

By: Representative Henderson (9th)

To: Local and Private  
Legislation

## HOUSE BILL NO. 1753

1 AN ACT TO AMEND CHAPTER 958, LOCAL AND PRIVATE LAWS OF 1996,  
2 AS AMENDED BY CHAPTER 917, LOCAL AND PRIVATE LAWS OF 1997, AS  
3 AMENDED BY CHAPTER 986, LOCAL AND PRIVATE LAWS OF 1998, TO  
4 AUTHORIZE THE BOARD OF SUPERVISORS OF TUNICA COUNTY TO CHANGE THE  
5 NAME OF THE ROBINSONVILLE-COMMERCE UTILITY DISTRICT TO THE "TUNICA  
6 COUNTY UTILITY DISTRICT"; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Chapter 958, Local and Private Laws of 1996, as  
9 amended by Chapter 917, Local and Private Laws of 1997, as amended  
10 by Chapter 986, Local and Private Laws of 1998, is amended as  
11 follows:

12 Section 1. (1) Any contiguous area situated within Tunica  
13 County, Mississippi, and not being situated within the corporate  
14 boundaries of any existing municipality and having no adequate  
15 water system, sewer system, and/or fire protection serving such  
16 area may become incorporated as a water district, sewer district  
17 and/or fire protection district, or as a combination of any of the  
18 three (3), in the manner set forth in Section 2 of this act. For  
19 the purposes of this act, an inadequate system may include, but  
20 not be limited to, an existing system which does not have the  
21 resources to adequately or economically serve its certificated  
22 area.

23 (2) The Board of Supervisors of Tunica County, Mississippi,  
24 upon written petition by the board of commissioners of the  
25 Robinsonville-Commerce Utility District, may change the name of  
26 the Robinsonville-Commerce Utility District to the "Tunica County  
27 Utility District." A change in the name of the district pursuant  
28 to the authority granted under this subsection shall not affect  
29 any other portion of this act, except that beginning on the date

30 on which the name change is made, all references in this act to  
31 the Robinsonville-Commerce Utility District shall be construed to  
32 mean the "Tunica County Utility District."

33       Section 2. (1) **By Petition:** A petition for the  
34 incorporation of Robinsonville-Commerce Utility District may be  
35 submitted to the Board of Supervisors of Tunica County signed by  
36 not less than fifteen (15) owners of real property within the  
37 boundaries of the proposed district who also reside within the  
38 proposed district. Such petition shall include:

39           (a) Statement of necessity for the service or services  
40 to be supplied by the proposed district;

41           (b) The proposed boundaries of the district;

42           (c) An estimate of the cost of acquisition or  
43 construction of the facilities to be operated by the district,  
44 which estimate, however, shall not serve as a limitation upon the  
45 financing of improvements or extensions to the facilities; and

46           (d) A statement of whether or not the Board of  
47 Supervisors of Tunica County is requested to exercise its  
48 authority to levy taxes as outlined in this act. Such petition  
49 shall be signed by the petitioners, with their respective resident  
50 addresses, and shall be accompanied by a sworn statement of each  
51 person circulating the petition, who shall state under oath that  
52 he witnessed the signature of each petitioner, that each signature  
53 is the signature of the person that it purports to be, and that to  
54 the best of his knowledge, each petitioner was at the time of  
55 signing an owner of real property within, and a resident of, the  
56 proposed district.

57       (2) **By Board of Supervisors:** The Board of Supervisors of  
58 Tunica County, in its discretion, may initiate the incorporation  
59 of a district under this section, without a petition being  
60 submitted to them, by adopting a resolution setting forth the  
61 following:

62           (a) A statement of the necessity for the service or  
63 services to be supplied by the district;

64           (b) The proposed boundaries of the district;

65           (c) An estimate of the cost of the acquisition or  
66 construction of the facilities to be operated by the district,  
67 which estimate, however, shall not serve as a limitation upon the

68 financing of improvements or extensions to the facilities; and

69 (d) A statement of whether or not the board of  
70 supervisors shall exercise its authority to levy the taxes  
71 outlined in this act. The adoption of the resolution shall  
72 require a three-fifths (3/5) approval by the board.

73 Section 3. (1) **Public Hearing:** Upon the filing of a  
74 petition, or upon the adoption of a resolution declaring the  
75 intent of the board of supervisors to incorporate such district  
76 without the filing of a petition, the Board of Supervisors of  
77 Tunica County shall fix a time and date for a public hearing on  
78 the question of the public convenience and necessity of the  
79 incorporation of the proposed district. The date fixed for such  
80 hearing shall be not more than thirty (30) days after the filing  
81 of the petition or the adoption of the resolution of intent by the  
82 board of supervisors. The date of the hearing, the place where it  
83 shall be held, the proposed boundaries of the district, and the  
84 purpose of the hearing shall be set forth in a notice. The notice  
85 shall be signed by the Clerk of the Board of Supervisors of Tunica  
86 County. Such notice shall be published in a newspaper having  
87 general circulation within Tunica County once a week for at least  
88 three (3) consecutive weeks before the date of such hearing. The  
89 first publication shall be made not less than twenty-one (21) days  
90 before the date of such hearing and the last such publication  
91 shall be made not more than fourteen (14) days before the date of  
92 such hearing.

93 (2) **Resolution of Intent:** If, at such public hearing, the  
94 Board of Supervisors of Tunica County finds:

95 (a) That the public convenience and necessity require  
96 the creation of the district; and

97 (b) That the creation of the district is economically  
98 sound and desirable; then the Board of Supervisors of Tunica  
99 County shall adopt a resolution making those findings and  
100 declaring its intention to create the district on a date to be  
101 specified in such resolution. Such resolution also shall

102 designate the name of the proposed district, define its  
103 territorial limits which shall be fixed by the board pursuant to  
104 such hearing, and state whether or not the board of supervisors  
105 shall levy tax as authorized by this act.

106 Section 4. A certified copy of the resolution so adopted  
107 shall be published in a newspaper having general circulation  
108 within Tunica County once a week for at least three (3)  
109 consecutive weeks before the date specified in the resolution as  
110 the date upon which such board intends to create such district.  
111 The first such publication shall be made not less than twenty-one  
112 (21) days before the date specified, and the last such publication  
113 shall be made not more than fourteen (14) days before such date.

114 If twenty percent (20%) or one hundred fifty (150), whichever  
115 is less, of the qualified electors of such proposed district file  
116 a written petition with such board of supervisors on or before the  
117 date specified in the resolution protesting the creation of the  
118 district, the Board of Supervisors of Tunica County shall call an  
119 election on the question of the creation of such district. Such  
120 election shall be held and conducted by the election commissioners  
121 of Tunica County as nearly as may be in accordance with the  
122 general laws governing elections. The election commissioners  
123 shall determine which of the qualified electors of Tunica County  
124 reside within the proposed district, and only such qualified  
125 electors residing within such proposed district shall be entitled  
126 to vote in such election. Notice of such election setting forth  
127 the time, place or places and purpose of such election shall be  
128 published by the clerk of the board of supervisors, and such  
129 notice shall be published for the time and in the manner  
130 prescribed in Section 3 of this act for the publication of the  
131 resolution of intent. The ballot to be prepared for and used at  
132 such election shall be in substantially the following form:

133 FOR THE CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY  
134 DISTRICT: ( )  
135 AGAINST CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

136 DISTRICT: ( ).

137 Voters shall vote by placing a cross mark (X) or a check mark (\_)  
138 opposite their choice.

139 Section 5. If no petition requiring an election is filed, or  
140 if three-fifths (3/5) of those voting in the election provided in  
141 Section 4 of this act vote in favor of the creation of such  
142 district, the Board of Supervisors of Tunica County shall adopt a  
143 resolution creating the district as prescribed in the resolution  
144 of intent.

