

By: Senator(s) Moffatt, Robertson

To: Ports and Marine
Resources

SENATE BILL NO. 3029

1 AN ACT TO AUTHORIZE THE CREATION OF SHORELINE AND BEACH
2 PRESERVATION DISTRICTS; TO PROVIDE FOR CREATION OF THE DISTRICT BY
3 PETITION OF LAND OWNERS OR BY THE BOARD OF SUPERVISORS; TO REQUIRE
4 PUBLICATION OF A NOTICE OF INTENT TO CREATE A DISTRICT AND TO
5 REQUIRE A PUBLIC HEARING; TO PROVIDE FOR A REFERENDUM ON THE
6 CREATION OF THE DISTRICT; TO AUTHORIZE THE PAYMENT OF COSTS FOR
7 CREATION OF THE DISTRICT; TO PROVIDE FOR APPOINTMENT OF A BOARD OF
8 COMMISSIONERS OF THE DISTRICT AND FOR THEIR TERMS OF OFFICE AND
9 COMPENSATION; TO AUTHORIZE THE BOARD OF COMMISSIONERS TO EXERCISE
10 CERTAIN POWERS AND DUTIES; TO AUTHORIZE THE DISTRICT TO ISSUE
11 NEGOTIABLE SPECIAL IMPROVEMENT BONDS FOR PROJECTS; TO AUTHORIZE
12 THE BOARD OF SUPERVISORS TO EXERCISE THE POWER OF EMINENT DOMAIN
13 UPON REQUEST OF THE BOARD OF COMMISSIONERS; TO AUTHORIZE THE BOARD
14 OF SUPERVISORS TO LEVY AN AD VALOREM TAX NOT TO EXCEED FOUR (4)
15 MILLS ON TAXABLE REAL PROPERTY IN THE DISTRICT AND TO MAKE SPECIAL
16 ASSESSMENTS ON PROPERTY IN THE DISTRICT; TO PROVIDE FOR THE
17 CALCULATION OF ANY SPECIAL ASSESSMENTS; AND FOR RELATED PURPOSES.

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

19 SECTION 1. Any contiguous area situated within any county of
20 the state, and not being situated within the corporate boundaries
21 of any existing municipality, and experiencing shoreline and beach
22 erosion and other related problems, may become incorporated as a
23 shoreline and beach preservation district in the manner set forth
24 in the following sections. The purpose of the district shall be
25 to provide for the planning, design, construction, operation,
26 maintenance and improvement of shoreline and beach improvement
27 projects and habitat degradation projects.

28 SECTION 2. (1) A petition for the incorporation of a
29 shoreline and beach preservation district may be submitted to the
30 board of supervisors of a county, signed by not less than
31 twenty-five (25) owners of real property residing within the
32 boundaries of the proposed district. The petition shall include:
33 (a) a statement of the necessity for the creation of the proposed
34 district; (b) the proposed corporate name for the district; (c)

35 the proposed boundaries of the district; (d) an estimate of the
36 cost of special improvement projects to be conducted and
37 maintained by the district; however the estimate shall not serve
38 as a limitation upon the financing of any project; (e) a statement
39 of whether or not the board of supervisors of the county shall
40 exercise the authority to levy the tax outlined in Section 14 of
41 this act; and (f) a statement of whether or not the board of
42 supervisors of the county shall exercise the authority to make
43 assessments as outlined in Section 15 of this act. The petition
44 shall be signed in person by the petitioners, with their
45 respective residence addresses. The petition shall be accompanied
46 by a sworn statement of the person or persons circulating the
47 petition witnessed the signature of each petitioner, that each
48 signature is the signature of the person it purports to be, and
49 that, to the best of the person's or persons' knowledge, each
50 petitioner was at the time of signing an owner of real property
51 within and a resident of the proposed district.

52 (2) The board of supervisors of a county, in its discretion,
53 may initiate the incorporation of a district under this section
54 without a petition being submitted to them by adopting a
55 resolution setting forth those conditions required in paragraphs
56 (a) through (f) of subsection (1) of this section. The adoption
57 of the resolution initiating the creation of the district shall
58 require a three-fifths (3/5) approval by the board.

