

By: Representative Henderson (26th)

To: Local and Private
Legislation; Ways and
MeansHOUSE BILL NO. 1749
(As Passed the House)

1 AN ACT TO AUTHORIZE THE BOARD OF MAYOR AND COMMISSIONERS OF
2 THE CITY OF CLARKSDALE, MISSISSIPPI, TO CREATE THE BOARD OF
3 TRUSTEES OF THE DELTA BLUES MUSEUM; TO PROVIDE FOR QUALIFICATIONS,
4 TERMS AND APPOINTMENTS OF BOARD MEMBERS; TO PROVIDE FOR THE
5 CONTROL AND MANAGEMENT OF PROPERTY; TO PROVIDE FOR THE POWERS AND
6 DUTIES OF THE BOARD OF TRUSTEES; TO PROVIDE REPORTING
7 REQUIREMENTS; TO PROVIDE FOR THE POWERS AND AUTHORITY OF THE CITY
8 OF CLARKSDALE UNDER THIS ACT; TO PROVIDE FOR THE CONTROL OF FUNDS;
9 TO AUTHORIZE THE LEVY AND COLLECTION OF A TAX FOR CONSTRUCTING,
10 SUPPORTING AND MAINTAINING THE DELTA BLUES MUSEUM; TO AUTHORIZE
11 THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CONSTRUCTION, REPAIR,
12 REMODELING, EQUIPPING, FURNISHING, ADDING TO OR IMPROVING CAPITAL
13 FACILITIES AND/OR EXHIBITS OF THE DELTA BLUES MUSEUM; TO PROVIDE
14 FOR A REVERSE REFERENDUM ELECTION PROCEDURE WITH REGARD TO THE TAX
15 LEVY OR THE ISSUANCE OF BONDS; TO PROVIDE FOR THE DISPOSITION AND
16 UTILIZATION OF PROPERTY; AND FOR RELATED PURPOSES.

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

18 SECTION 1. The Mississippi Legislature recognizes the Delta
19 Blues Museum of Clarksdale, Mississippi, begun by the Board of
20 Trustees of the Carnegie Public Library more than twenty (20)
21 years ago for the purpose of honoring Mississippians and others
22 who have made significant contributions to Mississippi and to the
23 musical art form commonly known as the "Blues" through their
24 music. The Mississippi Legislature further recognizes the
25 preeminence of the Delta Blues Museum as a leading facility in the
26 world of blues music. The Mississippi Legislature further
27 recognizes that the Delta Blues Museum is of great economic and
28 cultural importance to the City of Clarksdale, to Coahoma County,
29 and to the Delta region of the State of Mississippi, and is of
30 potential great economic and cultural importance to the entire
31 State of Mississippi.

32 SECTION 2. (1) The management and control of the Delta
33 Blues Museum shall be vested in a board of five (5) trustees, who

shall be appointed by the Board of Mayor and Commissioners of the City of Clarksdale, Mississippi. The first appointments shall be for terms of one, two, three, four and five years, respectively, and thereafter, a trustee shall be appointed to serve a five-year term.

(2) Each trustee shall be a resident and qualified elector of the City of Clarksdale, Mississippi. After the initial term, if the initial term is for less than five (5) years, trustees shall be limited to two (2) consecutive terms of office; provided, however, there shall be no limit on the total number of terms served by a trustee.

(3) Vacancies on the Board of Trustees of the Delta Blues Museum shall be filled for unexpired terms by action of the Board of Mayor and Commissioners of the City of Clarksdale.

(4) Any trustee who shall not attend three (3) consecutive meetings of the board of trustees shall be subject to removal by the Board of Mayor and Commissioners of the City of Clarksdale.

(5) No trustee shall receive a salary or other compensation for his or her service; provided, however, that all trustees shall be reimbursed for their necessary travel expenses and mileage incident to their attendance upon the business of the board of trustees, as provided by Section 25-3-41, Mississippi Code of 1972.

SECTION 3. All property, real and personal, of and utilized or acquired by the Delta Blues Museum which is under the operation, control and management of the Board of Trustees of the Delta Blues Museum shall be and remain the property of the City of Clarksdale, Mississippi.

