS BOARD, PROVIDING FOR A BOARD OF COMMISSIONERS OF SAID DISTRICT, ENUMERATING THE POWERS OF SAID DISTRICT, AND FOR RELATED PURPOSES.

WHEREAS, a petition was filed with the Board of Supervisors of Madison County for the incorporation of a proposed water & sewer district to be known as the West Madison Utility District in Madison County, Mississippi, for the purpose of providing a water and sewer system in the rural area within the proposed boundaries of such district; and,

WHEREAS, the petition was signed by not less than fifteen owners of real property residing within the boundaries of the proposed district and included (1) a statement of the necessity for the service or services to be supplied by the proposed district, (2) a proposed corporate name for the district, (3) the proposed boundaries of the district, and (4) an estimate of the cost of the acquisition or construction of the facilities to be operated by the district, which estimate, however, shall not serve as a limitation upon the financing of the improvements or extensions to the facilities; and,

WHEREAS, such petition was signed in person by the petitioners, with their respective residence addresses, and was accompanied by a sworn statement of the persons or persons circulating the petition, who stated under oath that he or they witnessed the signature of each petitioner, that each signature is the signature of the person it purports to be, and that to the best of his or their knowledge, each petitioner was, at the time of signing, an owner of real property within and a resident of the proposed district; and,

WHEREAS, the Board of Supervisors, upon the filing of the petition did set Tuesday, September 8th, 1970 at 10:00 o'clock A. M., in the Board of Supervisors Room in the Chancery Clerk's Office Annex to the Courthouse at Canton, Mississippi, as the time, date and place for a public hearing upon the question of the public convenience and necessity of the incorporation of the proposed district; and,

WHEREAS, a public notice signed by the Clerk of the time, date and place of the public hearing was published in the Madison County Herald, a newspaper within the meaning of the statute, having a general circulation within such proposed district, in the issues of August 13, 20th, 27th and September 3rd, 1970, being once a week for least three consecutive weeks prior to the date of the hearing, and the first of such publications was made not less than twenty-one days prior to the date of such hearing and the last such publication was made not more than seven days prior to the date of such hearing, and such notice contained the date of such hearing, the place at which it shall be held, and the purpose of the hearing; and,

WHEREAS, the Board of Supervisors did convene on Tuesday, September 8th, 1970 at 10:00 o'clock A. M., in the Board of Supervisors Room in the Chancery Clerk's Office Annex to the Courthouse at Canton, Mississippi, being the time, date and place fixed for such public hearings; and,

WHEREAS, the Board of Supervisors did hear the evidence offered by the engineers for the proposed district and several citizens residing within the proposed district, and data offered in support of the creation and incorporation of the district; and,

WHEREAS, after hearing the evidence, information and other data, the Board did find (1) that the public convenience and necessity require the creation of the district, and (2) that the creation of the district is economically sound and desirable; and,

WHEREAS, the Board of Supervisors did at the meeting held on September 8, 1970 adopt a resolution finding, determining and adjudicating that (1) the public convenience and necessity require the creation of the West Madison Utility District within the territorial limits as herein described, and as (2) the creation of the district is economically sound and desirable; and,

WHEREAS, such resolution adopted by this Board on September 8th, 1970, did set forth the contemplated territorial limits of the proposed district, and did declare the intentions of this Board to create the West Madison Utility District within Madison County, Mississippi on October 5th, 1970 at a meeting of the Board of Supervisors of Madison County, Mississippi, to be held at 10:00 o'clock A. M. in the Board of Supervisors Room in the Chancery Clerk's Office Annex to the Courthouse at Canton, Mississippi; and,

WHEREAS, said resolution of intentions did authorize, direct and empower the Clerk of this Board to cause to be published in the Madison County Herald, a newspaper having a general circulation within the proposed district, a certified copy of the resolution of intentions, once a week for at least three consecutive weeks to the date of October 5, 1970, being the date upon which this Board intended to create such district, the first such publication to be made not less than twenty-one days prior to the date of October 5, 1970, and the last such publication to be made not more than seven days prior to such date, said publications to be made in the issues of September 10, 17, 24 and October 1st; and,