59 SECTION 3. (1) Upon the filing of a petition, or upon the
60 adoption of a resolution under Section 2(2) of this act, the board
61 of supervisors shall fix a time and place for a public hearing
62 upon the question of the public convenience and necessity of the
63 incorporation of the proposed district. The date fixed for the
64 hearing shall be not more than thirty (30) days after the filing
65 of the petition. The time, date and location of the hearing, the
66 proposed boundaries of the district, and the purpose of the
67 hearing shall be set forth in a notice to be signed by the clerk
68 of the board of supervisors of the county. The notice shall be
69 published in a newspaper having general circulation within the
70 proposed district once a week for at least three (3) consecutive
71 weeks before the date of the hearing. The first publication of
72 the notice shall be made not less than twenty-one (21) days before

73 the date of the hearing and the last publication shall be made not
74 more than seven (7) days before the date of the hearing.

75 (2) If, at the public hearing, the board of supervisors
76 finds (a) that the public convenience and necessity require the
77 creation of the district, and (b) that the creation of the
78 district is economically sound and desirable, then the board of
79 supervisors shall adopt a resolution making those findings and
80 declaring its intention to create the district on a date to be
81 specified in the resolution. The resolution shall also designate
82 the name of the proposed district, define its territorial limits
83 which shall be fixed by the board pursuant to the hearing, and
84 state whether or not the board of supervisors shall levy the ad
85 valorem tax authorized in Section 14 of this act and whether or
86 not the board of supervisors proposes to make special assessments
87 against benefited properties as outlined in Section 15 of this
88 act.

89 SECTION 4. (1) A certified copy of the adopted resolution
90 shall be published in a newspaper having a general circulation
91 within the proposed district once a week for at least three (3)
92 consecutive weeks before the date specified in the resolution as
93 the date upon which the board intends to create the district. The
94 first publication of the notice shall be made not less than
95 twenty-one (21) days before the date specified, and the last
96 publication shall be made not more than seven (7) days before the
97 date.

98 (2) If twenty percent (20%) or one hundred fifty (150),
99 whichever is less, of the qualified electors of the proposed
100 district file a written petition with the board of supervisors on
101 or before the date specified in the resolution under subsection 1
102 of this section protesting the creation of the district, the board
103 of supervisors shall call an election on the question of the
104 creation of the district. The election shall be held and
105 conducted by the election commissioners of the county as nearly as
106 may be in accordance with the general laws governing elections.

107 The election commissioners shall determine which of the qualified
108 electors of the county reside within the proposed district, and
109 only those qualified electors as reside within the proposed
110 district shall be entitled to vote in the election. Notice of the
111 election setting forth the time, place or places, and purpose of
112 the election shall be published by the clerk of the board of
113 supervisors. The notice shall be published for the time and in
114 the manner provided in Section 3 of this act for the publication
115 of the resolution of intent. The ballot to be prepared for and
116 used at the election shall be in substantially the following form:

117 "FOR CREATION OF _____ DISTRICT: ()

118 AGAINST CREATION OF _____ DISTRICT: ()."

119 Voters shall vote by placing a cross mark (x) or check mark ()
120 opposite their choice.

121 SECTION 5. If no petition requiring an election is filed or
122 if three-fifths (3/5) of those voting in the election provided in
123 Section 4 of this act vote in favor of the creation of the
124 district, the board of supervisors shall adopt a resolution
125 creating the district as described in the resolution of intent.

126 SECTION 6. If the board of supervisors initiates the
127 creation of the district, all costs incident to the publication of
128 the notices, the public hearing and election, the preparation of
129 the resolution, and all other costs of meeting the requirements of
130 this act shall be paid by the board of supervisors. If the
131 creation of the district is initiated by petition, the board of
132 supervisors may bear the costs of meeting the requirements of this
133 act or may require the parties filing the petition to bear the
134 costs. The board of supervisors may require the execution of a
135 cost bond by the parties filing the petition. The bond shall be
136 in an amount and with good sureties to guarantee the payment of
137 any costs.