SECTION 4. (1) The Board of Trustees of the Delta Blues Museum, immediately after their appointment, shall meet and organize by the election of such officers as they deem necessary, which may include a chairman, one or more vice chairmen, a secretary and a treasurer. They shall (a) adopt such bylaws, rules and regulations for their own guidance in the government of the Delta Blues Museum as they deem expedient; (b) meet at least once in each month; (c) have the supervision, care and custody of all property of the Delta Blues Museum, including the building or

71 buildings leased, designated or set apart therefor; (d) may, in
72 their discretion, employ a director, a curator and such other
73 staff as may be necessary, prescribe their duties, fix their
74 compensation and remove them, with or without cause; (e) submit
75 annually to the Board of Mayor and Commissioners of the City of
76 Clarksdale a budget containing estimates of income and expenses
77 for the ensuing year; (f) have exclusive control of the finances
78 of the Delta Blues Museum; (g) accept such gifts of money or
79 property for museum purposes and under such conditions as they
80 deem expedient; (h) purchase exhibits, equipment, insurance,
81 supplies and other items incident to the operation, maintenance
82 and control of the Delta Blues Museum as they, in their
83 discretion, deem necessary; (i) dispose of equipment and discarded
84 or surplus museum materials as provided in Section 19-7-5,
85 Mississippi Code of 1972; (j) enter into agreements with such
86 consultants, architects, engineers, museum designers, public
87 relations, media relations, web designers, fundraisers, promoters
88 and such other firms and organizations necessary to design,
89 construct, maintain and promote the Delta Blues Museum; and (k) do
90 all other acts necessary for the orderly and efficient management
91 and control of the Delta Blues Museum. However, no expenditure
92 made or contracted by the Board of Trustees of the Delta Blues
93 Museum shall be binding upon the City of Clarksdale so as to
94 require any payment in excess of funds made available for Delta
95 Blues Museum purposes by the Board of Mayor and Commissioners of
96 the City of Clarksdale.

97 (2) The Board of Trustees of the Delta Blues Museum is
98 authorized and empowered to employ a director and/or a curator for
99 the Delta Blues Museum, who shall have such educational
100 qualifications as may be prescribed by the board of trustees. The
101 board of trustees may, from time to time, combine the positions of
102 director and curator, or may keep them separate, as the board of
103 trustees, in its discretion, deems in the best public interest.

104 (3) The director shall administer and establish procedures
105 according to policies established by the board of trustees. His
106 or her duties shall include: (a) recommendations relative to the
107 employment of staff, with the final decision and approval to be
108 made by the board of trustees; (b) prescription of staff duties;
109 (c) recommendation of removal or discharge of staff, which final
110 decision shall be that of the board of trustees; (d) preparation
111 of the budget; (e) financial and statistical management; (f)
112 reporting to the board of trustees; and (g) other acts necessary
113 for the orderly and efficient administration of the Delta Blues
114 Museum.

115 (4) The board of trustees is authorized to insure all
116 property used in the operation of the Delta Blues Museum,
117 including buildings, furniture, exhibits, memorabilia, books and
118 records, and the like against loss by fire, wind, water, theft and
119 other perils commonly insured against, and to carry a sufficient
120 amount of employer's liability, worker's compensation and other
121 insurance as, in the discretion of the board of trustees, may be
122 deemed proper, and to pay the premiums therefor out of the funds
123 available to it, including funds derived from the operation of the
124 Delta Blues Museum.

125 (5) The board of trustees may enter into agreements with
126 other museums, individuals, corporations and other business
127 entities, and other governmental entities, for the acquisition,
128 display, movement, transfer and relocation of exhibits, upon such
129 terms and conditions and for such consideration as the board of
130 trustees may, from time to time, in its discretion, determine to
131 be in the best interests of the Delta Blues Museum.

132 (6) The board of trustees may establish an admission fee or
133 charge, or may, at its discretion, waive such admission fee or
134 charge to residents of the City of Clarksdale and/or Coahoma
135 County, Mississippi. The board of trustees shall have the right,
136 from time to time, to modify such admission fees, to provide for

group discounts or to waive such fees in their entirety, as the board of trustees, in its discretion, deems appropriate.

(7) The board of trustees may determine and require reasonable reimbursements to be collected for the provision of special museum services.

(8) The board of trustees may accept in the name of the museum gifts or donations of money, real estate, exhibits, music, books, periodicals or other property for the purpose of promoting the work of the Delta Blues Museum, and may accept and administer any funds which might be provided by state or federal government for such purposes.

