

By: Senator(s) Dearing, Johnson (38th)

To: Local and Private

SENATE BILL NO. 3079

1 AN ACT TO CREATE A NEW ENTITY TO BE KNOWN AS THE  
 2 NATCHEZ-ADAMS COUNTY DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE  
 3 APPOINTMENT OF MEMBERS TO THE AUTHORITY; TO PROVIDE THE DUTIES AND  
 4 POWERS OF THE AUTHORITY; TO AUTHORIZE THE CITY OF NATCHEZ AND  
 5 ADAMS COUNTY TO ISSUE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS  
 6 FOR THE AUTHORITY TO ACQUIRE AND IMPROVE PROPERTY; TO AUTHORIZE  
 7 THE CITY OF NATCHEZ AND ADAMS COUNTY TO LEVY AN AD VALOREM TAX TO  
 8 SUPPORT THE AUTHORITY AND TO AUTHORIZE SUCH ENTITIES TO FUND THE  
 9 AUTHORITY FROM ANY EXCESS FUNDS OF SUCH ENTITY; TO REPEAL CHAPTER  
 10 702, LOCAL AND PRIVATE LAWS OF 1971, AS AMENDED, WHICH CREATES THE  
 11 NATCHEZ-ADAMS COUNTY ECONOMIC AND COMMUNITY DEVELOPMENT AUTHORITY;  
 12 AND FOR RELATED PURPOSES.

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

14 SECTION 1. (1) The governing authorities of the City of  
 15 Natchez, Mississippi, and the Board of Supervisors of Adams  
 16 County, Mississippi, are hereby authorized and empowered jointly  
 17 to create and establish an organization to be known as  
 18 Natchez-Adams County Development Authority, hereinafter referred  
 19 to as the authority.

20 (2) The authority shall be composed of five (5) citizens of  
 21 Adams County, Mississippi, three (3) of whom shall be appointed by  
 22 the Board of Supervisors of Adams County, Mississippi, and two (2)  
 23 of whom shall be appointed by the governing authorities of the  
 24 City of Natchez. No appointee may hold an elected office and  
 25 serve on the board of the authority.

26 (3) The term of the intitial appointments made by the county  
 27 shall be for two (2), three (3) and four (4) years, respectively,  
 28 as designated by the Board of Supervisors of Adams County. The  
 29 term of the initial appointments made by the city shall be for one  
 30 (1) and five (5) years respectively as designated by the governing  
 31 authorities of the City of Natchez. All subsequent appointments

32 shall be made in the same manner as the initial appointments for a  
33 term of four (4) years or until their successors are appointed and  
34 qualified. All appointments made to the authority shall be made  
35 within thirty (30) days from and after the effective date of this  
36 act.

37 (4) In making appointments to the authority, the Board of  
38 Supervisors of Adams County and the governing authorities of the  
39 City of Natchez shall strive to maintain a ratio reflective of the  
40 population of Adams County, Mississippi, and shall each  
41 specifically strive to assure that no racial group have more than  
42 sixty percent (60%) nor less than forty percent (40%)  
43 representation on the authority.

44 (5) Members of the Natchez-Adams County Development  
45 Authority in place before the effective date of this act shall  
46 serve as members of the authority until the appointment and  
47 qualification of new authority members.

48 SECTION 2. Before entering upon the duties of office, each  
49 member of the authority shall take and subscribe to the oath of  
50 office required by Section 268, Mississippi Constitution of 1890,  
51 and shall give bond in the sum of Twenty Thousand Dollars  
52 (\$20,000.00), conditioned upon the faithful performance of his or  
53 her duties, each bond to be payable to and approved by the  
54 authority. Premiums for said bond shall be paid by the authority.

55 SECTION 3. (1) The members of the authority shall meet at  
56 the Adams County Courthouse within thirty (30) days after all  
57 initial appointments have been made and shall elect from among  
58 their number a chairman, vice chairman and secretary-treasurer of  
59 the authority and shall adopt a seal and such by-laws, rules and  
60 regulations as may be necessary to govern the time, place and  
61 manner for holding subsequent meetings of the authority and for  
62 the conduct of its business, not inconsistent with the provisions  
63 of this act. The authority shall record and retain minutes of all  
64 meetings. Any action taken by the authority shall be official at

65 the time the action is taken. Actions may be taken by the  
66 authority at any regular, special or adjourned meeting.

67 (2) The authority is hereby authorized to promulgate such  
68 reasonable rules and regulations as it shall deem necessary to  
69 effectuate the intent and purposes of this act, which are not in  
70 contravention of this act or any other law, and is further  
71 authorized, in its discretion, to appoint an executive committee  
72 from its membership to perform certain duties and functions and  
73 exercise such power and authority as the authority by duly adopted  
74 resolution shall prescribe.

75 (3) The members of the authority shall serve without salary  
76 or compensation, but may be reimbursed for actual expenses,  
77 including mileage and travel expenses, whether within or without  
78 the State of Mississippi, incurred in the performance of their  
79 duties, as authorized by Section 25-3-41, Mississippi Code of  
80 1972.

