

By: Senator(s) Hamilton, Canon, Turner,  
Jackson

To: Public Utilities;  
Finance

SENATE BILL NO. 2635

1 AN ACT TO CREATE THE GOLDEN TRIANGLE REGIONAL COMMUNICATIONS  
2 AUTHORITY; TO AUTHORIZE CERTAIN LOCAL GOVERNMENTAL AUTHORITIES TO  
3 CREATE A REGIONAL AUTHORITY TO PROVIDE FOR AND MEET THE EMERGENCY  
4 COMMUNICATIONS NEEDS OF THE REGION; TO CREATE A BOARD OF  
5 COMMISSIONERS OF THE AUTHORITY AND PROVIDE ITS POWERS AND DUTIES;  
6 TO AUTHORIZE THE AUTHORITY TO PROMULGATE ALL REASONABLE RULES AND  
7 REGULATIONS REGARDING THE OPERATION OF THE AUTHORITY, ITS  
8 FACILITIES AND SERVICES AREA; TO AUTHORIZE THE AUTHORITY TO ISSUE  
9 BONDS AS SHALL BE NECESSARY TO PROVIDE SUFFICIENT FUNDS FOR  
10 ACHIEVING ANY OF ITS CORPORATE PURPOSES; TO EXEMPT THE AUTHORITY  
11 FROM ANY TAX OR ASSESSMENT ON ANY PROPERTY OWNED BY IT, OR UPON  
12 THE INCOME THEREFROM; AND FOR RELATED PURPOSES.

13 WHEREAS, many changes are now occurring in the field of  
14 telecommunications affecting the ability of local governmental  
15 agencies to maintain and operate necessary modern communications  
16 equipment for law enforcement, public safety, health and welfare;  
17 and

18 WHEREAS, it is important that local governmental agencies,  
19 law enforcement, emergency agencies and public and co-operative  
20 utilities have the ability and capability to communicate  
21 efficiently and effectively using equipment of superior  
22 performance and broad compatibility between users in times of  
23 emergencies, natural disasters and other times of public needs;  
24 and

25 WHEREAS, legislation is needed to provide for local  
26 governments to develop an area-wide communications network capable  
27 of providing digital, fiber optic, coaxial and/or copper conductor  
28 with necessary electricity, converter and other plants,  
29 infrastructure and equipment necessary or appropriate to receive,  
30 transmit, broadcast and communicate voice and data within the area  
31 of the Golden Triangle Planning and Development District and among

32 the governmental agencies, departments, hospitals, utilities and  
33 other entities which serve the public in times of emergencies;

34 NOW, THEREFORE,

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

36 SECTION 1. The purpose of this act is to authorize governing  
37 bodies in the service area to create a regional authority to  
38 provide for and meet the emergency communications needs of the  
39 region with the establishment, implementation and operation of a  
40 regional emergency communications system to provide communication  
41 services to police, fire departments, local government agencies,  
42 hospitals, public or co-operative utilities, airports, special  
43 emergency services and other entities that benefit the public  
44 safety and interest and to provide for the siting, acquisition,  
45 construction and operation of a regional communications network.

46 SECTION 2. (1) The Golden Triangle Communications Authority  
47 may hereinafter be created under authority of this act and in the  
48 manner hereinafter provided. Those political subdivisions  
49 eligible to become members of the authority are those political  
50 subdivisions who are located, in whole or in part, within the  
51 Golden Triangle Planning and Development District. Once created,  
52 the authority shall be an agency of the state and a body politic  
53 and corporate.

54 (2) Two (2) or more political subdivisions may, by  
55 resolution of each, create a public body, corporate and politic,  
56 to be known as the Regional Communication Authority which shall be  
57 authorized to exercise its functions upon the issuance by the  
58 Secretary of State of a certificate of incorporation. The  
59 governing body of each political subdivision that is a member of  
60 the authority shall, pursuant to its resolution, appoint one (1)  
61 person as a commissioner of the authority.