138 SECTION 7. Any party having an interest in the subject
139 matter and aggrieved or prejudiced by the findings and
140 adjudication of the board of supervisors may appeal to the circuit

141 court of the county in the manner provided by law for appeals from
142 orders of the board of supervisors. However, if no appeal is
143 taken within fifteen (15) days after the date of the adoption of
144 the resolution creating the district, the creation of the district
145 shall be final and shall not be subject to attack in any court
146 after that time.

147 SECTION 8. Beginning on the date of the adoption of the
148 resolution creating a district, the district shall be a public
149 corporation in perpetuity under its corporate name and shall, in
150 that name, be a body politic and corporate with power of perpetual
151 succession.

152 SECTION 9. (1) The powers of a district shall be vested in
153 and exercised by a board of commissioners consisting of five (5)
154 members to be appointed by the board of supervisors from a list of
155 at least fifteen (15) candidates submitted by the supervisor in
156 whose district the shoreline and beach preservation district is
157 located. The members of the board of commissioners shall be
158 landowners or residents of the district and shall be at least
159 twenty-five (25) years of age and of sound and disposing mind and
160 judgement. Upon their initial appointment, one (1) of the
161 commissioners shall be appointed for a term of one (1) year; one
162 (1) for a term of two (2) years; one (1) for a term of three (3)
163 years; one (1) for a term of four (4) years; and one (1) for a
164 term of five (5) years. After the initial appointment, each
165 commissioner shall be appointed and shall hold office for a term
166 of five (5) years. Any vacancy occurring on the board of
167 commissioners shall be filled by the board of supervisors at any
168 regular meeting of the board of supervisors in the same manner as
169 original appointments are made. The board of supervisors may fill
170 all unexpired terms of any commissioner.

171 Notwithstanding the appointive authority granted in this
172 section to the board of supervisors, its legal and actual
173 responsibilities, authority and function, subsequent to the
174 creation of a district, shall be specifically limited to the

175 appointive function and responsibilities outlined in Sections 11,
176 14 and 15 of this act. The operation, management, abolition or
177 dissolution of a district, and all other matters in connection
178 therewith, shall be vested solely and only in the board of
179 commissioners to the specific exclusion of the board of
180 supervisors, and the abolition, dissolution or termination of a
181 district shall be accomplished only by unanimous resolution of the
182 board of commissioners.

183 (2) The board of commissioners shall organize by electing
184 one of its members as chairman and another as vice-chairman. The
185 chairman shall preside at all meetings of the board and act as the
186 chief executive officer of the board and of the district. The
187 vice-chairman shall act in the absence or disability of the
188 chairman. The board also shall elect and fix the compensation of
189 a secretary-treasurer who may or may not be a member of the board.

190 The secretary-treasurer shall keep all minutes and records of the
191 board and safely keep all funds of the district. The
192 secretary-treasurer shall execute a bond, payable to the district,
193 in a sum and with security as shall be fixed and approved by the
194 board of commissioners.

195 (3) Each person appointed as a commissioner, before entering
196 upon the discharge of the duties of the office, shall execute a
197 bond payable to the State of Mississippi in the penal sum of Ten
198 Thousand Dollars (\$10,000.00) conditioned that the person will
199 faithfully discharge the duties of the office. Each bond shall be
200 approved by and filed with the clerk of the board of supervisors.

201 (4) Each commissioner shall take and subscribe to an oath of
202 office prescribed in Section 268, Mississippi Constitution of
203 1890, before the Chancery Clerk of the county in which the
204 district is located, that the person will faithfully discharge the
205 duties of the office of commissioner. The oath shall be filed
206 with the Chancery Clerk and preserved with the official bond.

207 (5) A majority of the membership of the board of
208 commissioners shall constitute a quorum. Except as otherwise

209 required under this act, all official acts of the board of
210 commissioners shall require a majority vote of the quorum.

211 (6) The board of commissioners may receive per diem
212 compensation, if approved by the board of supervisors, in the same
213 manner provided to officers of state boards, commissions and
214 agencies in Section 25-3-69, Mississippi Code of 1972. However,
215 the per diem compensation shall not exceed Two Hundred Dollars
216 (\$200.00) per month and shall not entitle any member of the board
217 of commissioners to receive or be eligible for any state employee
218 group insurance, retirement or other fringe benefits.