WHEREAS, such resolution of intentions adopted on September 8th, 1970, provided that if 20% of the qualified electors of such district file a written petition with the Board of Supervisors on or before October 5, 1970, protesting the creation of such district, the Board of Supervisors shall call an election on the question of the creation of the district; but, if no petition requiring an election be filed or if a majority of those voting at an election hereunder vote in favor of the creation of such district, the Board of Supervisors shall adopt a resolution creating the district as described in the resolution of intentions; and,

WHEREAS, the resolution of intention to create the West Madison Utility District was duly published as authorized therein in the Madison County Herald in the issues of September 10, 17, 24th and October 1st, 1970, and,

WHEREAS, the hour of 10:00 o'clock A. M. on October 5, 1970 having arrived and the Board of Supervisors having convened at a meeting in the Board of Supervisors Room in the Chancery Clerk's Office Annex to the Courthouse at Canton, Mississippi, and there having been no written petition filed with the Board of Supervisors on or before October 5, 1970, protesting the creation of the West Madison Utility District:

NOW THEREFORE:

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, as follows:

1. That there is hereby created within Madison County, Mississippi a water and sewer district to be known as the West Madison Utility District for the purpose of conducting and operating a water supply and sewer system within the following territorial limits, to-wit:

Beginning at the Southeast corner of Section 35, Township 8 North, Range 1 West, run thence West and along the South line of Township 8 North to the West line of Range 2 West, said line being the West boundary of Madison County, Mississippi; run thence North and along said West County line and West line of Range 2 West to the Big Black River; thence Eastward and Northward along the Big Black River to the intersection of said river and with the line between the East one half and the West one half of Section 21, Township 10 North, Range 2 East; thence South along said line to the Northeast corner of the Southwest Quarter of said Section 21; thence West one half mile to the Northwest corner of the Southwest One Quarter of said Section 21; thence South one mile to the Southwest corner of the Northwest Quarter of Section 28, Township 10 North, Range 2 East; thence East one half mile to the Northeast corner of the Southwest Quarter of Section 28, Township 10 North, Range 2 East; thence South nine (9) miles to the Southwest corner of the Northeast Quarter of Section 9, Township 8 North, Range 2 East; thence East approximately one and one half miles to the Southeast corner of the Northeast Quarter of Section 10, Township 8 North, Range 2 East; thence South approximately one mile to the Southeast corner of said Section 10; thence West one and one half miles to the Northeast corner of the Northwest Quarter of Section 16, Township 3 North, Range 2 East; thence South three quarters of one mile to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 16; thence West one and three quarters miles to the Southwest corner of the Northeast Quarter of the Southeast Quarter of

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Section 18, Township 8 North, Range 2 East; thence North one and one quarter miles to the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 2 East; thence West three quarters of one mile to the Southwest corner of the Northwest Quarter of said Section 7; thence South three and one half miles to the Northeast corner of Section 36, Township 8 North, Range 1 East; thence West one quarter mile to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 36; thence South one mile to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 36; thence West three and one quarter miles to the Southwest corner of the Southeast Quarter of Section 33, Township 8 North, Range 1 East; thence North one half mile to the center of said Section 33; thence West one-half mile to the Northwest corner of the Southeast Quarter of said Section 33; thence North two miles, more or less, to the South right-of-way line of the Livingston-Mannsdale public road; thence West along said South right-of-way line of the Livingston-Mannsdale public road to the line between the East one-half and the West one-half of the West one half of Section 20, Township 8 North, Range 1 East; run thence South and along said line between the East one half and the West one half of the West one half of Sections 20 and 29 to the Northeast corner of the Northwest quarter of the Northwest Quarter of Section 32, Township 8 North, Range 1 East; run thence West along the North line of said Section 32 and the North line of Section 31, and the North line of Section 36, Township 8 North, Range 1 West a distance of two and one quarter miles to the Northwest corner of said Section 36; thence South one mile to the Southeast corner of Section 35, Township 8 North, Range 1 West; said Southeast corner of Section 35 being the point of beginning.