62 (3) The membership of the authority may be increased from  
63 time to time to serve one or more additional political  
64 subdivisions if each additional political subdivision and each of  
65 the members then included in the regional authority and the  
66 commissioners of the regional authority, respectively, adopt a  
67 resolution consenting thereto.

68 (4) A regional authority may be decreased if each of the

69 members then included in the regional authority and the  
70 commissioners of the regional authority consent to the decrease  
71 and make provision for the withdrawal of any member. However, if  
72 the regional authority has any obligations, bonds or any other  
73 indebtedness outstanding, no withdrawal shall be effected unless  
74 the withdrawing member shall first pay an amount to pay to the  
75 authority its pro rata share of any obligation or indebtedness  
76 then outstanding.

77 SECTION 3. Once created as provided herein the authority  
78 may:

79 (a) Study, evaluate and determine the communications  
80 needs of the region and the requirements for the creation of a  
81 regional communications network.

82 (b) Plan, acquire, purchase and/or construct, own,  
83 operate and maintain, lease, in whole or in part, a  
84 telecommunications system within the area composed of the  
85 jurisdiction of the members of the authority and other entities  
86 who may declare their intent to participate, and contract with the  
87 authority comprised of:

88 (i) Fiber optic, coaxial and/or copper conductors  
89 with necessary electronics, connections and other plant and  
90 equipment necessary or appropriate to receive, transmit, broadcast  
91 and communicate voice and data; and

92 (ii) Employ such other means or instruments of  
93 communications as the governing authorities, in their discretion,  
94 may select to accomplish.

95 (c) Plan and determine the best use of the  
96 communications system for the receipt, transmission, broadcast or  
97 communication of voice and data for communications by and among,  
98 from or to, law enforcement, emergency agencies, departments and  
99 agencies of local government, and the public offices of other  
100 governments, public entities, utilities, airports, hospitals,  
101 education entities and other public service entities.

102           (d) Provide access to the communications system to one  
103 or more public agencies, or other users or consumers of emergency  
104 communications services, and to provide any lawful communications  
105 service the governing authorities may deem appropriate.

106           SECTION 4. Whenever used in the act, the following words and  
107 terms shall have the following respective meanings unless a  
108 different meaning clearly appears from the context:

109           (a) "Board" means the board of directors of the  
110 authority.

111           (b) "Bonds" means either revenue bonds, general  
112 obligation bonds, bond anticipation notes or other types of debt  
113 instruments issued by the authority unless the reference to bonds  
114 clearly indicates "revenue bonds," "general obligation bonds,"  
115 "bond anticipation notes" or such other forms of debt instruments.

116           (c) "Service area" means that area composed of the  
117 geographical area of the counties which are members of the Golden  
118 Triangle Planning and Development District.

119           (d) "Facilities" means any plant, structure, building,  
120 improvement, land or any other real or personal property of the  
121 authority or used or useful in providing emergency communication  
122 service under the act.

123           (e) "Governing body" means the elected or duly  
124 appointed officials constituting the governing body of a  
125 municipality or county.

126           (f) "Person" means any natural person, corporation,  
127 association, public or co-operative utility, governmental unit,  
128 public agency, political subdivision or any other group acting as  
129 a unit, and the plural as well as the singular.

130           (g) "Project" means any facility, to provide emergency  
131 communication service, together with all real property required  
132 for construction, maintenance and operation of the facility,  
133 together with all buildings, and other supporting land and  
134 facilities, structures or improvements of whatever kind required

135 or useful for construction, maintenance and operation of emergency  
136 communication system.

137 (h) "Public agency" means:

138 (i) Any department, board, commission, institution  
139 or other agency or instrumentality of the state;

140 (ii) Any city, town, county, political  
141 subdivision, school district, public or co-operative utility or  
142 other district created or existing under the laws of the State of  
143 Mississippi or any public agency of any such city, town, county,  
144 political subdivision or district;

145 (iii) Any department, commission, agency or  
146 instrumentality of the United States of America; and

147 (iv) Any other state of the United States of  
148 America which may be cooperating with respect to location of the  
149 project within the state, or any agency thereof.