219 SECTION 10. (1) Any district created under this act, acting
220 by and through the board of commissioners of the district as its
221 governing authority, shall have the following powers and duties:

222 (a) To sue and be sued;

223 (b) To adopt an official seal with which to attest the
224 official acts and records of the board and district;

225 (c) To acquire by purchase, gift, devise and lease or
226 any other mode of acquisition, other than by eminent domain, hold
227 and dispose of real and personal property of every kind inside or
228 outside the district;

229 (d) To make and enter into contracts, conveyances,
230 mortgages, deeds of trust, bonds, leases or contracts for
231 financial advisory services;

232 (e) To incur debts, to borrow money, to issue
233 negotiable special improvement bonds, and to provide for the
234 rights of the holders of those bonds;

235 (f) To fix, maintain, collect and revise charges and
236 assessments for services rendered by or through the district;

237 (g) To pledge all or any part of the revenues of the
238 district to the payment of its obligations;

239 (h) To make any covenants in connection with the
240 issuance of bonds or to secure the payment of bonds that a private
241 business corporation can make under the general laws of the state;

242 (i) To use any right-of-way, public right-of-way,

243 easement, or other similar property or property rights held by the
244 state or any political subdivision of the state necessary or
245 convenient in connection with any project conducted by the
246 district; however, the governing body of the political subdivision
247 shall consent to the use;

248 (j) To enter into agreements with state and federal
249 agencies for loans, grants, grants-in-aid, and other forms of
250 assistance including, but not limited to, participation in the
251 sale and purchase of bonds;

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

255 (l) To do all acts necessary, proper or convenient in
256 the exercise of the powers granted under this act;

257 (m) To contract with the United States of America, or
258 any agency of the United States of America, the State of
259 Mississippi, or any political subdivision of the State of
260 Mississippi, or any agency, commission, authority, board or other
261 entity thereof, or any municipality or municipalities, for any
262 purpose under this act; and

263 (n) To contract with any person, partnership,
264 corporation or other entity for the planning, design,
265 construction, operation, maintenance or improvement of any project
266 of the district, upon any terms, conditions and covenants as may
267 be agreed upon by the contracting parties.

268 (2) Any district created under this act shall be vested with
269 all the powers necessary and requisite for the accomplishment of
270 the purpose for which the district is created. No enumeration of
271 powers in this section shall be construed to impair or limit any
272 general grant of power contained in this section nor to limit any
273 grant to a power or powers of the same class or classes as those
274 enumerated.

275 SECTION 11. The board of supervisors of the county may, upon
276 petition by the board of commissioners of the district, exercise

277 the power of eminent domain on behalf of the district wherever and
278 whenever public necessity and convenience so requires.

279 SECTION 12. (1) The district may issue negotiable special
280 improvement bonds to provide funds for the purpose of planning,
281 design, construction, operation, maintenance or improvement of any
282 project of the district, including acquisition of land. The
283 bonds shall be payable primarily from special assessments
284 authorized in Section 15 of this act and, if provided in the
285 proceedings authorizing the bonds, the avails of the ad valorem
286 tax levy authorized in Section 14 of this act. In addition, if
287 provided in the proceedings authorizing the bonds and agreed to by
288 resolution of the board of supervisors authorizing the board of
289 commissioners to make that pledge, the bonds shall also be payable
290 from the avails of the ad valorem tax levy provided for in
291 subsection (2) of this section, or from any combination of monies
292 from those special assessments and tax levies. The bonds may be
293 issued without an election being held upon the question of their
294 issuance and without the publication of any notice of intention to
295 issue the bonds. The board of commissioners of the district shall
296 issue bonds of the district by resolution spread upon the minutes
297 of the board. The bonds shall contain covenants and provisions,
298 be executed, bear interest at the rate or rates not to exceed
299 fourteen percent (14%) per annum, be in denomination or
300 denominations, be payable, both as to principal and interest, at
301 the place or places, mature at the time or times not exceeding
302 twenty-five (25) years from their date of issuance, as shall be
303 determined by the board of commissioners and set forth in the
304 resolution under which the bonds are issued. However, any bonds
305 which are secured by a pledge of special assessments shall mature
306 at the time or times not exceeding the time period over which the
307 special assessments are payable, as determined by the board of
308 commissioners under Section 15 of this act. Notwithstanding any
309 provision of general law to the contrary, any bonds and interest
310 coupons issued under this act shall possess all of the qualities