81 (4) The fiscal year for the authority shall be from October  
82 1 of one year through September 30 of the following year.

83 SECTION 4. (1) The authority is hereby granted the  
84 following powers, together with all powers incidental thereto or  
85 necessary for the performance of those hereinafter stated, in  
86 order to effectuate the purposes of this act:

87 (a) To acquire by gift, purchase or otherwise, and to  
88 own, lease, hold, maintain, control and develop, real estate and  
89 improvements thereof situated within the county, either within or  
90 without the corporate limits of a municipality, for development,  
91 use or operation as one or more industrial park complexes,  
92 buildings or sites or economic development districts.

93 (b) To engage in works of internal improvement for such  
94 sites, including, but not limited to, construction or contracting  
95 for the construction of streets, roads, railroads, site  
96 improvements, water, sewerage, drainage, pollution and other

97 related facilities necessary or required for industrial or  
98 economic development use and development of projects.

99 (c) To acquire, purchase, install, lease, construct,  
100 own, hold, equip, control, maintain, use, operate and repair such  
101 structures and facilities as are determined to be necessary and  
102 convenient for the planning, development, use, operation and  
103 maintenance of projects for industrial or economic development  
104 purposes, including, but not limited to, buildings, utility  
105 installations, elevators, compressors, warehouses, air, rail and  
106 other transportation terminals and pollution control facilities.  
107 In the event the authority takes by gift or otherwise any land,  
108 buildings or other tangible assets from any persons, firms or  
109 corporations, public or private, the authority may assume all or  
110 any part of the liabilities resulting from such acceptance under  
111 such terms and conditions as will be in the best interest of the  
112 citizens of Adams County.

113 (d) To sell, lease, trade, exchange or otherwise  
114 dispose of industrial sites and improvements thereon situated  
115 within projects to individuals, firms or corporations, public or  
116 private, for all types of industrial, economic, commercial and  
117 agricultural uses upon such terms and conditions, for such  
118 consideration, and with such safeguards as it determines will best  
119 promote and protect the public interest, convenience and  
120 necessity, and to execute deeds, leases, contracts, easements and  
121 other legal instruments necessary or convenient therefor.

122 (e) To fix and prescribe fees, charges and rates for  
123 the use of any water, sewerage, utilities, pollution or other  
124 facilities constructed, owned and operated by the authority in  
125 connection with a project and to collect the same from persons,  
126 firms and corporations using the same for industrial, commercial  
127 or agricultural purposes, except as to rates and charges against  
128 common carriers regulated by an agency of the federal government  
129 or the Mississippi Public Service Commission.

130           (f) To employ an executive director and a minority  
131 economic development director, and to employ a staff or to  
132 contract for staff and professional services with other  
133 organizations such as attorneys, engineers, accountants,  
134 consultants and such personnel as shall be reasonably necessary to  
135 carry out the duties and powers authorized by this act.

136           (g) To expend funds to promote and solicit new business  
137 and industry for the City of Natchez and Adams County and to  
138 provide services which will ensure the continued operation and  
139 expansion of existing industry in the City of Natchez and Adams  
140 County.

141           (h) To sue and be sued, complain and defend, in its own  
142 name, but with and limited by the same governmental immunity from  
143 suit as is accorded to Adams County by the Constitution and laws  
144 of the State of Mississippi.

145           (i) To borrow money, from time to time, and to pledge  
146 anticipated income from all sources toward the repayment of same.

147           (j) To lend money for purposes within the intent of  
148 this act, invest and reinvest its funds, and take and hold real  
149 and personal property as security for the payment of funds so  
150 loaned or invested.

151           (k) To conduct its business, carry on its operations,  
152 and have offices and exercise the powers granted by this act in  
153 any state, territory, district or possession of the United States,  
154 or in any foreign country.

155           (l) To have and exercise all powers necessary or  
156 convenient to effect any or all of the purposes for which the  
157 authority is organized, not inconsistent with the laws of  
158 Mississippi.

159           (m) To pledge to one or more lending institutions the  
160 revenues to be derived from the tax levy authorized under Section  
161 13 of this act for such period of time as is necessary to repay

162 any loan or loans incurred by the authority for the purpose of  
163 accomplishing the provisions of this act.

164 (n) To adopt and issue a certificate of necessity to  
165 use the power of eminent domain in the acquisition of real  
166 property. Upon the adoption of such certificate of need which  
167 shall state the description of the real property needed to be  
168 acquired by eminent domain, the authority shall transmit a copy of  
169 such certificate to the Board of Supervisors of Adams County,  
170 Mississippi, and to the governing authorities of the City of  
171 Natchez, Mississippi, which bodies may initiate proceedings under  
172 the provisions of Title 11, Chapter 27, Mississippi Code of 1972.  
173 The eminent domain proceedings thereby initiated shall be  
174 conducted according to and governed by the provisions of Title 11,  
175 Chapter 27, Mississippi Code of 1972.