150 (v) Any public or private agency determined by the  
151 governing body of the member and the board of the authority to  
152 provide a necessary general public service to the population of  
153 the services areas.

154 (i) "Services area" means the area within the counties  
155 that are members of the Golden Triangle Planning and Development  
156 District.

157 SECTION 5. (1) All powers of the authority shall be vested  
158 in a board of commissioners which will exercise all powers of the  
159 authority.

160 The board shall consist of an appointee of the governing body  
161 of each member of the authority. Appointments shall be for four  
162 (4) years and a plan for staggered terms shall be determined by  
163 the initial board, such that as near as possible only one-third  
164 (1/3) of the board shall have their term end each year.

165 (a) After the initial term, the commissioner shall  
166 serve a term of four (4) years, and for such period thereafter  
167 until a successor shall be duly appointed and qualified.

168           (b) Each member of the board shall be eligible for  
169 reappointment. All vacancies shall be filled by appointment in  
170 the same manner, provided that any person appointed to fill a  
171 vacancy shall serve only for the unexpired term. Any commissioner  
172 may be removed at any time prior to the expiration of the member's  
173 term of office for misfeasance, malfeasance or willful neglect of  
174 duty, as determined by the appointing political subdivision or a  
175 majority of the board. Before assuming office, each commissioner  
176 shall take and subscribe to the constitutional oath of office  
177 before a chancery clerk, and a record of such oath shall be filed  
178 with the Secretary of State. The board shall annually select a  
179 chairman and vice-chairman.

180           (2) The board may employ such personnel and appoint and  
181 prescribe the duties of such officers as the board deems necessary  
182 or advisable, including a general manager and a secretary of the  
183 authority or the board may contract with a person, or public or  
184 private entity to serve as a systems administrator. The systems  
185 administrator or the general manager shall have a minimum of five  
186 (5) years' experience in management and communications. The  
187 general manager may also serve as secretary and shall be a person  
188 of good moral character and of proven ability as an administrator  
189 with a minimum of five (5) years' experience in management and  
190 communications. The general manager or systems administrator  
191 shall administer, manage and direct the affairs and business of  
192 the authority, subject to the policies, control and direction of  
193 the board. The general manager or systems administrator and any  
194 director not bonded in another capacity shall give bond executed  
195 by a surety company or companies authorized to do business in the  
196 respective states in the penal sum of no less than Fifty Thousand  
197 Dollars (\$50,000.00), as determined by the board payable to the  
198 authority conditioned upon the faithful performance of his duties  
199 and the proper accounting for all funds. The board may require  
200 any of its employees to be bonded. The cost of any bond required

201 by this section or by the board shall be paid from funds of the  
202 authority. The secretary shall keep a record of the proceedings  
203 of the authority and shall be custodian of all books, documents  
204 and papers filed with the authority, the minute book or journal,  
205 and the official seal. The secretary may make copies of all  
206 minutes and other records and documents of the authority and  
207 certify under the seal of the authority that such copies are true  
208 and accurate copies, and all persons dealing with the authority  
209 may rely upon such certification.

210 (3) Regular meetings of the board shall be held as set forth  
211 in its bylaws, rules or regulations. Additional meetings of the  
212 board shall be held at the call of the chairman or general  
213 manager, or systems administrator, whenever any three (3) members  
214 of the board so request.

215 (4) Members of the board shall not receive any compensation,  
216 but may receive reimbursement for actual and necessary expenses  
217 incurred or per diem in lieu thereof.

218 (5) The board shall prepare a budget for the authority for  
219 each fiscal year at least sixty (60) days prior to the beginning  
220 of each fiscal year, which shall be from October 1, to September  
221 30 of each year.

222 SECTION 6. From and after its creation, the authority shall  
223 be a public corporation, body politic with all the rights and  
224 powers now or hereafter conferred as may be deemed necessary to  
225 carry out the purposes of the act including the following:

226 (a) To maintain an office at a place or places within  
227 either state.

228 (b) To sue and be sued in its own name.

229 (c) To adopt and use a corporate seal.