311 of negotiable instruments, and the bonds, premium, if any, and
312 interest thereon shall be exempt from all state, county, municipal
313 and other taxation under the laws of the State of Mississippi.
314 Any bonds issued under the authority of this act may be refunded
315 in the manner provided in this act upon a finding by the board of
316 commissioners that the refunding is in the public interest. Bonds
317 for the improvement or extension of any structures or facilities
318 of the district may be included with any refunding bonds. The
319 bonds may be sold without the necessity of advertising for bids
320 and may be sold by negotiated private sale and on any terms,
321 conditions and covenants as may be agreed to by and between the
322 issuing authority and the purchasers of the bonds. The total
323 amount of bonds issued under this act shall not exceed One Million
324 Dollars (\$1,000,000.00).

325 (2) If provided in the proceedings authorizing the issuance
326 of the bonds and agreed to by resolution of the board of
327 supervisors authorizing the board of commissioners of the district
328 to make a pledge, then when there are insufficient revenues
329 received from special assessments authorized under Section 15 of
330 this act and the avails of the ad valorem tax levy authorized
331 under Section 14 of this act, or from both together, according to
332 the provisions made in the proceedings authorizing the issuance of
333 the bonds, to meet the interest or principal payments or both when
334 due on any bonds issued under this act (excluding for this purpose
335 any amounts in a reserve fund for those bonds), then, upon
336 certification of that fact by the board of commissioners of the
337 district to the board of supervisors, the board of supervisors
338 shall levy an ad valorem tax on all taxable property within the
339 geographical limits of the district. The avails of the tax,
340 together with any other monies available for that purpose, shall
341 be sufficient to provide for the payment of the principal of and
342 interest on the bonds as the principal and interest falls due. If
343 provided in the proceedings for the issuance of the bonds, the
344 avails of the tax may also be used to replenish any reserve fund

345 established for the bonds.

346 SECTION 13. In addition to the purposes authorized by
347 Section 12 of this act, any district created under this act may
348 issue negotiable special improvement bonds of the district in the
349 manner provided in Section 12, for any of the following purposes:

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

353 (b) To improve or extend the structures or facilities
354 of the district or to conduct projects of the district; and

355 (c) To enter into cooperative agreements with the state
356 or federal government, or both, to obtain financial assistance in
357 the form of loans or grants as may be available from the state or
358 federal government, or both (reference to the state or federal
359 government as used in this section shall specifically include any
360 agency thereof).

361 The district may make any covenants and do any acts and
362 things as may be necessary, convenient and desirable to secure the
363 bonds or make the bonds more marketable, notwithstanding that the
364 covenants, acts or things may not be enumerated in this act or
365 expressly authorized in this act. It is the intention of this act
366 to give the board of commissioners, in issuing the negotiable
367 special improvement bonds, the power to do all things required or
368 necessary in the issuance of those bonds and for their execution
369 which are not inconsistent with the Mississippi Constitution of
370 1890.

371 SECTION 14. (1) The board of supervisors of the county in
372 which a district exists, may, according to the terms of the
373 resolution and upon receipt of a resolution of the board of
374 commissioners adopted by a three-fifths (3/5) majority of that
375 board requesting the funds, levy a special tax, not to exceed four
376 (4) mills annually, on all taxable real property in the district.

377 The avails of the tax shall be paid over to the board of
378 commissioners of the district to be used either for the support of

379 the district, planning, design, construction, operation,
380 maintenance or improvement of projects of the district or for the
381 retirement of any bonds issued by the district, or for any
382 combination of those uses.

383 (2) The proceeds derived from two (2) mills of the levy
384 authorized in this section shall be included in the ten percent
385 (10%) increase limitation under Section 27-39-321, and the
386 proceeds derived from any additional millage levied under this
387 subsection in excess of two (2) mills shall be excluded from that
388 limitation for the first year of such additional levy and shall be
389 included within that limitation in any year thereafter.