LESS AND EXCEPT that area included in the present corporate limits of the Town of Flora, Mississippi; and the area immediately surrounding said corporate limits one mile.

2. That the West Madison Utility District shall be a valid body politic and corporate of the State of Mississippi under its corporate name of West Madison Utility District. The powers of each such district shall be vested in and exercised by a Board of Commissioners consisting of three (3) members, to be appointed by the Board of Supervisors of Madison County. Upon their initial appointment, one (1) of the commissioners shall be appointed for a term of two (2) years; one (1) of the commissioners for a term of three (3) years; and one (1) for a term of four (4) years; and thereafter, each commissioner shall be appointed and shall hold office for a term of four (4) years. Any vacancy occurring on such board of commissioners shall be filled by the Board of Supervisors at any regular meeting of such Board of Supervisors, which Board of Supervisors shall have the authority to fill all unexpired terms of any commissioner or commissioners. Each commissioner shall qualify for office by taking the oath prescribed by Section 268 of the Constitution of Mississippi, and by filing with the Chancery Clerk a surety bond payable to the State of Mississippi in the penal sum of Ten Thousand Dollars (\$10,000.00) to be approved by the Chancery Clerk conditioned to provide for the faithful performance of his duties as commissioner. The bond premium shall be paid out of the revenues of the West Madison Utility District.

3. That the West Madison Utility District shall have the power and authority to acquire, construct, reconstruct, improve, better, extend, consolidate, maintain and operate such system or systems and to contract with any municipality, person, firm or corporation for a supply of water or for services required incident to the operation and maintenance of such a system. Nothing in this act shall be construed as giving the authority to own, operate or maintain any natural gas or electric transmission or distribution system.

4. The Board of Commissioners shall organize by electing one (1) of its members as chairman and another as vice-chairman. It shall be the duty of the chairman to preside at all meetings of the Board and to act as the chief executive officer of the Board of the West Madison Utility District. The vice-chairman shall act in the absence or the disability of the chairman. Such board also shall elect and fix the compensation of a secretary-treasurer who may or may not be a member of the board. It shall be the duty of the secretary-treasurer to keep a record of all proceedings of the Board to safely keep all funds of the district. The proceedings and records of the board shall be available for inspection as other public records. The secretary-treasurer shall be required to execute a bond, payable to the District, in a sum and with such surety as shall be fixed and approved by the Board of Commissioners. The terms of all officers of the Board shall be for one (1) year from and after date of election and shall run until their respective successors are appointed and qualified. The Board of Commissioners shall adopt an official seal with which to attest the official acts and records of the board and district.

5. Every resident citizen of any district created pursuant to this act, of good reputation, being the owner of land situated within such district and over twenty-five years of age, and of sound mind and judgment shall be eligible to hold the office of commissioner.

6. The commissioners so appointed and qualified shall be compensated for their services for each meeting of the Board of Commissioners attended, either regular or special, at a rate to be fixed by the Board of Supervisors, and shall be reimbursed for all expenses necessarily incurred in the discharge of their official duties.

7. The West Madison Utility District herein created, acting by and through the Board of Commissioners of such district, its governing authority, shall have the following powers:

- (a) to sue and be sued;
- (b) to acquire by purchase, gift, devise or lease and hold and dispose of real and personal property of every kind;
- (c) To make and enter into contract, conveyances, mortgages, deeds of trust, bonds or leases;
- (d) to incur debts, to borrow money, to issue negotiable bonds, and to provide for the rights of the holders thereof;
- (e) to fix, maintain, collect and revise rates and charges for the services rendered by or through the facilities of such district, which rates and charges shall

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not be subject to review or regulation by the Mississippi Public Service Commission, except in those instances where a city operating similar services would be subject to regulation and review;

(f) to pledge all or any part of its revenues to the payment of its obligations;

(g) to make such covenants, in connection with the issuance of bonds or to secure the payment of bonds that a private business corporation can make under the general laws of the State;

(h) to use any right of way, easement of other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities of such district, held by the State or any political subdivision thereof; provided that the governing body of such political subdivision consent to such use.