(9) The board of trustees may accept loans of exhibits, photographs, musical instruments, books, periodicals, memorabilia, collections and other items of interest to be displayed upon such conditions as the board of trustees may deem appropriate, and may insure the same and pay the premiums therefor, which shall not be considered as a donation.

(10) The Board of Trustees of the Delta Blues Museum shall advertise for competitive bids in the manner and form as is required by Section 31-7-13, Mississippi Code of 1972. The board of trustees shall not be required to comply with the competitive bid requirements of Section 31-7-13, relative to the acquisition of museum exhibits and professional services.

(11) The board of trustees may enter into professional services contracts and agreements with architects, engineers, museum designers, consultants, media and public relations consultants, fundraisers, web and Internet designers and consultants, and other professional service providers under such terms and conditions as the board of trustees, in its discretion, may determine to be in the best interest of the Delta Blues Museum.

(12) The board of trustees may design, publish and maintain a website for the Delta Blues Museum, and pay the costs incident

170 thereto from its available funds.

171 (13) The board of trustees shall install and maintain proper
172 books of records and accounts, separate entirely from other
173 records and accounts of the City of Clarksdale, in which correct
174 entries shall be made of all dealings or transactions of or in
175 relation to the properties, business and affairs of the Delta
176 Blues Museum.

177 (14) The board of trustees may cause the operation of a
178 museum gift shop, and sell for profit books, recordings, posters,
179 t-shirts and similar items.

180 (15) The board of trustees may, in its discretion, promote
181 the Delta Blues Museum by (a) sponsoring live events, concerts or
182 other public performances, (b) entering into contracts with
183 management companies, lighting, stage and sound providers,
184 promoters, public relations and media relations companies, and
185 such other service providers as may be necessary for such
186 promotions, and (c) sponsoring photographic, art and music
187 exhibits, performances, workshops and such other functions as will
188 continue to promote and foster the development of the blues.

189 (16) The board of trustees may, in its discretion, create
190 and offer various programs, including, but not limited to, an
191 educational component to teach music, music appreciation, and to
192 promote a better understanding of the blues, and may employ
193 persons specifically for those purposes.

194 (17) The board of trustees may, in its discretion, enter
195 into agreements with other museums, educational institutions or
196 the like, to exchange, display or loan exhibits, and may institute
197 and implement satellite and/or traveling exhibits.

198 SECTION 5. (1) Quarterly Reports. The Board of Trustees of
199 the Delta Blues Museum shall report quarterly to the Board of
200 Mayor and Commissioners on all of its actions and transactions of
201 every kind whatsoever, which report shall also contain a detailed
202 statement of the financial condition of the Delta Blues Museum.

(2) Annual Reports. At the close of each year, the board of trustees shall make a report to the Board of Mayor and Commissioners of the City of Clarksdale, showing the condition of the trust during the year, the sums of money received for the Delta Blues Museum fund from taxes and all other sources, the sums of money expended and the purposes of the expenditures, the number of the exhibits on hand, the number added during the year, the number disposed of, the number of visitors to the Delta Blues Museum, and such other statistics and information, and such suggestions, as the board of trustees deems in the public interest.

SECTION 6. The Board of Mayor and Commissioners of the City of Clarksdale is hereby specifically granted the power and authority:

(a) To create the Board of Trustees of the Delta Blues Museum as specified in Section 2 of this act and to appoint the members thereof.

(b) To acquire all real property necessary for the development and expansion of the Delta Blues Museum, and to erect buildings and structures thereon to house the museum, its exhibits, gift shops and related facilities.

(c) To create an advisory board, to consist of such number of members as it, in its discretion, deems in the best interests of the Delta Blues Museum. Members of the advisory board may reside within or without the City of Clarksdale and/or the State of Mississippi, and may include a broad cross section, including musicians, managers, authors, publishers, members of the business community, academies or otherwise, to provide advice to the board of trustees as to the design, operation, promotion, management, finances and future growth of the Delta Blues Museum.

No person may serve simultaneously as a member of the board of trustees and of the advisory board. The Board of Mayor and Commissioners of the City of Clarksdale may determine the terms of

236 service of members of the advisory board.

