

By: Representative Henderson (9th)

To: Local and Private
LegislationHOUSE BILL NO. 1753
(As Passed the House)

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

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

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

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

FOR THE CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY
DISTRICT: ()

AGAINST CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

DISTRICT: ().

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 11. The Robinsonville-Commerce Utility District

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

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

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

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

(a) To sue and be sued;

(b) To acquire by purchase, gift, devise and lease, or any other mode of acquisition (other than by eminent domain), and to hold and dispose of, real and personal property of every kind 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All that tract or parcel of land lying and being in portions of Sections 3, 4, 5, 6, 7 and 8, Township 3 South, Range 10 West, Tunica County, Mississippi, as shown as containing 1347.61 acres, and designated as Tract A on that certain plat prepared by Rosser Lowe, a division of Rosser International, Inc., entitled Boundary Survey for BL Development Corporation, dated September 12, 1994, updated November 7, 1997, and being more particularly described as follows:

Commencing at an iron pin found located at the intersection of the westerly right-of-way line of

Mississippi State Highway No. 61 (said westerly
right-of-way line being 75 feet northwesterly of and
parallel to the centerline of said highway at this
point) and the north line of said Section 3, being the
"POINT OF BEGINNING" of the tract herein described;
THENCE South 45 degrees 33 minutes 26 seconds West for a
distance of 599.99 feet, along said westerly
right-of-way line, to a concrete post;
THENCE North 44 degrees 23 minutes 01 seconds West for a
distance of 410.81 feet, leaving said westerly
right-of-way line, to an iron pin found;
THENCE South 89 degrees 51 minutes 00 seconds West for a
distance of 4214.83 feet, to an iron pin found on the
east line of the northwest 1/4 of said Section 4;
THENCE South 00 degrees 01 minutes 55 seconds East for a
distance of 2486.79 feet, to an iron pin found at the
southeast corner of the northwest 1/4 of said Section 4;
THENCE North 89 degrees 57 minutes 07 seconds West for a
distance of 2638.94 feet, to an iron pin found at the
southwest corner of the northwest 1/4 of said Section 4
and on the eastline of said Section 5;
THENCE South 00 degrees 00 minutes 59 seconds East for a
distance of 1188.62 feet, along the east line of said
Section 5 to a point;
THENCE South 00 degrees 00 minutes 59 seconds East for a
distance of 1442.96 feet, to a nail found at the section
corner common to Sections 4, 5, 8 and 9;
THENCE South 00 degrees 11 minutes 20 seconds East for a
distance of 1906.69 feet, along the east line of said
Section 8 to a point;
THENCE North 89 degrees 52 minutes 37 seconds West for a
distance of 28.86 feet, leaving east line of said
Section 8 to an iron pin found;
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

Section 4;

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

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

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

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

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

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

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

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

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

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

Section 21. All construction contracts by the district where the amount of the contract shall exceed Ten Thousand Dollars (\$10,000.00) shall be made upon at least three (3) weeks public notice. Such notice shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper having 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.