

By: Representative Reynolds

To: Local and Private
Legislation

HOUSE BILL NO. 564
(As Passed the House)

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TALLAHATCHIE
2 COUNTY AND THE CITY OF CHARLESTON TO ESTABLISH AN ECONOMIC
3 DEVELOPMENT AUTHORITY FOR THE FIRST JUDICIAL DISTRICT OF
4 TALLAHATCHIE COUNTY; TO PROVIDE FOR THE MEMBERSHIP OF THE
5 AUTHORITY; TO PRESCRIBE THE POWERS AND DUTIES OF THE AUTHORITY;
6 AND FOR RELATED PURPOSES.

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

8 SECTION 1. Whenever used in this act, unless a different
9 meaning clearly appears in the context, the following terms,
10 whether used in the singular or plural, shall have the following
11 meanings:

12 (a) "Authority" means the economic development
13 authority established under the provisions of this act.

14 (b) "Board of supervisors" means the Board of
15 Supervisors of Tallahatchie County.

16 (c) "County" means Tallahatchie County, Mississippi.

17 (d) "Governing bodies" means the Board of Supervisors
18 of Tallahatchie County and the Mayor and Board of Aldermen of the
19 City of Charleston.

20 SECTION 2. When the Board of Supervisors of Tallahatchie
21 County, Mississippi, and the governing authorities of the City of
22 Charleston, Mississippi, find and determine that public
23 convenience and necessity requires, as evidenced by a resolution
24 duly adopted and entered on the official minutes of such governing
25 bodies, they jointly may establish an economic development
26 authority, to be known as the "Economic Development Authority for
27 the First Judicial District of Tallahatchie County." The
28 authority shall be composed of five (5) resident citizens of the

county. Three (3) of the members shall be appointed by majority vote of the board of supervisors upon nomination of one (1) person each by the member of the board elected from Supervisors District No. 1, the member of the board elected from Supervisors District No. 2 and the member of the board elected from Supervisors District No. 3. The remaining two (2) members of the authority shall be resident citizens of the First Judicial District of Tallahatchie County and the City of Charleston and shall be appointed by the governing authorities of the City of Charleston. The members of the authority initially appointed shall serve for a term as follows: The member appointed upon nomination of the member of the board of supervisors from Supervisors District No. 1 shall serve a term of five (5) years; the member appointed upon nomination of the member of the board of supervisors from Supervisors District No. 2 shall serve a term of three (3) years; the member appointed upon nomination of the member of the board of supervisors from Supervisors District No. 3 shall serve a term of one (1) year; one (1) of the members appointed by the governing authorities of the City of Charleston shall serve a term of four (4) years; and one (1) of the members appointed by the governing authorities of the City of Charleston shall serve a term of two (2) years. All appointments subsequent to the initial appointments shall be for a term of five (5) years. Any vacancy in the membership of the authority shall be filled for the unexpired term by the original appointing authority.

SECTION 3. (1) Before entering upon the duties of the office, each member of the authority shall take and subscribe to the oath of office required by Section 268, Mississippi Constitution of 1890, and shall give bond in the sum of Five Thousand Dollars (\$5,000.00), conditioned upon the faithful performance of his duties, such bond to be made payable to and approved by the authority.

(2) The members of the authority shall meet at the regular meeting place of the board of supervisors within thirty (30) days after the members are initially appointed and shall elect from among their number a president, vice president and secretary-treasurer of the authority and shall adopt a seal and

66 such bylaws, rules and regulations as may be necessary to govern
67 the time, place and manner for holding subsequent meetings of the
68 authority and for conduct of its business, not inconsistent with
69 the provisions of this act.

70 (3) The members of the authority shall serve without salary
71 or compensation; however, the members and staff of the authority
72 may be reimbursed for actual expenses, including mileage and
73 travel expenses, incurred in the performance of their duties, as
74 authorized by Section 25-3-41, Mississippi Code of 1972.

75 SECTION 4. (1) The authority is granted the following
76 powers, together with all powers incidental thereto or necessary
77 for the performance of those hereinafter stated, in order to
78 effectuate the purposes of this act:

79 (a) To acquire by gift, purchase or otherwise, and to
80 own, lease, hold, maintain, control and develop, real estate and
81 improvements thereon situated within the First Judicial District
82 of Tallahatchie County, either within or without the corporate
83 limits of a municipality, for development, use and operation as
84 one or more industrial park complexes, buildings or sites or
85 economic development districts.