237 (d) To develop, construct and promote "Blues Alley" as
238 an entertainment district in which the Delta Blues Museum is
239 situated, and to make such rules and regulations relative thereto
240 as may be in the best interests of the City of Clarksdale.

241 (e) To enter into agreements with other local
242 governments, including, without limitation, the Board of
243 Supervisors of Coahoma County and the Coahoma County Tourism
244 Commission, to provide funds, property, buildings, exhibits and
245 other support to the Delta Blues Museum.

246 (f) To lease or furnish space to the Delta Blues
247 Museum, for such period of time as the governing authorities
248 determine. The benefit to the City of Clarksdale from the
249 operation of such lease shall be considered as sufficient
250 consideration. The lease may be exercised for a nominal fee, and
251 it shall be presumed that such lease shall not amount to a
252 donation of municipal property. The consideration may be
253 adjusted, from time to time, upon agreement of the Board of Mayor
254 and Commissioners of the City of Clarksdale and the Board of
255 Trustees of the Delta Blues Museum.

256 (g) To create a Hall of Fame and/or Walk of Fame,
257 honoring substantial contributors to blues music, by photograph,
258 bias relief, statue, or such other recognition as the Board of
259 Mayor and Commissioners, in its discretion, deems appropriate, and
260 to expend municipal funds therefor. The Board of Mayor and
261 Commissioners of the City of Clarksdale and the Board of Trustees
262 of the Delta Blues Museum may coordinate such efforts as the
263 boards deem appropriate.

264 (h) To adopt such ordinances and resolutions and to do
265 all things and perform all acts necessary, proper or desirable to
266 effectuate the full intent and purposes of these sections,
267 including the authority to borrow money and issue negotiable notes
268 or certificates of indebtedness therefor under the provisions

269 hereof.

270 SECTION 7. (1) The Board of Trustees of the Delta Blues
271 Museum shall have full jurisdiction of all funds coming into its
272 possession, either by appropriation of the governing authorities
273 of the City of Clarksdale, or by gift, or by revenue derived from
274 the operation of the Delta Blues Museum, its gift shop or from the
275 sale of merchandise, and shall have the authority to make all
276 contacts in relation thereto.

277 (2) The Board of Trustees of the Delta Blues Museum shall
278 devote all monies derived by appropriation from the municipal
279 governing authorities, by gift, by revenue or from any other
280 source, for the payment of all maintenance and operation expenses,
281 the operation of the Delta Blues Museum, the purchase of
282 equipment, exhibits and artifacts, the repair and replacement
283 thereof, and the extension of museum facilities, services and
284 programs for the benefit of the citizens and patrons of the Delta
285 Blues Museum.

286 SECTION 8. The Board of Mayor and Commissioners of the City
287 of Clarksdale is hereby authorized, in its discretion, to levy and
288 collect not more than three (3) mills on all taxable property in
289 the City of Clarksdale annually for the purpose of constructing,
290 supporting and maintaining the Delta Blues Museum. The funds so
291 collected by said tax shall be used for no purpose except as
292 provided in this act.

293 SECTION 9. (1) The Board of Mayor and Commissioners of the
294 City of Clarksdale is hereby authorized and empowered to, at one
295 (1) time or from time to time, issue general obligation bonds of
296 the City of Clarksdale, Mississippi, to provide funds for
297 construction, repair, remodeling, equipping, furnishing, adding to
298 or improving the capital facilities and/or exhibits of the Delta
299 Blues Museum. The issuance of bonds under this provision shall be
300 preceded by the adoption of a resolution by the Board of Mayor and
301 Commissioners of the City of Clarksdale, declaring the necessity

for the issuance of general obligation bonds under the authority contained in this section. The total outstanding amount of bonds issued hereunder shall not exceed Two Million Dollars (\$2,000,000.00) at any one time.

(2) The proceeds of bonds issued hereunder shall be used solely for the benefit of the Delta Blues Museum, including capital improvements, exhibit acquisition and development, and the costs incident to the issuance and sale of such bonds.

(3) All bonds issued under this section shall be legal investments for trustees and other fiduciaries and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities that may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(4) The bonds authorized under the authority of this section may be validated in the Chancery Court of Coahoma County, Mississippi, in the manner and with the force provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of municipal and other bonds. A notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Clarksdale, Mississippi.

(5) Bonds issued under this section and income from the bonds shall be exempt from all taxation in the State of Mississippi.

