

**STATE OF MISSISSIPPI  
SECRETARY OF STATE'S OFFICE  
C. DELBERT HOSEMANN, JR.  
SECRETARY OF STATE  
JACKSON, MISSISSIPPI**

June 28, 2016

Tim C. Holleman, Esquire  
Attorney, Diamondhead Water & Sewer District  
1720 23<sup>rd</sup> Avenue  
Gulfport, Mississippi 39501

Dear Mr. Holleman,

I, Delbert Hosemann, Secretary of State, do hereby certify the

**INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT  
BETWEEN THE DIAMONDHEAD WATER & SEWER DISTRICT  
AND THE CITY OF DIAMONDHEAD**

was recorded in this office in the Records of Incorporation; the Interlocal Corporation Act File; and is located in Photostat Book 400.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF  
MISSISSIPPI HERETO AFFIXED, THIS 28TH DAY OF JUNE, 2016**



*C. Delbert Hosemann, Jr.*  
C. Delbert Hosemann, Jr.

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

June 17, 2016

Tim C. Holleman, Esq.  
Attorney, Diamondhead Water & Sewer District  
1720 23<sup>rd</sup> Avenue  
Gulfport, Mississippi 39501

Re: Interlocal Governmental Cooperation Agreement between the  
Diamondhead Water & Sewer District and the City of Diamondhead

Dear Mr. Holleman:

**OFFICIAL OPINION**  
Attorney General Jim Hood has received your request to review and approve the above-referenced Interlocal Agreement and has referred it to me for research and reply. As required by Mississippi Code Annotated Section 17-13-11(1972), all interlocal agreements must be approved by the Attorney General before they may go into effect. This agreement involves the provision of water and sewer facilities and services between the Diamondhead Water & Sewer District and the City of Diamondhead.

We have examined the agreement pursuant to the Interlocal Cooperation Act of 1974, Mississippi Code Annotated Sections 17-13-1 *et seq.* (1972) and find that the agreement is in proper form and compatible with the laws of the State of Mississippi and is hereby approved. We note that the agreement does not specifically state the duration of the agreement. With respect to the effect of the agreement on successor boards as it relates to the duration of the agreement, this office has consistently opined that contracts or agreements extending beyond the term of the current governing body are voidable by the succeeding board.

Prior to becoming effective, the agreement must, in addition to receiving the approval of this office, be filed with the chancery clerk of each county in which any party to the agreement is located and with the Secretary of State. Please note that any amendments to the agreement must also be approved by this office and filed accordingly.

Tim C. Holleman, Esq.  
June 17, 2016  
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If our office may be of further assistance, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Leigh Triche Janous".

Leigh Triche Janous  
Special Assistant Attorney General

Enclosure

**OFFICIAL OPINION**