145 Section 6. If the board of supervisors initiates the  
146 creation of the district, all costs incident to the publication of  
147 the notices, the public hearing and election, the preparation of  
148 the resolution, and all other costs associated with the board  
149 meeting the requirements of this act, may be paid by the Board of  
150 Supervisors of Tunica County, in its discretion, from any  
151 available county fund it deems appropriate, or shall be borne by  
152 the parties filing the petition. The Board of Supervisors of  
153 Tunica County, in its discretion, may require the execution of a  
154 cost bond by the parties filing the petition. Such bond shall be  
155 an amount and with good surety to guarantee the payment of such  
156 costs.

157 Section 7. Any party having an interest in the subject  
158 matter who is aggrieved or prejudiced by the findings and  
159 adjudication of the board of supervisors may appeal to the Circuit  
160 Court of Tunica County in the manner provided by law for appeals  
161 from orders of the board of supervisors. However, if no such  
162 appeal is taken within a period of fifteen (15) days after the  
163 date of the adoption of the resolution creating the  
164 Robinsonville-Commerce Utility District, the creation of the  
165 district shall be final and conclusive and shall not thereafter be  
166 subject to attack in any court.

167 Section 8. From and after the date of the adoption of the  
168 resolution creating the district, such district, upon the election  
169 of the board of supervisors, may be a public corporation in

170 perpetuity under its corporate name and, in that name, shall be a  
171 body politic and corporate with powers of perpetual succession.

172       Section 9. (1) **Appointment and Terms:** The powers of the  
173 Robinsonville-Commerce Utility District may be vested and  
174 exercised by a board of commissioners consisting of five (5)  
175 members appointed by the Board of Supervisors of Tunica County.  
176 The members of the board of commissioners shall be qualified  
177 electors of Tunica County at least twenty-five (25) years of age  
178 and of sound and disposing mind and judgment. At least three (3)  
179 members of the board of commissioners shall be qualified electors  
180 of the district. For the purposes of this act, an individual will  
181 be considered a qualified elector of the district if he is  
182 employed by a corporation or other entity which owns property  
183 located within the district. Upon their initial appointment, one  
184 (1) of the commissioners shall be appointed for a term of one (1)  
185 year; one (1) for a term of two (2) years; one (1) for a term of  
186 three (3) years; one (1) for a term of four (4) years; and one (1)  
187 for a term of five (5) years. Thereafter, each commissioner shall  
188 be appointed and shall hold office for a term of five (5) years.  
189 Any vacancy occurring on such board of commissioners shall be  
190 filled by the board of supervisors at any regular meeting of the  
191 board of supervisors, and the board of supervisors shall have the  
192 authority to fill all unexpired terms of any commissioner.

193       (2) **Officers:** The board of commissioners shall have  
194 complete and sole authority to appoint a chairman and a vice  
195 chairman and any other officers it may deem necessary from among  
196 the membership of the board of commissioners. It shall be the  
197 duty of the chairman to preside at all meetings of the board and  
198 to act as the chief executive officer of the board of  
199 commissioners and of the district. The vice chairman shall act in  
200 the absence or disability of the chairman. The board of  
201 commissioners also shall elect and fix the compensation of a  
202 secretary-treasurer who may or may not be a member of the board of  
203 commissioners. It shall be the duty of the secretary-treasurer to

204 keep all minutes and records of the board of commissioners and to  
205 safely keep all funds of the district. The secretary-treasurer  
206 shall be required to execute a bond, payable to the district, in a  
207 sum and with security as shall be fixed and approved by the board  
208 of commissioners. The bond shall be filed with the Chancery Clerk  
209 of Tunica County.

210       (3) **General Powers:** The operation, management, abolition or  
211 dissolution of the district, and all other matters in connection  
212 therewith, shall be vested solely and only in the board of  
213 commissioners to the specific exclusion of the board of  
214 supervisors, except as provided for herein. The abolition,  
215 dissolution or termination of such district shall be accomplished  
216 only by resolution of the board of commissioners, which resolution  
217 must receive at least a four-fifths (4/5) vote of the entire  
218 membership of the board. Except as otherwise provided herein,  
219 such board of commissioners shall have no power, jurisdiction or  
220 authority to abolish, dissolve or terminate any such district  
221 while such district has any outstanding indebtedness of any kind  
222 or character.

223       (4) **Bond of Commissioners:** Each person appointed as a  
224 commissioner, before entering upon the discharge of the duties of  
225 his office, shall be required to execute a bond payable to the  
226 State of Mississippi in the penal sum of Ten Thousand Dollars  
227 (\$10,000.00) conditional that he will faithfully discharge the  
228 duties of his office. Each bond shall be approved by the Chancery  
229 Clerk of Tunica County and filed with such clerk.

230       (5) **Oath of Commissioners:** Each commissioner shall take and  
231 subscribe to an oath of office as prescribed in Section 268,  
232 Mississippi Constitution of 1890, before the Chancery Clerk of  
233 Tunica County, that he will faithfully discharge the duties of the  
234 office of commissioner. The oath shall be filed with the Chancery  
235 Clerk of Tunica County and by him preserved with such official  
236 bond.

237       (6) A majority of the membership of the board of

238 commissioners shall constitute a quorum. Except as otherwise  
239 required under this act, all official acts of the board of  
240 commissioners shall require a majority vote of the quorum.

241 (7) The board of commissioners shall have authority to  
242 employ such employees, experts and consultants and other  
243 professional persons as it may deem necessary to assist the board  
244 of commissioners in the discharge of its responsibilities to the  
245 extent that funds are made available.

246 (8) In lieu of appointing a board of commissioners, the  
247 Board of Supervisors of Tunica County may serve as the Board of  
248 Commissioners of the Robinsonville-Commerce Utility District, in  
249 which case the Board of Supervisors of Tunica County shall assume  
250 all of the powers and duties of the board of commissioners as  
251 provided in this act, except that they shall not be required to  
252 execute a bond as required under subsection (4) of this section.

253 (9) **Compensation of Commissioners:** The board of  
254 commissioners may receive per diem compensation, if approved by  
255 the board of supervisors, in the same manner provided to officers  
256 of state boards, commissions and agencies in Section 25-3-69,  
257 Mississippi Code of 1972. However, such per diem compensation  
258 shall not exceed Two Hundred Dollars (\$200.00) per month and shall  
259 not entitle any member of the board of commissioners to receive or  
260 be eligible for any state employee group insurance, retirement or  
261 other fringe benefits. If the board of supervisors elects to  
262 serve as the board of commissioners, they shall receive no  
263 compensation while acting as commissioners.

264 Section 10. The board of commissioners shall have the power  
265 to make regulations to secure the general health of those residing  
266 within the district; to prevent, remove and abate nuisances; to  
267 regulate or prohibit the construction of privy-vaults and  
268 cesspools, and to regulate or suppress those already constructed;  
269 and to compel and regulate the connection of all property with  
270 sewers.

271 Section 11. The Robinsonville-Commerce Utility District



272 created under this act shall have the powers enumerated in the  
273 resolution of the board of supervisors creating such district,  
274 which shall be limited to the conducting of a water supply system,  
275 sewer system, and/or fire protection district, or a combination of  
276 any or all of the same. To carry out such purpose or purposes,  
277 such district, shall have the power and authority to acquire,  
278 construct, reconstruct, improve, better, extend, consolidate,  
279 maintain and operate such system or systems and to contract with  
280 any municipality, county or other governmental entity, or with any  
281 person, firm or corporation for such services and for a supply and  
282 distribution of water for collection, transportation, treatment  
283 and/or disposal of sewage and for services required incident to  
284 the operation and maintenance of such system. As long as the  
285 district continues to furnish any of the services which it was  
286 authorized to furnish in the resolution by which it was created,  
287 it shall be the sole public corporation or entity and sole power  
288 to furnish such services within the district.

289 Any district created pursuant to this act shall be vested  
290 with all the powers necessary and requisite for the accomplishment  
291 of the purpose for which such district is created. No enumeration  
292 of powers herein shall be construed to impair or limit any general  
293 grant of power herein contained, nor to limit any such grant to a  
294 power or powers of the same class or classes as those enumerated.

295 Such districts are empowered to do all acts necessary, proper or  
296 convenient to the exercise of the powers granted under this act.