8. (a) The West Madison Utility District shall have the power to provide for the purpose of constructing, acquiring, reconstructing, improving, bettering, or extending the facilities of such district by the issuance of revenue bonds only. Such bonds shall be payable solely and only from the revenues of such facilities and may be issued without an election being held upon the question of their issuance unless the board of commissioners of the district is presented with a petition for an election upon the question of their issuance signed by at least twenty per cent (20%) of the qualified electors residing within the district. If an election is required, it shall be held in substantial accord with the election outlined in subsection (c) of Section of Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature.

(b) The Board of Commissioners of the West Madison Utility District created pursuant to this act may issue bonds of such district by resolution spread upon the minutes of such board. Such bonds shall contain such covenants and provisions; shall be executed; shall be in such form, format, type, denomination or denominations; shall be payable as to principal and interest, at such place or places; and shall mature at such time or times not exceeding forty (40) years from their date, all as shall be determined by such board of commissioners and set forth in the resolution to which such bonds shall be issued.

(c) Provided, however, all bonds shall bear interest at such rate or rates not to exceed a net interest cost to maturity of six percent (6%) per annum; no bond shall bear more than one (1) rate of interest; each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; all bonds of the same maturity shall bear the same rate of interest. All interest accruing on such bonds so issued shall be payable semiannually, or annually, except that the first interest coupons attached to any such bond may be for any period not exceeding one (1) year. Interest payment shall be evidenced by more than one (1) coupon and supplemental coupon will not be permitted; no interest coupon shall vary more than twenty-five per cent (25%) in interest rate, from any other interest coupon in the same bond issue; and the interest rate on any one interest coupon shall not exceed six per cent (6%).

(d) Such bonds shall be signed by the president and secretary of the commission with the seal of the commission affixed thereto, but the coupons may bear only the facsimile signature of such president and secretary.

(e) Any provisions of the general laws to the contrary notwithstanding, an interest coupon issued pursuant to the authority of this act shall possess all the qualities of negotiable instruments, and such bonds and interest coupons shall be exempt from all State, county, municipal and other taxation under the laws of the State of Mississippi.

9. (a) All bonds provided for herein shall be sold under the sealed bid procedure as designated in Section 4357-01, Mississippi Code of 1942, Recompiled, and as additionally provided in Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature. Each interest rate specified in any bid must be in a multiple of one-twentieth of one per cent (1/20th of 1%) and a zero rate of interest cannot be named. Any premium must be paid in bank funds as a part of the purchase price and bid shall not contemplate the cancellation of any interest coupon or the waiver of interest or other concession by the bidder as a substitute for bank funds. Any bonds issued under the provisions of this act shall be submitted to validation under the provisions of Section 4313 through 4318, inclusive, Mississippi Code of 1942, Recompiled.

(b) Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature without reference to any other statute, shall be deemed to be full and complete authority for the creation of the West Madison Utility District and for the issuance of such bonds and no proceedings shall be required for the creation of such district or for the issuance of such bonds other than those provided for and required by Senate Bill No. 1966 Extraordinary Session of Mississippi Legislature, and all the necessary powers to be exercised by the Board of Supervisors of Madison County and by the Board of Commissioners of the West Madison Utility District, in order to carry out the provisions of Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature, are hereby conferred provided, however, that all bonds issued under this act shall be sold as required by Section 4357-01, Mississippi Code of 1942, Recompiled.