230 (d) To employ or contract with a general manager,  
231 systems administrator, architects, engineers, attorneys,  
232 accountants, construction and financial experts and such other  
233 advisors, managers, consultants and agents as may be necessary in

234 its judgment and to fix and pay their compensation.

235 (e) To make, adopt, enforce, amend and repeal bylaws  
236 and rules and regulations for the management of its business and  
237 affairs for the use, maintenance and operation of the authority,  
238 any of the facilities and any other of its properties.

239 (f) To borrow money and to issue bonds, notes and other  
240 evidence of indebtedness for any of its purposes and to provide  
241 for and secure the payment thereof and to provide for the rights  
242 of the holders thereof.

243 (g) To invest any monies of the authority, including  
244 proceeds from the sale of any bonds subject to any agreements with  
245 bondholders, on such terms and in such manner as the authority  
246 deems proper.

247 (h) To exercise any one or more of the powers, rights  
248 and privileges under the act either alone or jointly or in common  
249 with one or more other public or private parties. In any such  
250 exercise of such powers, rights and privileges jointly or in  
251 common with others for the development, construction, operation  
252 and maintenance of facilities within the authority or the provider  
253 of facility services within the service area. The authority may  
254 enter into an agreement or agreements with respect to any such  
255 facility with the other party or parties, public or private,  
256 participating therein including development agreements and  
257 operating agreement. An agreement may contain such terms,  
258 conditions and provisions, consistent with this section, as the  
259 parties thereto shall deem to be in their best interest,  
260 including, but not limited to, provisions for the construction,  
261 operation and maintenance of such facilities by any one or more  
262 party of the parties to such agreement.

263 (i) To provide the services of any facility or project  
264 within the service area to any political subdivision, public  
265 agency, department or utility with the service area and as  
266 determined by the board any public service agency and/or private



267 nonprofit public service entity providing necessary public  
268 services; provided, however, the authority has obtained any  
269 required governmental approval for such service.

270 (j) To make such applications and enter into such  
271 contracts for financial assistance as may be appropriate under  
272 applicable federal or state law.

273 (k) To apply for, accept and utilize grants, gifts,  
274 donations and other funds or aid from any source for any purpose  
275 contemplated by the act, and to comply, subject to the provisions  
276 of this act, with the terms and conditions thereof.

277 (l) To acquire by purchase, lease, gift, investment,  
278 trade, exchange or in other manner, including eminent domain as  
279 may be authorized under the act, or obtain options to acquire, and  
280 to own, maintain, use, operate and convey any and all property of  
281 any kind, real, personal or mixed or easement therein or any  
282 interest or estate therein, within the service area reasonably  
283 necessary for the project or any facility related to the project.

284 (m) To make or cause to be made such examinations,  
285 studies and surveys as may be reasonably necessary to the  
286 planning, design, construction and operation of the project.

287 (n) To enter into a development agreement with any  
288 public agency or person for the development of the service area,  
289 facility property, facility or any portion thereof upon such terms  
290 as the parties might agree to carry out the purposes of the act.

291 (o) To enter into contracts with any person or public  
292 agency including, but not limited to, in furtherance of any of the  
293 purposes authorized by this act upon such consideration as the  
294 authority and such person or public agency may agree. Any such  
295 contract may extend over any period of time, notwithstanding any  
296 rule of law to the contrary, may be upon such terms as the parties  
297 thereto shall agree, and may provide that it shall continue in  
298 effect until bonds specified therein, refunding bonds issued in  
299 lieu of such bonds, and all other obligations specified therein

300 are paid or terminated. Any such contract shall be binding upon  
301 the parties thereto according to its terms. Such contracts may  
302 include an agreement to reimburse a party to such contract for any  
303 assistance provided to the authority in the acquisition of real  
304 property to the project or the development of any facility related  
305 to the project.

306 (p) To establish and maintain reasonable rates and charges  
307 for the use of any facility with the service area owned or  
308 operated by the authority, or services provided by the authority  
309 and from time to time to adjust such rates and to impose penalties  
310 for failure to pay such rates and charges when due.