297 Section 12. Any district created pursuant to this act,  
298 acting by and through the board of commissioners of the district  
299 as its governing authority, shall have the following, among other,  
300 powers:

301 (a) To sue and be sued;

302 (b) To acquire by purchase, gift, devise and lease, or  
303 any other mode of acquisition (other than by eminent domain), and  
304 to hold and dispose of, real and personal property of every kind  
305 within or without the district, including franchise rights and

306 certificates issued by the Mississippi Public Service Commission;

307           (c) To make and enter into contracts, conveyances,  
308 deeds of trust, bonds, leases or contracts for financial advisory  
309 services;

310           (d) To incur debts, to borrow money, to issue  
311 negotiable revenue bonds, and to provide for the rights of the  
312 holders thereof;

313           (e) To fix, maintain, collect and revise rates and  
314 charges for services rendered by or through the facilities of such  
315 district, which rates and charges shall be subject to review or  
316 regulation by the Mississippi Public Service Commission; the  
317 district shall obtain a certificate of convenience and public  
318 necessity from the Mississippi Public Service Commission for  
319 operation of a water and/or sewer system;

320           (f) To pledge all or any part of its revenues to the  
321 payment of its debt obligations, including, but not limited to,  
322 revenues from the district's operations, revenues from special  
323 assessments and tax revenues;

324           (g) To make such covenants in connection with the  
325 issuance of bonds or to secure the payment of bonds that a private  
326 business corporation can make under the general laws of the state;

327           (h) To use any right-of-way, public right-of-way,  
328 easement, or other similar property or property rights, necessary  
329 or convenient in connection with the acquisition, improvement or  
330 maintenance of the facilities of the district held by the state,  
331 or any political subdivision thereof; however, the governing body  
332 of such political subdivisions shall consent to such use;

333           (i) To enter into agreement with state and federal  
334 agencies for loans, grants and aid, and other forms of assistance,  
335 including, but not limited to, participation of the sale and  
336 purchase of bonds, and to enter into agreements with state  
337 agencies, federal agencies and political subdivisions of the State  
338 of Mississippi pertaining to matters relating to the operation of  
339 any services of the district authorized under this act, and such

340 state agencies and political subdivisions of the State of  
341 Mississippi are authorized to enter into such contracts with the  
342 Robinsonville-Commerce Utility District;

343 (j) To acquire by purchase any existing works and  
344 facilities providing services for which the district was created  
345 and any lands, rights, easements, franchises and other property,  
346 real and personal, necessary to the completion and operation of  
347 such system upon such terms and conditions as may be agreed upon,  
348 and if necessary, as part of the purchase price to assume the  
349 payment of outstanding notes, bonds or other obligations upon the  
350 system;

351 (k) To extend its services to areas beyond but within  
352 one (1) mile of the boundaries of the district; however, no such  
353 extension shall be made to areas already occupied by another  
354 corporate agency rendering the same service so long as the  
355 corporate agency desires to continue to serve such areas. Areas  
356 outside the district desiring to be served which are beyond the  
357 one-mile limit must be brought into the district by annexation  
358 proceedings unless the owners of such areas consent to being part  
359 of this district;

360 (l) To be deemed to have the same status as counties  
361 and municipalities with respect to payment of sales taxes on  
362 purchases made by such district;

363 (m) To sell to any municipality in the county, under  
364 those terms, conditions and covenants that may be imposed or  
365 required by the district, part or all of the utility system or  
366 systems within the district; however, in the event of a sale of  
367 all of the system or systems, the municipality shall assume all  
368 obligations of the district as a condition precedent to the sale;

369 (n) To contract with any municipality in the county for  
370 the operation, maintenance and extension of any utility system or  
371 systems or storm drainage systems in the district by the  
372 municipality, or with the county for the operation, maintenance  
373 and extension of any roadway or street, or for the dedication

374 thereof, upon those terms, conditions and covenants that may be  
375 agreed upon between the municipality or the county and the  
376 district;

377           (o) To contract with the United States of America, or  
378 any agency of the United States of America, the State of  
379 Mississippi, or any political subdivision of the State of  
380 Mississippi, or any agency, commission, authority, board or other  
381 entity thereof, or any municipality or municipalities, for any of  
382 the additional purposes authorized by Section 15 of this act;

383           (p) To contract with any person, partnership,  
384 corporation or other entity for the operation and maintenance,  
385 including billing services, of any property or facilities of the  
386 district, upon such terms, conditions and covenants as may be  
387 agreed upon by such contracting parties. The board of  
388 commissioners may contract for the operation and maintenance of  
389 any property or facilities of the district for a term of up to  
390 twenty (20) years;

391           (q) To contract with any person, partnership,  
392 corporation or other entity pursuant to which such party may  
393 acquire, by construction or otherwise, all or any part of a water  
394 and/or sewer system with private funds in advance of the issuance  
395 of bonds by the district, and such party may be reimbursed by the  
396 district for such costs upon the issuance and delivery of bonds  
397 and upon conveyance of such water and/or sewer facilities to the  
398 district; and

399           (r) To acquire by purchase, gift, devise, lease and/or  
400 any other mode of acquisition any rural water association located  
401 in Tunica County.

402           Section 13. The Board of Supervisors of Tunica County, upon  
403 petition by the board of commissioners of the district, may  
404 exercise the power of domain on behalf of the district wherever  
405 and whenever public necessity and convenience so requires.

406           Section 14. (1) The district shall have the power to issue  
407 its bonds to provide funds for the purpose of constructing,

408 acquiring, reconstructing, improving, bettering or extending the  
409 facilities to provide the services the district is authorized to  
410 provide pursuant to this act, and acquiring land therefor. Such  
411 bonds shall be payable primarily from the revenues of such  
412 facilities, and if so provided for in the proceedings authorizing  
413 such bonds, such bonds shall also be payable from special  
414 assessments levied pursuant to Section 16 of this act, and  
415 further, if so provided for in the proceedings authorizing such  
416 bonds and agreed to by resolution of the Board of Supervisors of  
417 Tunica County authorizing the board of commissioners to make such  
418 pledge such bonds shall also be payable from the avails of the ad  
419 valorem tax levy provided for in subsection (2) of Section 14 of  
420 this act, or from any combination of monies from such revenues,  
421 special assessments and tax levies. Such bonds may be issued  
422 without an election being held upon the question of their issuance  
423 and without the publication of any notice of intention to issue  
424 such bonds. The board of commissioners of the district shall  
425 issue bonds of the district by resolution spread upon the minutes  
426 of such board. Such bonds shall contain such covenants and  
427 provisions; shall be executed; shall bear interest at such rate or  
428 rates not to exceed fourteen percent (14%) per annum; shall be in  
429 such denomination or denominations; shall be payable, both as to  
430 principal and interest, at such place or places; and shall mature  
431 at such time or times not exceeding thirty-five (35) years from  
432 their date, all as shall be determined by such board of  
433 commissioners and set forth in the resolution pursuant to which  
434 such bonds shall be issued; however, any such bonds which are  
435 secured by a pledge of special assessments in addition to a pledge  
436 of revenues shall mature at such time or times not exceeding the  
437 time period over which such special assessments are payable, as  
438 determined by the board of commissioners pursuant to Section 18 of  
439 this act. Any provisions of general law to the contrary  
440 notwithstanding, any bonds and interest coupons issued pursuant to  
441 the authority of this act shall possess all of the qualities of

442 negotiable instruments; and such bonds, premium, if any, and  
443 interest thereon shall be exempt from all state, county, municipal  
444 and other taxation under the laws of the State of Mississippi.  
445 Any bonds issued pursuant to the authority of this act may be  
446 refunded in the manner provided herein upon a finding by the board  
447 of commissioners that such refunding is in the public interest,  
448 and bonds for the betterment, improvement or extension of any  
449 facilities of the district may be included with such refunding  
450 bonds. Such bonds may be sold without the necessity of  
451 advertising for bids therefor and may be sold by negotiated  
452 private sale and on such terms, conditions and covenants as may be  
453 agreed to by and between the issuing authority and the purchasers  
454 of such bonds.