390 (3) Following the initial tax levy, the special tax levy
391 under this subsection may be increased only when the board of
392 supervisors, after receipt of the resolution of the board of
393 commissioners requesting an increase and stating the proposed
394 amount of the increase and the purposes for which the additional
395 revenues shall be used, has determined the need for additional
396 revenues, adopts a resolution declaring its intention to increase
397 the levy and has held an election on the question of increasing
398 the tax levy prescribed in this section. The notice calling for
399 an election shall state the purposes for which the additional
400 revenues shall be used and the amount of the tax levy to be
401 imposed for those purposes. The tax levy may be increased only if
402 the proposed increase is approved by a three-fifths (3/5) majority
403 of those voting within the district. Subject to specific
404 provisions of this paragraph to the contrary, the publication of
405 notice and manner of holding the election within the district
406 shall be as prescribed by law for the holding of elections for the
407 issuance of bonds by the board of supervisors. The election shall
408 be held only within the district.

409 SECTION 15. (1) In addition to the sources of funding
410 provided for in Sections 1 through 14 of this act, the board of
411 commissioners, if approved by the board of supervisors in the
412 resolution creating the district, may levy and collect special

413 assessments on certain property located in the district to provide
414 funds for the purposes for which bonds may be issued under
415 Sections 12 and 13 of this act. The board of commissioners may
416 pledge the receipts from the special assessments to secure the
417 payment of the principal of, premium, if any, and interest on any
418 bonds authorized to be issued under this act. Special assessments
419 may be levied on the property within the boundaries of the
420 district at the time the special assessments are levied. Any
421 special assessments authorized under this section shall be levied
422 and collected in the manner provided in Sections 21-41-1 through
423 21-41-53, Mississippi Code of 1972. The board may secure bonds of
424 the district solely from the receipts of special assessments, or
425 may pledge such receipts in addition to the pledge of receipts
426 from any tax levy authorized in this act, or from any combination
427 of monies from the special assessments and tax levies. Bonds
428 issued under Section 12 or Section 13 of this act shall be payable
429 as to principal, premium, if any, and interest solely from the
430 sources authorized in this act.

431 SECTION 16. Any bonds secured by a pledge of the special
432 assessments shall mature at any time or times, not exceeding
433 twenty-five (25) years from the date of the bonds, and may be in
434 fully registered form or in bearer form, as determined by the
435 board of commissioners.

436 SECTION 17. All special assessments levied under this act
437 shall be payable in equal annual installments over a period not to
438 exceed excess of twenty-five (25) years, as determined by the
439 board of commissioners, with interest from the date of the
440 confirmation of the assessment at a rate, to be fixed by the board
441 of commissioners, which will produce sufficient funds for the
442 payment of all or a specified portion of the principal of and
443 interest on the bonds as they mature and accrue and for fees and
444 expenses for a paying agent or trustee, or both for the bonds.
445 The amount to be paid through the special assessments may be
446 limited by the board of commissioners to the amounts needed for

447 the purposes specified in this section. Any property owner who
448 shall not have taken an appeal from the assessment, upon failure
449 to pay the assessment in full within thirty (30) days from the
450 date of confirmation, shall be deemed to have elected to pay the
451 assessment in installments as provided in this section, and shall
452 be deemed to have admitted the legality of the assessment, and the
453 right to contest the validity of the assessment shall be waived.
454 The installments of the assessment shall be due and payable at the
455 same time that the annual real property tax becomes due and
456 payable, commencing with the first county tax levy which is
457 payable after the expiration of thirty (30) days from the date of
458 confirmation of the assessment.