(6) The bonds issued under the provisions of this section are general obligations of the City of Clarksdale, Mississippi, and for the payment thereof, the full faith and credit of the City of Clarksdale may irrevocably be pledged. If the funds appropriated by the Board of Mayor and Commissioners of the City of Clarksdale are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency

shall be paid by the city clerk from any funds in the city treasury not otherwise appropriated. All such bonds issued hereunder shall contain recitals on their faces substantially covering the provisions of this section.

(7) The principal of and interest on the bonds authorized hereunder shall be payable in the manner provided in this section.

Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101, Mississippi Code of 1972, be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times, not to exceed twenty (20) years from the date of issue, be redeemable before maturity at such time or times, and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially such form, all as determined by resolution of the Board of Mayor and Commissioners of the City of Clarksdale.

SECTION 10. (1) The Board of Mayor and Commissioners of the City of Clarksdale is hereby authorized and empowered, if it so desires, to sell, lease or otherwise dispose of the municipally owned real and personal property utilized or acquired by the Delta Blues Museum, on such terms and conditions, and with such safeguards as will best promote and protect the public interest. In the event of the sale of real property, the Board of Mayor and Commissioners of the City of Clarksdale shall comply with the requirements of Section 21-17-1, Mississippi Code of 1972. In the event of the sale or disposition of personal property, the Board of Mayor and Commissioners of the City of Clarksdale may dispose of the same on such terms and conditions as it deems in the public interest, including, without limitation, sale, lease or donation; provided, however, that any donations shall only be to bona fide not-for-profit entity complying in all respects with Section 501(c) of the Internal Revenue Code of 1986. The Board of Mayor

and Commissioners of the City of Clarksdale is specifically authorized to enter into donation agreements with the Board of Trustees of the Carnegie Public Library relative to the disposition of personal property utilized in the operation of the Delta Blues Museum.

(2) The Board of Mayor and Commissioners of the City of Clarksdale, in the event of a sale, may use the proceeds of such sale, or any part thereof, for the purpose of retiring and paying off any public debt of the municipality incurred by the ownership or operation of the Delta Blues Museum, or may invest said funds or any part thereof derived from the sale in such lawful investments as may, from time to time, be designated by the Mississippi Legislature for public bodies.

SECTION 11. This act shall be liberally construed so as to promote the efficient maintenance and operation of the Delta Blues Museum to the end that it may result in the improvement of the general health, entertainment and welfare of the citizens of the City of Clarksdale and of the State of Mississippi.

SECTION 12. If at any time before the date the tax described in Section 8 is to be levied, or before the date the bonds described in Section 9 are to be issued, a petition signed by twenty percent (20%), or fifteen hundred (1,500), whichever is less, of the qualified electors residing within the City of Clarksdale is filed with the Board of Mayor and Commissioners of the City requesting an election to be held within the city upon the proposition, then the Board of Mayor and Commissioners of the City of Clarksdale shall adopt a resolution calling an election to be held within the city. The election shall be called upon at least three (3) weeks' notice by publication of the proposition at least once a week for three (3) consecutive weeks in a newspaper having general circulation in the City of Clarksdale.

The election to approve the tax or bonds shall be held, as far as is practicable, in the same manner as other elections are

401 held in cities. At the election, all qualified electors who
402 reside in the City of Clarksdale may vote. When the results of
403 the election have been canvassed by the election commissioners of
404 the city and certified by them to the Board of Mayor and
405 Commissioners of the City of Clarksdale, it shall be the duty of
406 the board to determine and adjudicate whether or not a majority of
407 the qualified electors residing in the city who voted in the
408 election voted in favor of the proposition or against the
409 proposition. If a majority of the qualified electors residing in
410 the city who voted in the election vote in favor of the
411 proposition, then the proposition shall be authorized.

412 SECTION 13. The Board of Mayor and Commissioners of the City
413 of Clarksdale shall submit this act, immediately upon approval by
414 the Governor, or upon approval by the Legislature subsequent to a
415 veto, to the Attorney General of the United States or to the
416 United States District Court for the District of Columbia in
417 accordance with the provisions of the Voting Rights Act of 1965,
418 as amended and extended.

419 SECTION 14. This act shall take effect and be in force from
420 and after the date it is effectuated under Section 5 of the Voting
421 Rights Act of 1965, as amended and extended.