455 (2) If provided in the proceedings authorizing the issuance  
456 of the bonds and agreed to by resolution of the Board of  
457 Supervisors of Tunica County authorizing the board of  
458 commissioners of the district to make such pledge, then when there  
459 are insufficient revenues accruing from the operation of such  
460 district or insufficient revenues received from special  
461 assessments authorized hereunder, or from both together, according  
462 to the provisions made in the proceedings authorizing the issuance  
463 of such bonds, to meet the interest and/or principal payments when  
464 due on any bonds issued under the authority of this act (excluding  
465 for such purpose any amounts in a reserve fund for any such  
466 bonds), then, upon certification of such fact by the board of  
467 commissioners of such district to the board of supervisors, it  
468 shall be the mandatory duty of the Board of Supervisors of Tunica  
469 County to levy an ad valorem tax on all taxable property within  
470 the geographical limits of the district, which tax, together with  
471 any other monies available for such purpose, shall be sufficient  
472 to provide for the payment of the principal of and interest on  
473 such bonds as the same falls due, and, if so provided in the  
474 proceedings for the issuance of such bonds, to replenish any  
475 reserve fund established for such bonds.

476           (3) Notwithstanding any other provision of this act, no  
477 taxes or special assessments may be imposed by the district or  
478 Tunica County on property of the Yazoo-Mississippi Delta Levee  
479 District in connection with the issuance of bonds by the district;  
480 however, the district and Tunica County may levy taxes and impose  
481 special assessments on the leasehold interests of private entities  
482 in real property included in property owned by the  
483 Yazoo-Mississippi Delta Levee District and on any personal  
484 property of such private entities located on property owned by the  
485 Yazoo-Mississippi Delta Levee District. Such taxes and special  
486 assessments shall be applied in the manner set forth in the  
487 proceedings pertaining thereto, consistent with the provisions of  
488 this act.

489           Section 15. In addition to the purposes authorized by  
490 subsection (1), Section 14 of this act, any district created under  
491 this act may issue bonds of such district in the manner provided  
492 in subsection (1), Section 14, for any or all of the following  
493 purposes:

494                   (a) To refund the outstanding bonds of such district  
495 upon a finding by the board of commissioners that such refunding  
496 is in the public interest;

497                   (b) To improve, better or extend the water and/or sewer  
498 system or systems and fire protection system of such district;

499                   (c) To purchase or acquire part or all of the utility  
500 system or systems and fire protection system of any other district  
501 or municipality located in whole or in part in Tunica County,  
502 including part or all of such system or systems within the  
503 corporate boundaries of any municipality;

504                   (d) To provide for the payment of the principal,  
505 premium and interest on the outstanding bonds of any other  
506 district or municipality in connection with the purchase of any  
507 facilities of such district or municipality, and to purchase or  
508 acquire the outstanding bonds of any other district or  
509 municipality;

510 (e) To purchase or acquire part or all of any privately  
511 owned utility system or systems;

512 (f) To enter into cooperative agreements with the state  
513 or federal government, or both, to obtain financial assistance in  
514 the form of loans or grants as may be available from the state or  
515 federal government, or both (reference to the state or federal  
516 government as used herein shall specifically include any agency  
517 thereof); and to execute and deliver at private sale notes or  
518 bonds as evidence of such indebtedness in the form and subject to  
519 the terms and conditions as may be imposed by the state or federal  
520 government, or both; and to pledge the income and revenues of the  
521 district, or the income and revenues from any part of the area  
522 embraced in the district (which revenues in either instance shall  
523 include, but not be limited to, revenues from special assessments  
524 and tax revenues), in payment thereof; and the state and any  
525 agency thereof is authorized to enter into such agreements with  
526 the district;

527 (g) To purchase or acquire part or all of any utility  
528 system or systems located in whole or in part in Tunica County  
529 owned by the United States or any agency thereof, or the State of  
530 Mississippi or any agency, commission, authority, board or other  
531 entity thereof, and to provide therefor as follows:

532 In the event that any outstanding bonds to be purchased,  
533 acquired or refunded by the district created pursuant to this act,  
534 by the terms thereof: (a) mature without option of prior payment  
535 after the date of the district bonds to be issued; or (b) mature  
536 on specified dates, but with the option reserved to call in, pay  
537 and redeem such bonds on a date subsequent to the date of the  
538 district bonds to be issued; and in the event that the holder or  
539 holders of such outstanding revenue bonds are numerous, cannot be  
540 immediately located or will not accept district bonds to be issued  
541 in exchange for and upon surrender and cancellation of a like  
542 amount of such outstanding bonds, then the district, in its  
543 discretion, may sell district bonds and deposit with a trustee to



544 be designated in the resolution issuing such district bonds an  
545 amount sufficient to redeem all such outstanding county, district  
546 or municipal bonds, together with accrued interest and any premium  
547 required for such redemption on the earliest call date or on the  
548 maturity date of noncallable bonds. Such deposits shall be a  
549 trust fund and shall be used for no purpose other than the  
550 redemption of such outstanding bonds, the payment of interest  
551 thereon as the same shall mature and come due, and the payment of  
552 any premium required for redemption of such bonds on their  
553 callable or maturity date or dates. In the event that any of such  
554 outstanding bonds are subject to call for redemption, the county,  
555 district or municipality, before the issuance of district bonds  
556 therefor, shall exercise such right or call and shall call such  
557 outstanding bonds for redemption on the earliest possible call  
558 date.

559         The district, by resolution, may direct that such trust fund  
560 be invested in bonds, notes, certificates or other obligations of,  
561 or guaranteed by, the United States of America and maturing or  
562 being redeemable at or before the time when such funds will be  
563 needed for the redemption of such outstanding bonds. For the  
564 purpose of determining the adequacy of such deposits, the maturity  
565 value or redemption value of all such investments and the interest  
566 accruing thereon to maturity or call date, shall be considered as  
567 cash on hand. The district may make such covenants and do any and  
568 all acts and things as may be necessary, convenient and desirable  
569 in order to secure such bonds, in order to make such bonds more  
570 marketable, notwithstanding that such covenants, acts or things  
571 may not be enumerated herein or expressly authorized herein. It  
572 is the intention of this act to give the governing authority of  
573 the district, in issuing such bonds, the power to do all things  
574 required or necessary in the issuance of such bonds and for their  
575 execution which are not inconsistent with the Mississippi  
576 Constitution of 1890.

577         The district bonds herein authorized may be issued

578 concurrently and in combination with bonds issued to provide funds  
579 for any or all of the purposes authorized by this act. In the  
580 issuance of bonds hereunder, a sufficient sum may be added to the  
581 principal amount thereof: (a) to provide for the payment of all  
582 reserves, interest, expenses, premiums, fees and commissions  
583 deemed necessary or advantageous incident to the issuance and  
584 delivery or exchange of such bonds; and (b) to provide for the  
585 payment into a reserve fund of a sum not exceeding the maximum  
586 annual principal and interest requirements of such bonds, as a  
587 reserve therefor.