311 SECTION 7. The authority may adopt and promulgate all  
312 reasonable rules and regulations regarding the operation of the  
313 authority, its facilities and services area, and the  
314 specifications and standards relating to the construction,  
315 operation and maintenance of any facility, provided such are in  
316 compliance with FCC regulations.

317 SECTION 8. (1) The authority is empowered and authorized,  
318 from time to time, to issue bonds in such principal amounts as  
319 shall be necessary to provide sufficient funds for achieving any  
320 of its corporate purposes, including without limiting the  
321 generality of the foregoing, the financing of the acquisition,  
322 construction, improvement of facilities or any combination  
323 thereof, the payment of interest on bonds of the authority,  
324 establishment of reserves to secure such bonds, expenses incident  
325 to the issuance of such bonds, including bond insurance and to the  
326 implementation of programs or projects, and any other capital  
327 expenditures but not operating costs of the authority incident to  
328 or necessary or convenient to carry out its corporate purposes and  
329 powers.

330 (2) The authority may issue such types of bonds or notes as  
331 it may determine, subject only to any agreement with the holders  
332 of particular bonds, including bonds as to which the principal and

333 interest are payable exclusively from all or a portion of the  
334 revenues derived from one or more facilities pursuant to the  
335 contract entered into by public agencies, and other persons, or  
336 any combination of any of the foregoing, or which may be secured  
337 by a pledge or any grant, subsidy or contribution from any public  
338 agency or other person, or a pledge of an income or revenues,  
339 funds or monies of the authority from any source whatsoever.

340 (3) Bonds shall be authorized by a resolution or resolutions  
341 of the board. Such bonds shall bear such date or dates, mature at  
342 such time or times (either serially, term or a combination  
343 thereof), bear interest at such rate or rates, be in such  
344 denomination or denominations, be in such registered form, carry  
345 such conversion or registration privileges, have such rank or  
346 priority, be executed in such manner and by such officers, be  
347 payable from such sources in such medium of payment at such place  
348 or places within or without the State of Mississippi, provided  
349 that one (1) such place shall be within the State of Mississippi,  
350 be subject to such terms of redemption prior to maturity, all as  
351 may be provided by resolution or resolutions of the compact.

352 (4) Any bonds of the authority may be sold at such price or  
353 prices, at public or private sale, in such manner and at such  
354 times as may be determined by the authority to be in the public  
355 interest, and the authority may pay all expenses, premiums, fees  
356 and commissions which it may deem necessary and advantageous in  
357 connection with the issuance and sale thereof.

358 (5) Any pledge of earnings, revenues or other monies made by  
359 the authority shall be valid and binding from the time the pledge  
360 is made and the earnings, revenues or other monies so pledged and  
361 thereafter received by the authority shall immediately be subject  
362 to the lien of such pledge without any physical delivery thereof  
363 or further act. The lien of any such pledge shall be valid and  
364 binding as against all parties having claims of any kind in tort,  
365 contract or otherwise against the authority irrespective of

366 whether such parties have notice thereof. Neither the resolution  
367 nor any other instrument by which a pledge is created need to be  
368 recorded.

369 (6) Neither the board members nor any person executing the  
370 bonds shall be personally liable on the bonds or be subject to any  
371 personal liability or accountability by reason of the issuance  
372 thereof.

373 (7) Whenever any bonds shall have been signed by the  
374 officers designated by resolution of the authority to sign the  
375 bonds who were in office at the time of such signing but who may  
376 have ceased to be such officers prior to the sale and delivery of  
377 such bonds, or who may not have been in office on the date such  
378 bonds may bear, the manual or facsimile signatures of such  
379 officers upon such bonds and the coupons appertaining thereto,  
380 shall nevertheless be valid and sufficient for all purposes and  
381 have the same effect as if the person so officially executing such  
382 bonds had remained in office until the delivery of the same to the  
383 purchaser or had been in office on the date such bonds may bear.