86 (b) To engage in works of internal improvement for
87 those sites, including, but not limited to, construction or
88 contracting for the construction of streets, roads, railroads,
89 site improvements, water, sewerage, drainage, pollution and other
90 related facilities necessary or required for industrial or
91 economic development use and development.

92 (c) To acquire, purchase, install, lease, construct,
93 own, hold, equip, control, maintain, use, operate and repair such
94 structures and facilities as are determined to be necessary and
95 convenient for the planning, development, use, operation and
96 maintenance of industrial or economic development projects,
97 including, but not limited to, buildings, utility installations,
98 elevators, compressors, warehouses, air, rail and other

99 transportation terminals and pollution control facilities.

100 (d) To sell, lease, trade, exchange or otherwise
101 dispose of industrial sites and improvements thereon to
102 individuals, firms or corporations, public or private, for all
103 types of industrial, economic, commercial and agricultural uses
104 upon such terms and conditions, for such consideration, and with
105 such safeguards as it determines will best promote and protect the
106 public interest, convenience and necessity, and to execute deeds,
107 leases, contracts, easements and other legal instruments necessary
108 or convenient therefor.

109 (e) To fix and prescribe fees, charges and rates for
110 the use of any water, sewerage, utilities, pollution or other
111 facilities constructed, owned and operated by the authority in
112 connection with a project and to collect the same from persons,
113 firms and corporations using the same for industrial, commercial
114 or agricultural purposes, except as to rates and charges against
115 common carriers regulated by an agency of the federal government
116 or the Mississippi Public Service Commission.

117 (f) To employ a staff or to contract for staff and
118 professional services with other organizations such as attorneys,
119 engineers, accountants, consultants and such personnel as shall be
120 reasonably necessary to carry out the duties and powers authorized
121 by this act. The authority shall avoid duplication of staff with
122 other organizations such as a chamber of commerce, and, where
123 duplications would occur, it shall contract for staff services
124 with the existing organizations.

125 (g) To expend funds to promote and solicit new business
126 and industry for the county and to provide services which will
127 ensure the continued operation and expansion of existing industry
128 in the county. The authority is further authorized and empowered
129 to expend funds to remove obstacles to the development of new
130 business and industry.

131 (h) To do and perform any and all other acts as may be

authorized or allowed to be performed by the Board of Supervisors of Tallahatchie County under Chapter 922, Local and Private Laws of 1992.

(2) Any sale or lease of all or part of a project may be executed upon such terms and conditions and for such monetary rental or other consideration as may be found adequate and approved by the authority in orders or resolutions authorizing the same. Any covenants and obligations of lessees or sublessees to make expenditures in determined amounts, and within such time or times, for improvements to be erected on the land owned or otherwise held by the authority, and to conduct thereon industrial, commercial, economic, agricultural or public purpose operations in such aggregate payroll amounts and for such period of time or times as may be determined and defined in such sale or lease, and to give preference in employment where practicable to qualified residents of the county, shall, if included in such sale or lease, constitute and be deemed adequate and sufficient consideration for the execution of any such sale or lease, and no monetary rental or other consideration shall be required. Any such instrument may contain reasonable provisions giving the lessee the right to remove its or his improvements upon termination of the lease.

SECTION 5. In addition to any rights, duties and powers now or hereafter conferred upon the county, the board of supervisors, at the request of the authority, in its discretion, may utilize any available revenues in its general fund and funds generated from levies for economic or industrial development purposes, including the ad valorem tax authorized by Section 19-9-111, Mississippi Code of 1972, for the operation and general support of the authority. The governing authorities of the City of Charleston, in their discretion, may use any available revenues in their general fund to support the authority.

SECTION 6. The authority, in addition to any monies which

165 may be received by it from the collection of revenues, rents and
166 earnings derived under the provisions of this act, shall have the
167 authority to accept from any public or private agency, or from any
168 individual, grants for or in aid of the construction of any
169 project, and to receive and accept contributions, from any source,
170 of money or property or other things of value to be held, used and
171 applied only for the purposes for which such grants or
172 contributions may be made.

173 SECTION 7. This act shall be deemed to be full and complete
174 authority for the exercise of the powers herein granted.

175 SECTION 8. This act shall take effect and be in force from
176 and after its passage.