588 Section 16. In addition to the charges and levies provided  
589 for in Sections 1 through 15 of this act, the board of  
590 commissioners may levy and collect special assessments on certain  
591 property located in the district to provide funds for the purposes  
592 for which bonds may be issued under Sections 14 and 15 of this  
593 act, and may issue negotiable special improvement bonds of the  
594 district and pledge the receipts from the special assessments to  
595 secure the payment of the principal of, premium, if any, and  
596 interest on any bonds authorized to be issued pursuant to this  
597 act. The property on which such special assessments may be  
598 levied, to the extent such property is within the boundaries of  
599 the district at the time such special assessments are levied,  
600 shall be limited to the following:

601 (a) All that tract or parcel of land lying and being in  
602 portions of Sections 3, 4, 5, 6, 7 and 8, Township 3  
603 South, Range 10 West, Tunica County, Mississippi, as  
604 shown as containing 1347.61 acres, and designated as  
605 Tract A on that certain plat prepared by Rosser Lowe, a  
606 division of Rosser International, Inc., entitled  
607 Boundary Survey for BL Development Corporation, dated  
608 September 12, 1994, updated November 7, 1997, and being  
609 more particularly described as follows:  
610 Commencing at an iron pin found located at the  
611 intersection of the westerly right-of-way line of

612 Mississippi State Highway No. 61 (said westerly  
613 right-of-way line being 75 feet northwesterly of and  
614 parallel to the centerline of said highway at this  
615 point) and the north line of said Section 3, being the  
616 "POINT OF BEGINNING" of the tract herein described;  
617 THENCE South 45 degrees 33 minutes 26 seconds West for a  
618 distance of 599.99 feet, along said westerly  
619 right-of-way line, to a concrete post;  
620 THENCE North 44 degrees 23 minutes 01 seconds West for a  
621 distance of 410.81 feet, leaving said westerly  
622 right-of-way line, to an iron pin found;  
623 THENCE South 89 degrees 51 minutes 00 seconds West for a  
624 distance of 4214.83 feet, to an iron pin found on the  
625 east line of the northwest 1/4 of said Section 4;  
626 THENCE South 00 degrees 01 minutes 55 seconds East for a  
627 distance of 2486.79 feet, to an iron pin found at the  
628 southeast corner of the northwest 1/4 of said Section 4;  
629 THENCE North 89 degrees 57 minutes 07 seconds West for a  
630 distance of 2638.94 feet, to an iron pin found at the  
631 southwest corner of the northwest 1/4 of said Section 4  
632 and on the eastline of said Section 5;  
633 THENCE South 00 degrees 00 minutes 59 seconds East for a  
634 distance of 1188.62 feet, along the east line of said  
635 Section 5 to a point;  
636 THENCE South 00 degrees 00 minutes 59 seconds East for a  
637 distance of 1442.96 feet, to a nail found at the section  
638 corner common to Sections 4, 5, 8 and 9;  
639 THENCE South 00 degrees 11 minutes 20 seconds East for a  
640 distance of 1906.69 feet, along the east line of said  
641 Section 8 to a point;  
642 THENCE North 89 degrees 52 minutes 37 seconds West for a  
643 distance of 28.86 feet, leaving east line of said  
644 Section 8 to an iron pin found;  
645 THENCE South 21 degrees 04 minutes 47 seconds West for a

646 distance of 81.43 feet to an iron pin found;  
647 THENCE South 10 degrees 38 minutes 49 seconds East for a  
648 distance of 185.22 feet, to an iron pin found on the  
649 northwesterly right-of-way line of Mississippi State  
650 Highway No. 61;  
651 THENCE South 45 degrees 32 minutes 25 seconds West for a  
652 distance of 503.75 feet, continuing along said  
653 right-of-way line, to a point;  
654 THENCE South 44 degrees 25 minutes 59 seconds East for a  
655 distance of 10.00 feet, along said right-of-way line, to  
656 a point;  
657 THENCE South 45 degrees 34 minutes 01 seconds West for a  
658 distance of 400.00 feet, along said right-of-way line,  
659 to a point;  
660 THENCE North 44 degrees 25 minutes 59 seconds West for a  
661 distance of 25.00 feet, along said right-of-way line, to  
662 a point;  
663 THENCE South 45 degrees 34 minutes 01 seconds West for a  
664 distance of 1917.36 feet, along said right-of-way line,  
665 to a point;  
666 THENCE North 89 degrees 10 minutes 37 seconds West for a  
667 distance of 707.53 feet, leaving said right-of-way line,  
668 to a point;  
669 THENCE South 00 degrees 49 minutes 23 seconds West for a  
670 distance of 45.07 feet to a point;  
671 THENCE North 89 degrees 10 minutes 31 seconds West for a  
672 distance of 1129.97 feet, to a point;  
673 THENCE North 44 degrees 14 minutes 47 seconds West for a  
674 distance of 1612.08 feet, to a point;  
675 THENCE along a curve to the left having a radius of  
676 2671.83 feet and an arc length of 646.06 feet, being  
677 subtended by a chord of North 51 degrees 09 minutes 38  
678 seconds West for a distance of 644.49 feet, to an iron  
679 pin found;

680           THENCE North 00 degrees 06 minutes 35 seconds West for a  
681           distance of 1264.09 feet, to a point;  
682           THENCE South 89 degrees 53 minutes 25 seconds West for a  
683           distance of 1714.83 feet, to a point intersecting the  
684           former southeasterly right-of-way line of the Illinois  
685           Central Gulf Railroad Company (since abandoned);  
686           THENCE South 31 degrees 57 minutes 41 seconds West for a  
687           distance of 1301.06 feet, along said southeasterly  
688           right-of-way line of abandoned railroad right-of-way, to  
689           a point;  
690           THENCE North 00 degrees 03 minutes 33 seconds West for a  
691           distance of 80.12 feet, leaving said southeasterly  
692           abandoned railroad right-of-way line, to a point on the  
693           new southeasterly right-of-way line of Old Mississippi  
694           Highway 61 (120 foot right-of-way);  
695           THENCE North 31 degrees 57 minutes 41 seconds East for a  
696           distance of 2751.26 feet, along said southeasterly  
697           right-of-way line, to a point;  
698           THENCE North 31 degrees 57 minutes 41 seconds East for a  
699           distance of 324.72 feet, continuing along said  
700           right-of-way line, to a point;  
701           THENCE along a curve to the right continuing along said  
702           right-of-way line having a radius of 780.74 feet and an  
703           arc length of 398.19 feet, being subtended by a chord of  
704           North 47 degrees 26 minutes 26 seconds East for a  
705           distance of 393.89 feet, to a point;  
706           THENCE North 62 degrees 16 minutes 00 seconds East for a  
707           distance of 120.82 feet, continuing along said  
708           right-of-way line, to a point;  
709           THENCE along a curve to the right continuing along said  
710           right-of-way line having a radius of 40 feet and an arc  
711           length of 60.02 feet, being subtended by a chord of  
712           South 74 degrees 44 minutes 38 seconds East for a  
713           distance of 54.55 feet, to a point;

714           THENCE along a curve to the right continuing along said  
715           right-of-way line having a radius of 1385.0 feet and an  
716           arc length of 465.40 feet being subtended by a chord of  
717           North 22 degrees 07 minutes 34 seconds West for a  
718           distance of 463.22 feet, to a point;  
719           THENCE South 12 degrees 14 minutes 04 seconds East a  
720           distance of 170.29 feet along said right-of-way to a  
721           point;  
722           THENCE along a curve to the right continuing along said  
723           right-of-way line having a radius of 190.99 feet and an  
724           arc length of 244.14 feet, being subtended by a chord of  
725           South 24 degrees 22 minutes 57 seconds West for a  
726           distance of 227.86 feet, to a point;  
727           THENCE along a curve to the left continuing along said  
728           right-of-way line having a radius of 899.22 feet and an  
729           arc length of 441.77 feet, being subtended by a chord of  
730           South 46 degrees 45 minutes 46 seconds West for a  
731           distance of 437.35 feet to a point;  
732           THENCE South 31 degrees 57 minutes 41 seconds West a  
733           distance of 369.78 feet, along said right-of-way to a  
734           point;  
735           THENCE North 89 degrees 47 minutes 57 seconds West for a  
736           distance of 1038.22 feet, leaving said right-of-way  
737           line, along south line of said Section 6, to a point  
738           located at the intersection of said section line and  
739           easterly line of the Board of Levee Commissioners  
740           property;  
741           THENCE North 46 degrees 34 minutes 41 seconds East for a  
742           distance of 230.60 feet, leaving south line of said  
743           Section 6, along said levee property, to a point;  
744           THENCE North 42 degrees 05 minutes 41 seconds East for a  
745           distance of 720.60 feet, along said levee property, to a  
746           point;  
747           THENCE North 36 degrees 00 minutes 41 seconds East for a