384 (8) The bonds issued by the authority shall be limited  
385 obligations of such authority. The principal, interest and  
386 redemption premium, if any, shall be payable solely out of the  
387 monies to be derived by the authority. Revenue bonds and interest  
388 coupons issued under authority of this act shall never constitute  
389 an indebtedness of the State of Mississippi or any county or  
390 municipality within the meaning of any state constitutional  
391 provision or statutory limitation and shall never constitute nor  
392 give rise to a pecuniary liability of a county or municipality or  
393 the State of Mississippi, or a charge against its general credit  
394 or taxing powers, and such fact shall be plainly stated on the  
395 face of each bond.

396 SECTION 9. (1) Pending the issuance of revenue bonds by the  
397 authority, the board is hereby authorized to make temporary  
398 borrowings not to exceed two (2) years in anticipation of the

399 issue of bonds in order to provide funds in such amounts as may,  
400 from time to time, be deemed advisable prior to the issue of  
401 bonds. To provide for such temporary borrowings, the authority  
402 may enter into any purchase, loan or credit agreement, or  
403 agreements or other agreement or agreements with any banks or  
404 trust companies or other lending institutions, investment banking  
405 firms or persons in the United States having power to enter into  
406 the same.

407 (2) All temporary borrowings made under this section shall  
408 be evidenced by notes of the authority which shall be issued, from  
409 time to time, for such amounts, in such form and in such  
410 denominations and subject to terms and conditions of sale and  
411 issue, prepayment or redemption and maturity, rate or rates of  
412 interest and time of payment of interest as the board shall  
413 authorize and direct. Such authorization and direction may  
414 provide for the subsequent issuance of replacement notes to  
415 refund, upon issuance thereof, such notes, and may specify such  
416 other terms and conditions with respect to the notes and  
417 replacement notes thereby authorized for issuance as the board may  
418 determine and direct.

419 SECTION 10. The authority may issue refunding bonds for the  
420 purpose of paying any of its bonds at or prior to maturity or upon  
421 acceleration or redemption. Refunding bonds may be issued at such  
422 time prior to the maturity or redemption of the refunded bonds as  
423 the authority deems to be in the public interest. The refunding  
424 bonds may be issued in sufficient amounts to pay or provide the  
425 principal of the bonds being refunded, together with any  
426 redemption premium thereof, any interest accrued or to accrue to  
427 the date of payment of such bonds, the expenses of issue of the  
428 refunding bonds, the expenses of redeeming the bonds being  
429 refunded, and such reserves for debt service or other capital or  
430 current expenses from the proceeds of such refunding bonds as may  
431 be required by the resolution, trust indenture or other security

432 instruments.

433       SECTION 11. The authority shall have power in the issuance  
434 of its bonds to:

435           (1) Covenant to charge rates, fees and charges sufficient to  
436 meet operating and maintenance expenses, renewals and  
437 replacements, principal and debt service on bonds, creation and  
438 maintenance of any reserves required by a bond resolution, trust  
439 indenture or other security instrument and to provide for any  
440 margins or coverages over and above debt service on the bonds  
441 deemed desirable for the marketability of the bonds.

442           (2) Covenant as to the mortgage or pledge of or the grant of  
443 a security interest in any real or personal property and all or  
444 any part of the revenues from any facilities or any  
445 revenue-producing contract or contracts made by the compact with  
446 any person to secure the payment of bonds, subject to such  
447 agreements with the holders of bonds as may then exist.

448           (3) Make all other covenants and to do any and all such acts  
449 and things as may be necessary or convenient or desirable in order  
450 to secure its bonds, or in the absolute discretion of the  
451 authority tend to make the bonds more marketable, notwithstanding  
452 that such covenants, acts or things may not be enumerated herein;  
453 it being the intention hereof to give the authority power to do  
454 all things in the issuance of bonds and in the provisions for  
455 security thereof which are not inconsistent with the Constitution  
456 of the State of Mississippi.

457           (4) Execute all instruments necessary or convenient in the  
458 exercise of the powers herein granted in the performance of  
459 covenants or duties, which may contain such covenants and  
460 provisions, as any purchaser of the bonds of the authority may  
461 reasonably require.