10. There shall be and there is created a statutory lien in the nature of a mortgage lien upon any system or systems acquired or constructed in accordance herewith, including all extensions and improvements thereof or combinations thereof subsequently made, which lien shall be in favor of the holder or holders of any bonds issued pursuant to this act and all such property shall remain subject to such statutory lien until the payment in full of the principal of and interest on said bonds. Any holder of said bonds or any of the coupons representing interest thereon may either at law or in equity, by suit, action, mandamus or other proceedings, in any court of competent jurisdiction, protect and enforce such statutory lien and compel performance of all duties required by this act, including the making and collection of sufficient rates for the service or services, the proper accounting thereof, and the performance of any duties required by covenants with the holders of any bonds issued in accordance herewith.

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If any default is made in the payment of the principal or interest on such bonds, any court having jurisdiction of the action may appoint a receiver to administer said district and said system or systems, with power to charge and collect rates sufficient to provide for the payment of all bonds and obligations outstanding against said system or systems and for the payment of operating expenses and to apply the income and revenues thereof in conformity with the provisions of this act and any covenants with bondholders.

11. No holder or holders of any bonds issued pursuant to this act shall ever have the right to compel the levy of any tax to pay said bonds or the interest thereon. Each bond shall recite in substance that said bond and interest thereon is payable solely from the revenue pledged to the payment thereof and that said bond does not constitute a debt of the district within the meaning of any statutory limitation.

12. The Board of commissioners of the West Madison Utility District issuing bonds pursuant to this act shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities of its system or systems, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to insure that such system or systems shall be and always remain self-supporting. The rates, fees, tolls or charges prescribed shall be such as will always produce revenue at least sufficient (a) to provide for all expenses of operation and maintenance of the system or systems, including reserves therefor, and (b) to pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor.

13. The property and revenue of such district will be exempt from all State, County and municipal taxation. Bonds issued pursuant to Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature and the income therefrom shall be exempt from all State, county and municipal taxation, except inheritance, transfer and estate taxes, and may be so stated on the face of the said bonds.

14. Any area adjacent to any district created pursuant to this resolution and situated in Madison County, and not being situated within the corporate boundaries of any existing municipality, may be annexed to and become a part of such district by the same procedure prescribed in Section 1 of Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature for the original creation of the district. All costs incident to the publication of notice and all other costs incident to the hearing, election and proceedings shall be paid by the West Madison Utility District.

15. None of the territory lying within the West Madison Utility District shall be subject to the annexation by any municipality, or incorporated within a municipality, unless all of the territory of the district shall be so annexed or incorporated at one time, in which event the assets of the district shall be transferred to the municipality and the municipality shall assume the operation and maintenance of the facilities of the district, and shall assume all liabilities and obligations of the district. Such transfer shall not affect any lien or security of the holders or the holders of any bonds issued by the district. After the transfer to such municipality the district shall be dissolved by order of the Board of Supervisors.

16. Within ninety (90) days after the close of each fiscal year, the commissioners shall publish in a newspaper of general circulation in Madison County a sworn statement showing the financial condition of the district, the earnings for the fiscal year just ended, a statement of the water and sewer rates being charged and a brief statement of the method used in arriving at such rates. Such statement shall be filed with the Board of Supervisors of Madison County.

17. If any provision of this resolution shall be held to be invalid by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby.

18. That the West Madison Utility District created hereby is created under the provisions and authority of Senate Bill No. 1520, 1966 Extraordinary Session of Mississippi Legislature, and is hereby vested with all of the power and authority provided for in the said Senate Bill No. 1520, as now existing or as hereafter may be amended.

Resolved by the Board of Supervisors of Madison County, Mississippi, this the 5th day of October, 1970.

A. B. Mansell, Jr.
President of the Board of Supervisors

ATTEST:
W. A. SIMS
Clerk

The motion for the adoption of the resolution was seconded by Supervisor A. E. Crawford, and after discussion, the resolution was read and considered section by section and as a whole, and a vote was taken thereon, section by section, and as a whole, with the following results:

Voting "AYE": A. B. Mansell, Jr., A. E. Crawford, Pat H. Lockett, Jr.
and J. S. Harris, Jr.

Voting "NAY": None

Absent or not voting: E. D. Mansell