748 distance of 158.60 feet, along said levee property, to a  
749 point;  
750 THENCE North 32 degrees 04 minutes 41 seconds East for a  
751 distance of 247.00 feet, along said levee property, to a  
752 point;  
753 THENCE North 34 degrees 08 minutes 20 seconds East for a  
754 distance of 636.00 feet, along said levee property, to a  
755 point;  
756 THENCE North 34 degrees 35 minutes 41 seconds East for a  
757 distance of 3328.00 feet, along said levee property, to  
758 a point;  
759 THENCE North 29 degrees 05 minutes 41 seconds East for a  
760 distance of 1104.70 feet, along said levee property, to  
761 a point located at the intersection of said levee  
762 property and the north line of said Section 5;  
763 THENCE South 89 degrees 48 minutes 01 seconds East for a  
764 distance of 697.08 feet, along north line of said  
765 Section 5, to a point;  
766 THENCE South 89 degrees 48 minutes 01 seconds East for a  
767 distance of 52.93 feet, along north line of said section  
768 5 to a point;  
769 THENCE South 89 degrees 48 minutes 01 seconds East for a  
770 distance of 3210.37 feet, along north line of said  
771 Section 5, to a point at the section corner common to  
772 Sections 4 and 5, Township 3 South, Range 10 West,  
773 Tunica County, and Sections 32 and 33, Township 2 South,  
774 Range 10 West, DeSoto County;  
775 THENCE South 89 degrees 59 minutes 57 seconds East for a  
776 distance of 2638.40 feet, along the north line of said  
777 Section 4, to a point at the northeast corner of the  
778 northwest 1/4 of said Section 4;  
779 THENCE South 89 degrees 55 minutes 35 seconds East for a  
780 distance of 2640.00 feet, along the north line of said  
781 Section 4, to a point at the northeast corner of said

782 Section 4;  
783 THENCE South 89 degrees 55 minutes 35 seconds East for a  
784 distance of 2290.29 feet, along the north line of said  
785 Section 3, the POINT OF BEGINNING.

786 (b) All that tract or parcel of land lying and being in  
787 portions of Section 6, Township 3 South, Range 10 West,  
788 Tunica County, Mississippi; portions of Sections 13 and  
789 24, Township 3 North, Range 7 East, and, Sections 18 and  
790 19, Township 3 North, Range 8 East, Crittenden County,  
791 Arkansas, as shown as containing 732.21 acres, and  
792 designated as Tract B on that certain plat prepared by  
793 Rosser Lowe, a division of Rosser International, Inc.,  
794 entitled Boundary Survey for BL Development Corporation  
795 September 12, 1994, updated November 9, 1997, and being  
796 more particularly described as follows:

797 Commencing at a point located at the intersection of the  
798 north line of Section 5, Township 3 South, Range 10  
799 West, Tunica County, Mississippi, and the northwesterly  
800 right-of-way line of Old Mississippi State Highway 61  
801 (abandoned 45-foot right-of-way), thence North 89  
802 degrees 48 minutes 01 seconds West for a distance of  
803 697.08 feet, leaving said right-of-way line along north  
804 line of said Section 5, to a point; thence North 89  
805 degrees 48 minutes 01 seconds West for a distance of  
806 2139.82 feet, continuing along north line of said  
807 Sections 5 and 6, to the TRUE POINT OF BEGINNING.

808 THENCE South 06 degrees 58 minutes 13 seconds West for a  
809 distance of 51.20 feet, leaving north line of said  
810 Section 6, to a point;

811 THENCE South 12 degrees 08 minutes 10 seconds West for a  
812 distance of 640.39 feet, to a point;

813 THENCE South 08 degrees 54 minutes 19 seconds West for a  
814 distance of 399.12 feet, to a point;

815 THENCE South 16 degrees 40 minutes 00 seconds West for a



816 distance of 691.96 feet, to a point;  
817 THENCE South 20 degrees 23 minutes 09 seconds West for a  
818 distance of 595.98 feet, to a point;  
819 THENCE South 22 degrees 23 minutes 10 seconds West for a  
820 distance of 894.76 feet, to a point;  
821 THENCE South 27 degrees 53 minutes 10 seconds West for a  
822 distance of 199.65 feet, to a point;  
823 THENCE South 22 degrees 53 minutes 09 seconds West for a  
824 distance of 303.49 feet, to a point;  
825 THENCE North 67 degrees 06 minutes 49 seconds West for a  
826 distance of 95.00 feet, to a point;  
827 THENCE South 30 degrees 02 minutes 22 seconds West for a  
828 distance of 313.16 feet to a point;  
829 THENCE South 38 degrees 56 minutes 07 seconds West for a  
830 distance of 408.23 feet, to a point;  
831 THENCE South 48 degrees 51 minutes 50 seconds East for a  
832 distance of 70.00 feet, to a point;  
833 THENCE South 45 degrees 10 minutes 43 seconds West for a  
834 distance of 683.14 feet, to a point;  
835 THENCE South 51 degrees 10 minutes 35 seconds West for a  
836 distance of 663.40 feet, to a point;  
837 THENCE North 42 degrees 21 minutes 50 seconds West for a  
838 distance of 1138.30 feet, to a point;  
839 THENCE North 64 degrees 54 minutes 44 seconds West for a  
840 distance of 131.67 feet, to a point;  
841 THENCE South 32 degrees 35 minutes 15 seconds West for a  
842 distance of 680.63 feet, to a point;  
843 THENCE South 39 degrees 31 minutes 58 seconds West for a  
844 distance of 402.14 feet, to a point;  
845 THENCE South 51 degrees 59 minutes 57 seconds West for a  
846 distance of 354.49 feet, to a point located on the south  
847 line of said Section 6;  
848 THENCE South 40 degrees 00 minutes 15 seconds for a  
849 distance of 305.02 feet, leaving south line of said

850 Section 6 to a point located at the intersection of said  
851 south line and the southeasterly line of said Section  
852 24, Township 3 North, Range 7 East, Crittenden County,  
853 Arkansas;

854 THENCE South 49 degrees 43 minutes 22 seconds West for a  
855 distance of 430.58 feet, continuing along southeasterly  
856 line of said Section 24, to a point;

857 THENCE South 64 degrees 31 minutes 29 seconds West for a  
858 distance of 415.00 feet, along said section line, to a  
859 point;

860 THENCE South 74 degrees 08 minutes 08 seconds West for a  
861 distance of 290.00 feet, along said section line, to a  
862 point;

863 THENCE South 85 degrees 40 minutes 30 seconds West for a  
864 distance of 260.00 feet, along said section line, to a  
865 point;

866 THENCE South 88 degrees 43 minutes 25 seconds West for a  
867 distance of 285.00 feet, along said section line, to a  
868 point;

869 THENCE North 79 degrees 02 minutes 30 seconds West for a  
870 distance of 966.94 feet, along said section line, to a  
871 point;

872 THENCE North 09 degrees 19 minutes 44 seconds East for a  
873 distance of 6898.79 feet, leaving said section line to a  
874 point on the top of bank of the Mississippi River;

875 THENCE North 53 degrees 34 minutes 07 seconds East for a  
876 distance of 160.58 feet, along said top of bank, to a  
877 point;

878 THENCE North 54 degrees 17 minutes 31 seconds East for a  
879 distance of 118.13 feet, along said top of bank, to a  
880 point;

881 THENCE North 60 degrees 47 minutes 07 seconds East for a  
882 distance of 243.08 feet, along said top of bank, to a  
883 point;

884           THENCE North 24 degrees 55 minutes 38 seconds East for a  
885           distance of 116.41 feet, along said top of bank, to an  
886           iron pin found at the intersection of said top of bank  
887           and the northerly line of said Section 13;

888           THENCE South 32 degrees 42 minutes 47 seconds East for a  
889           distance of 402.67 feet, along northerly line of said  
890           Section 13, to an iron pin found;

891           THENCE South 32 degrees 54 minutes 14 seconds East for a  
892           distance of 206.79 feet, continuing along northerly line  
893           of said Section 13, to an iron pin found;

894           THENCE South 75 degrees 25 minutes 04 seconds East for a  
895           distance of 339.68 feet, to a point;

896           THENCE South 75 degrees 05 minutes 38 seconds East for a  
897           distance of 191.08 feet, along northerly line of said  
898           Section 13, to a point;

899           THENCE South 73 degrees 31 minutes 27 seconds East for a  
900           distance of 534.65 feet, along northerly line of said  
901           Section 13, to a point;

902           THENCE South 58 degrees 32 minutes 00 seconds East for a  
903           distance of 214.14 feet, along northerly line of said  
904           Section 13, to a wood post;

905           THENCE South 44 degrees 16 minutes 59 seconds East for a  
906           distance of 205.85 feet, along northerly line of said  
907           Section 13, to a concrete post;

908           THENCE South 53 degrees 00 minutes 01 seconds East for a  
909           distance of 395.21 feet, along northerly line of said  
910           Section 13 to an iron pin found;

911           THENCE South 89 degrees 48 minutes 01 seconds East for a  
912           distance of 3467.53 feet, along northerly line of said  
913           Section 13, Township 3 North, Range 7 East and Section  
914           18, Township 3 North, Range 8 East, to the TRUE POINT OF  
915           BEGINNING.