462       SECTION 12. (1) The exercise of the powers granted by this  
463 act will be in all respects for the benefit of the people of the  
464 states for their well-being and prosperity and for the improvement

465 of public safety and health, and the authority shall not be  
466 required to pay any tax or assessment on any property owned by the  
467 authority or the authority upon the income therefrom.

468 (2) Any bonds issued by the authority under the act, their  
469 transfer and the income therefrom shall at all times be free from  
470 taxation by the State of Mississippi or any unit of local  
471 government or other instrumentality of the state, except for  
472 inheritance and gift taxes.

473 SECTION 13. (1) For the purpose of attaining the objectives  
474 of the act, any county, municipality or other unit of local  
475 government, public corporation, agency or instrumentality of the  
476 State of Mississippi, a county or municipality or person may, upon  
477 terms and with or without consideration, as it may determine, do  
478 any or all of the following:

479 (a) Lend, contribute or donate money or property to the  
480 authority or perform services for the benefit thereof;

481 (b) Donate, sell, convey, transfer, lease, option or  
482 grant upon such terms as the parties may agree, without the  
483 necessity of authorization at any election of qualified voters,  
484 any property of any kind; and

485 (c) Do any and all things, whether or not specifically  
486 authorized in this section, not otherwise prohibited by law, that  
487 are necessary or convenient to aid and cooperate with any  
488 authority in attaining the objectives of the act.

489 SECTION 14. Contracts for acquisition, purchase,  
490 construction and/or installation of a project shall be effected in  
491 the manner prescribed by law for public contracts.

492 SECTION 15. For the purpose of aiding in the planning,  
493 design, undertaking carrying out of the project or any facility  
494 related to the project, any public agency within the service area  
495 is authorized and empowered upon such terms, with or without  
496 consideration, as it may determine:

497 (a) To enter into agreements, which may extend over any

498 period, with the authority respecting action to be taken by such  
499 public agency with respect to the acquisition, planning,  
500 construction, improvement, operations, maintenance or funding of  
501 emerging communications services or any facility for such purpose,  
502 and which agreements may include (i) the appropriation or payment  
503 of funds to the authority or to a trustee in amounts which shall  
504 be sufficient to enable the authority to defray any designated  
505 portion or percentage of the expenses of administering, planning,  
506 designing, constructing, acquiring, improving, operating and  
507 maintaining the project or any facility related to the project,  
508 and (ii) the furnishing of emergency communication services in  
509 connection with the facilities of the authority.

510       SECTION 16. The authority is authorized to acquire property,  
511 real, personal or mixed, within or without its territorial limits,  
512 in fee simple or any lesser interest or estate, by purchase, gift,  
513 devise or lease, on such terms and conditions as the board may  
514 deem necessary or desirable, and by condemnation, all provided  
515 that the board determines that the use or ownership of such  
516 property is necessary in the furtherance of a designated lawful  
517 purpose authorized under the provisions of this act, and  
518 amendments thereto; easements or rights-of-way with or without  
519 restrictions within the limits of the authority; to make purchase  
520 money mortgages and deed trusts and other forms of encumbrance on  
521 any property acquired by the authority and to purchase property  
522 subject to purchase money mortgages or other encumbrances.

523       SECTION 17. To exercise the power of eminent domain for the  
524 particular purpose of the acquisition of property and easements,  
525 designated by plan to sufficiently accommodate the location of the  
526 specific facilities, and such requirements related directly  
527 thereto pursuant to the provisions of applicable state law.  
528 provided, however, prior to the exercise of this power the Board  
529 of Commissioners shall enter on its minutes the determination of  
530 the need to use the power of eminent domain to the acquisition of



531 a part of the total acreage involved, not to exceed twenty-five  
532 percent (25%), and the board shall so specify in its minutes,  
533 which shall be the authority's evidence of authority to use the  
534 power of eminent domain as above specifically defined.

535 SECTION 18. This act shall take effect and be in force from  
536 and after July 1, 1999.