459 SECTION 18. The resolution declaring the intent of the board
460 of commissioners to proceed with the special improvement projects
461 of the district may direct that all of the expenses of the
462 property, structures or facilities of the district, or the part of
463 the expenses that the board of commissioners shall charge upon the
464 property in the district shall be assessed according to the
465 frontage rule or area rule, as outlined in this section. Bonds
466 may be issued for one or more projects, and the area and method of
467 assessment for each project shall be specified in the resolution
468 declaring the intent of the board of commissioners of the district
469 to proceed with that project. The resolution declaring the intent
470 of the board of commissioners to proceed with any special
471 improvement shall:

472 (a) Define the properties in the area to be benefited
473 by each improvement, with each improvement being designated as a
474 project;

475 (b) Fix the amount or percentage of the charge to be
476 levied upon the property benefited;

477 (c) Designate the minimum and maximum number of years
478 between the date of issuance of the bonds and the maturity of
479 those bonds;

480 (d) Delineate the method of determining the amount of

481 special assessments to be levied on each lot or parcel of land in
482 the benefited area; and

483 (e) Designate the minimum and maximum number of equal
484 approximately equal annual installments that the board of
485 commissioners may later allow for the payment of assessments with
486 interest on those assessments.

487 If the board of commissioners determines that the front foot
488 rule is the most equitable method of distributing the cost among
489 the properties, then the resolution shall direct that the cost to
490 be assessed against each lot or parcel of land shall be determined
491 by dividing the entire cost to be assessed by the total number of
492 front feet of real property abutting upon the shoreline on which
493 the project is located and which will be subject to the special
494 assessment, and multiplying the quotient by the total number of
495 front feet in any particular lot or parcel of land fronting in the
496 beach on which the project is located. The result of this formula
497 shall be assessed against each lot or parcel of land for the
498 owner's part of the cost of the entire improvement to be paid
499 through special assessments.

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

512 SECTION 19. If the owners of a majority of the front footage
513 of the property to be assessed under the front foot rule, or if
514 the owners of a majority of the area of the property to be

515 assessed under the area rule, as described in Section 18, file a
516 written protest objecting to the assessments authorized under this
517 act and in Section 21-41-7, Mississippi Code of 1972, then the
518 board of commissioners shall not proceed with the special
519 assessment.

520 SECTION 20. The board of commissioners of any district
521 created under this act shall have the authority to enter into
522 cooperative agreements with the state or federal government, or
523 both, to obtain financial assistance in the form of loans or
524 grants as may be available from the state or federal government,
525 or both. The board of commissioners may execute and deliver at
526 private sale notes or bonds as evidence of the indebtedness in the
527 form and subject to the terms and conditions as may be imposed by
528 the state or federal government, or both. The board of
529 commissioners may pledge the income and revenues of the district,
530 or the income and revenues from any part of the area embraced in
531 the district, in payment thereof. It is the purpose and intent of
532 this section to authorize the district to do all things necessary
533 to secure the financial aid or cooperation of the state or federal
534 government, or both, in the planning, design, construction,
535 operation, maintenance or improvement of projects of the district.

536 SECTION 21. This act, without reference to any statute, is
537 full and complete authority for the creation of the district and
538 for the issuance of bonds. No proceedings shall be required for
539 the creation of the district or for the issuance of bonds other
540 than those provided for and required in this act. All necessary
541 powers to be exercised by the board of supervisors and by the
542 board of commissioners of the district in order to carry out this
543 act are conferred under this section.

544 SECTION 22. Within ninety (90) days after the close of each
545 fiscal year, the board of commissioners shall publish in a
546 newspaper of general circulation in the county in which the
547 district is located a sworn statement showing the financial
548 condition of the district, including the revenues and expenses of

549 the district for the fiscal year just ended. The statement shall
550 also be furnished to the board of supervisors of the county in
551 which the district lies.

552 SECTION 23. Any bonds issued under the provisions of this
553 act may be submitted for validation under the provisions of
554 Chapter 13, Title 31, Mississippi Code of 1972.

555 SECTION 24. This act shall be liberally construed for the
556 purposes herein set out, the powers hereby granted being
557 additional, cumulative and supplemental to any power granted to a
558 board of supervisors by any general or local and private act of
559 the Legislature.

560 SECTION 25. If any provisions of this act shall be held to
561 be invalid by any court of competent jurisdiction, the remainder
562 of this act shall not be affected thereby.

563 SECTION 26. This act shall take effect and be in force from
564 and after its passage.