916   Any special assessments authorized under this section shall be  
917   levied and collected in the manner provided in Sections 21-41-1

918 through 21-41-53, Mississippi Code of 1972, except as otherwise  
919 herein provided. The board of commissioners may secure bonds of  
920 the district solely from the aforesaid receipts from special  
921 assessments, or may pledge such receipts in addition to the pledge  
922 of revenues of the district or the receipts from any tax levy  
923 authorized in this act, or from any combination of monies from the  
924 special assessments, revenues and tax levies. Bonds issued  
925 pursuant to this section or pursuant to Section 14 of this act  
926 shall be payable as to principal, premium, if any, and interest  
927 solely from the sources authorized in this act.

928 Section 17. Any bonds secured by a pledge of the special  
929 assessments authorized in Section 16 shall mature at any time or  
930 times, not exceeding twenty (20) years from the date of the bonds,  
931 and may be in fully registered form or in bearer form, as  
932 determined by the board of commissioners.

933 Section 18. All special assessments levied under this act  
934 shall be payable in equal annual installments over a period not in  
935 excess of twenty (20) years, as determined by the board of  
936 commissioners, with interest from the date of the confirmation of  
937 the assessment at a rate, to be fixed by the board of  
938 commissioners, which will produce sufficient funds for the payment  
939 of all or a specified portion of the principal of and interest on  
940 the bonds as they mature and accrue and for fees and expenses for  
941 a paying agent and/or trustee for the bonds. The amount to be  
942 paid pursuant to such special assessments may be limited by the  
943 board of commissioners to the assessments needed for the aforesaid  
944 purposes. Any property owner who shall not have taken an appeal  
945 from the assessment, upon failure to pay the assessment in full  
946 within thirty (30) days from the date of confirmation, shall be  
947 deemed to have elected to pay the assessment in installments as  
948 provided in this section, and shall be deemed to have admitted the  
949 legality of the assessment, and the right to contest the validity  
950 of the assessment shall be waived. The installments of the  
951 assessment shall be due and payable at the same time that the

952 annual real property tax becomes due and payable, commencing with  
953 the first county tax levy which is payable after the expiration of  
954 thirty (30) days from the date of confirmation of the assessment.

955 Section 19. The resolution declaring the intent of the board  
956 of commissioners to proceed with the special improvements  
957 authorized by this act may direct that all of the expenses of the  
958 property or facilities of the district, or such part of the  
959 expenses that the board of commissioners shall charge upon the  
960 property in the district described in Section 16 of this act,  
961 shall be assessed according to the frontage rule or area rule, as  
962 outlined in this section. Bonds may be issued for one or more  
963 projects, and the area and method of assessment for each project  
964 shall be specified in the resolution declaring the intent of the  
965 board of commissioners of the district to proceed with that  
966 project.

967 The resolution declaring the intent of the board of  
968 commissioners to proceed with the special improvements shall: (a)  
969 define the area to be benefited by each improvement, with each  
970 improvement being designated as a project; (b) fix the amount or  
971 percentage of the charge to be levied upon the property benefited;  
972 (c) designate the minimum and maximum number of years between the  
973 date of the bonds and the maturity of those bonds; (d) delineate  
974 the method of determining the amount of special assessments to be  
975 levied on each lot or parcel of land in the benefited area; and  
976 (e) designate the minimum and maximum number of equal annual  
977 installments that the board of commissioners may later allow for  
978 the payment of assessments with interest on those assessments.

979 If the board of commissioners determines that the front foot  
980 rule is the most equitable method of distributing the cost among  
981 the properties, then the resolution shall direct that the cost to  
982 be assessed against each lot or parcel of land shall be determined  
983 by dividing the entire cost to be assessed by the total number of  
984 front feet of real property abutting upon the utility easement,  
985 street, railroad or public or private right-of-way on which the

986 project is located and which will be subject to such special  
987 assessment, and multiplying the quotient by the total number of  
988 front feet in any particular lot or parcel of land fronting in the  
989 utility easement, street, railroad or public or private  
990 right-of-way on which the project is located. The result of this  
991 formula shall be assessed against each lot or parcel of land for  
992 the owner's part of the cost of the entire improvement to be paid  
993 through special assessments.

994         If the board of commissioners determines that the area rule  
995 is the most equitable method of distributing the cost among the  
996 properties, then the resolution shall direct that the cost to be  
997 assessed against each lot or parcel of land shall be determined by  
998 dividing the entire cost to be assessed by the total number of  
999 acres or square feet in the area being benefited and that is  
1000 subject to such special assessment, and multiplying the quotient  
1001 by the total number of acres or square feet in any particular lot  
1002 or parcel of land. The result of this formula shall be assessed  
1003 against each lot or parcel of land for the owner's part of the  
1004 cost of the entire improvement to be paid through special  
1005 assessments.

1006         Section 20. If the owners of a majority of the front footage  
1007 of the property to be assessed under the front foot rule, or if  
1008 the owners of a majority of the area of the property to be  
1009 assessed under the area rule, as described in Section 19, file a  
1010 written protest objecting to the assessments authorized under this  
1011 act and in Section 21-41-7, Mississippi Code of 1972, then the  
1012 board of commissioners shall not proceed with the special  
1013 assessment.

1014         Section 21. All construction contracts by the district where  
1015 the amount of the contract shall exceed Ten Thousand Dollars  
1016 (\$10,000.00) shall be made upon at least three (3) weeks public  
1017 notice. Such notice shall be published once a week for at least  
1018 three (3) consecutive weeks in at least one (1) newspaper having  
1019 general circulation in Tunica County. The first publication of

1020 such notice shall be made not less than twenty-one (21) days  
1021 before the date fixed in the notice for the receipt of bids, and  
1022 the last publication shall be made not more than fourteen (14)  
1023 days before such date. The notice shall state the construction  
1024 project to be done and invite sealed proposals, to be filed with  
1025 the secretary of the district, to do the work. In all such cases,  
1026 before the notice is published, plans and specifications for the  
1027 work shall be prepared by a registered professional engineer and  
1028 filed with the secretary of the district and remain therein. The  
1029 board of commissioners of the district shall award the contract to  
1030 the lowest and best bidder who will comply with the terms imposed  
1031 by the commission and enter into bond with sufficient sureties to  
1032 be approved by the commissioners and such penalty as shall be  
1033 fixed by the commissioners; however, in no case shall such bond be  
1034 less than the contract price, and the bond shall be conditioned  
1035 for the prompt, proper, efficient performance of the contract.  
1036 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be  
1037 negotiated; however, the board of commissioners shall invite and  
1038 receive written proposals for the work from at least three (3)  
1039 contractors regularly engaged in the type of work involved.

1040 Section 22. Any area adjacent to any district created  
1041 pursuant to this act and situated within Tunica County and not  
1042 being situated within the corporate boundaries of any existing  
1043 municipality may be added to the district by order of the Board of  
1044 Supervisors of Tunica County upon the written consent of one  
1045 hundred percent (100%) of the owners of real property to be so  
1046 added. Any area adjacent to the district which is situated within  
1047 Tunica County may be annexed to and become a part of the district  
1048 by the same procedures prescribed in Sections 2 through 7 of this  
1049 act. The petition for any annexation must be signed by the owners  
1050 of no less than seventy-five percent (75%) of the land to be  
1051 annexed into the district, computed on a square footage basis.  
1052 All costs incident to the publication of notice and all other  
1053 costs incident to the annexation shall be paid by the district.

1054           The district shall have the exclusive right to provide any of  
1055 the services for which it was created in the annexed territory;  
1056 however, if any part of the annexed territory is then being served  
1057 by another corporate agency with any such service, the district,  
1058 at the option of the other corporate agency, shall either: (a)  
1059 relinquish its prior right to serve the area occupied by the  
1060 corporate agency; or (b) acquire by purchase the facilities of  
1061 such corporate agencies, together with its franchise rights to  
1062 serve such area. If the annexation affects only a portion of the  
1063 corporation's agencies facility, the cash considerations for such  
1064 purpose shall not be less than: (a) the present day reproduction  
1065 cost, new, of the facilities being acquired, less depreciation  
1066 computed on a straight-line basis; plus (b) an amount equal to the  
1067 cost of constructing any necessary facilities to reintegrate the  
1068 system of the corporate agency outside the annexed area after  
1069 detaching the portion to be acquired by the district; plus an  
1070 annual amount payable each year for a period of ten (10) years  
1071 equal to the sum of twenty-five percent (25%) of the revenues  
1072 received from sales to consumers within the annexed area during  
1073 the last twelve (12) months.

1074           If the option is for the district to purchase, upon  
1075 notification thereof the district shall be obligated to buy and  
1076 pay for, and the corporate agency shall be obligated to convey to  
1077 the district, all of its service facilities and franchise rights  
1078 in the annexed area free and clear of all mortgages, liens and  
1079 encumbrances for the aforesaid cash consideration.

1080           If the annexed territory affects all of the property and  
1081 facilities of such other corporate agency, then all such property  
1082 constituting the entire system or facility of the corporate agency  
1083 shall be acquired by the district in accordance with the terms and  
1084 conditions as may be agreed upon, and the district shall have the  
1085 authority to assume the operation of such entire system or  
1086 facilities and to assume and become liable for the payment of any  
1087 notes, bonds or other obligations that are outstanding against



1088 such system or facility and payable primarily from the revenues  
1089 therefrom.

1090 If the district is notified to relinquish its prior right to  
1091 serve the annexed area, the district shall grant the corporate  
1092 agency a franchise to serve within the annexed territory; however,  
1093 the corporate agency shall be entitled to serve only such  
1094 customers or locations within the annexed area as it served on the  
1095 date that such annexation became effective.

1096 The annexed territory shall become liable for any existing  
1097 indebtedness of the district and shall be subject to any taxes  
1098 levied by the board of supervisors pursuant to the terms of this  
1099 act in payment of the district's indebtedness.

1100 Section 23. The board of commissioners of any district  
1101 created pursuant to this act shall have the authority to enter  
1102 into cooperative agreements with the state or federal government,  
1103 or both, to obtain financial assistance in the form of loans or  
1104 grants as may be available from the state or federal government,  
1105 or both, and to execute and deliver at private sale notes or bonds  
1106 as evidence of such indebtedness in the form and subject to the  
1107 terms and conditions as may be imposed by the state or federal  
1108 government, or both, and to pledge the income and revenues of the  
1109 district, or the income and revenues from any part of the area  
1110 embraced in the district, in payment thereof. It is the purpose  
1111 and intent of this section to authorize the district to do any and  
1112 all things necessary to secure the financial aid or cooperation of  
1113 the state or federal government, or both, in the planning,  
1114 construction, maintenance or operation of project facilities.

1115 If the board of supervisors creates the district within one  
1116 (1) mile of the corporate boundaries of any existing municipality,  
1117 the municipality may require such district to construct and  
1118 maintain all facilities, whether purchased or constructed, to  
1119 standards commensurate with those of the adjoining municipality;  
1120 however, the governing authorities of the municipality may  
1121 specifically waive compliance with any or all of such

1122 requirements.

1123           Section 24. This act, without reference to any statute,  
1124 shall be deemed to be full and complete authority for the creation  
1125 of the district and for the issuance of bonds. No proceedings  
1126 shall be required for the creation of the district or for the  
1127 issuance of bonds other than those provided for and required  
1128 herein. All necessary powers to be exercised by the Board of  
1129 Supervisors of Tunica County and by the board of commissioners of  
1130 the district in order to carry out the provisions of this act are  
1131 hereby conferred.

1132           Section 25. Within ninety (90) days after the close of each  
1133 fiscal year, the board of commissioners shall publish in a  
1134 newspaper of general circulation in Tunica County a sworn  
1135 statement showing the financial condition of the district, the  
1136 earnings for the fiscal year just ended, a statement of the water  
1137 and sewer rates being charged, and a brief statement of the method  
1138 used in arriving at such rates. Such statement shall also be  
1139 furnished to the Board of Supervisors of Tunica County.

1140           Section 26. If the district created under this act includes  
1141 water and/or sewer facilities, the board of supervisors, where it  
1142 finds unhealthy or unsanitary or deleterious conditions in such  
1143 district because of the inadequate or contaminated water supplies  
1144 or lack of approved septic tanks or because of high water tables  
1145 or inadequate drainage or inadequate provisions for disposal of  
1146 sewage, may require by order or resolution, all dwellings and  
1147 buildings within the district that are within reasonable proximity  
1148 to the system or systems to be connected to the water and sewer  
1149 systems of the district. Any person, firm or corporation within  
1150 the district declining or refusing to connect to the district's  
1151 water and/or sewer system after the adoption by the board of  
1152 supervisors of any order or resolution predicated on such findings  
1153 shall be guilty of a misdemeanor and shall be subject to a fine  
1154 not to exceed One Hundred Dollars (\$100.00) per day, to be imposed  
1155 by any court of competent jurisdiction, and each day that such

1156 dwelling or building shall remain unconnected to such district  
1157 water and/or sewer system shall constitute a separate offense.  
1158 After the adoption of such order or resolution, it shall be  
1159 unlawful for any dwelling or building to be constructed within the  
1160 district unless, where it is feasible to do so, provision is made  
1161 to connect such building or dwelling to the district's water  
1162 and/or sewer system; and the drilling of private wells to provide  
1163 water for human consumption and the construction of outhouses,  
1164 cesspools and septic tanks in the district shall be declared to be  
1165 unlawful and punishable as a misdemeanor as herein provided.

1166       Section 27. The Board of Supervisors of Tunica County is  
1167 authorized to appropriate to the Robinsonville-Commerce Utility  
1168 District not more than Three Million Dollars (\$3,000,000.00) from  
1169 the Tunica County General Fund, not to exceed One Million Dollars  
1170 (\$1,000,000.00) in any one fiscal year, solely for: (a) the  
1171 purchase of existing water and/or sewer facilities, whether  
1172 currently owned by a public entity, private corporation or any  
1173 other entity; and/or (b) the cost of capital improvements,  
1174 including, but not limited to, expansion and improvement of new or  
1175 existing facilities.

1176       Section 28. Any bonds issued under the provisions of this  
1177 act may be submitted for validation under the provisions of  
1178 Chapter 13, Title 31, Mississippi Code of 1972.

1179       Section 29. This act shall be liberally construed for the  
1180 purposes herein set out, the powers hereby granted being  
1181 additional, cumulative and supplemental to any power granted to  
1182 Tunica County or any municipality or district therein by any  
1183 general or local and private act of the Legislature.

1184       Section 30. If any provisions of this act shall be held to  
1185 be invalid by any court of competent jurisdiction, the remainder  
1186 of this act shall not be affected thereby.

1187       SECTION 2. This act shall take effect and be in force from  
1188 and after its passage.