176 (2) The governing authorities of the City of Natchez and the  
177 Adams County Board of Supervisors, upon the request of the  
178 authority, are each authorized to issue bonds for the purposes  
179 authorized by this act, the principal of and interest on which  
180 shall be payable solely out of the revenue derived from the sale,  
181 operation and leasing of a project and its facilities, except as  
182 provided hereinafter in this act. The terms, conditions, forms  
183 and laws applicable to such bonds shall be as provided in Sections  
184 57-3-11 through 57-3-23, Mississippi Code of 1972.

185 (3) Contracts for the acquisition, construction,  
186 improvement, equipping and furnishing of a project shall be  
187 entered into upon the basis of public bidding pursuant to Section  
188 31-7-1 et seq., Mississippi Code of 1972.

189 (4) Any sale or lease of all or part of a project may be  
190 executed upon such terms and conditions and for such monetary  
191 rental or other consideration as may be found adequate and  
192 approved by the authority in orders or resolutions authorizing the  
193 same. Any covenants and obligations of lessees or sublessees to  
194 make expenditures in determined amounts, and within such time or

195 times, for improvements to be erected on the land owned or  
196 otherwise held by the authority, and to conduct thereon  
197 industrial, commercial, economic, agricultural or public purpose  
198 operations in such aggregate payroll amounts and for such period  
199 of time or times as may be determined and defined in such sale or  
200 lease, and to give preference in employment where practicable to  
201 qualified residents of the city and county, shall, if included in  
202 such sale or lease, constitute and be deemed adequate and  
203 sufficient consideration for the execution of any such sale or  
204 lease, and no monetary rental or other consideration may be  
205 required; any such instrument may contain reasonable provisions  
206 giving the lessee the right to remove its or his improvements upon  
207 termination of the lease.

208 SECTION 5. (1) For the purpose of providing funds to defray  
209 the expense of acquiring properties pursuant to Section 4 of this  
210 act and the expense of improving such property, as provided by  
211 this act, the governing authorities of the City of Natchez and the  
212 Board of Supervisors of Adams County are hereby authorized to  
213 borrow an aggregate amount not in excess of Ten Million Dollars  
214 (\$10,000,000.00) and to issue the negotiable bonds of such  
215 governmental subdivisions as evidence of the indebtedness so  
216 incurred. Nothing herein shall prevent the governmental  
217 subdivisions from issuing such bonds, and the bonds authorized  
218 herein may be issued on a countywide basis by Adams County only  
219 or, if issued by the City of Natchez as a municipal enterprise,  
220 then the bonds shall be issued on a municipal basis only by the  
221 municipality.

222 (2) The principal of and interest on the bonds authorized  
223 hereunder shall be payable in the manner provided in this section.  
224 Such bonds shall bear such date or dates, be in such denomination  
225 or denominations, bear interest at such rate or rates not  
226 exceeding the limits set forth in Section 75-17-101, Mississippi  
227 Code of 1972, be payable at such place or places within or without

228 the State of Mississippi, shall mature absolutely at such time or  
229 times, not to exceed twenty-five (25) years from the date of  
230 issue, be redeemable before maturity at such time or times, and  
231 upon such terms, with or without premium, shall bear such  
232 registration privileges, and shall be substantially in such form,  
233 all as determined by resolution of the governing authorities of  
234 the city or the board of supervisors, as appropriate. Such bonds  
235 shall be executed on behalf of the governmental subdivisions in  
236 the manner provided by law for general obligation bonds of the  
237 respective governmental subdivisions.

238 (3) Before issuing any bonds under the provisions of this  
239 section, the governmental subdivisions shall, by resolution spread  
240 upon their respective minutes, declare their intention to issue  
241 bonds for the purposes authorized by this act, shall state in such  
242 resolution the amount of bonds proposed to be issued, and shall  
243 likewise fix in such resolution the date upon which the  
244 governmental subdivisions propose to direct the issuance of such  
245 bonds. Notice of such intention shall be published once a week  
246 for at least three (3) consecutive weeks in a newspaper published  
247 or having a general circulation in Adams County, Mississippi, with  
248 the first publication of such notice to be made not less than  
249 twenty-one (21) days prior to the date fixed in the resolution  
250 declaring the intent to issue the bonds, and the last publication  
251 to be made not more than seven (7) days prior to such date. If,  
252 on or before the date specified in the resolution, ten percent  
253 (10%) of the qualified electors of the governmental subdivision  
254 proposing to issue such bonds shall file a written protest against  
255 the issuance thereof, then an election upon the issuance thereof  
256 shall be called and held as hereby provided. If no such protest  
257 be filed, then the bonds may be issued without an election on the  
258 question of the issuance thereof at any time within a period of  
259 two (2) years after the date specified in the resolution. If an  
260 election is required by the protest of the appropriate number of



261 qualified electors of the governmental subdivision, then an  
262 election shall be held by such subdivision under the applicable  
263 laws. Provided, however, that nothing in this act shall prevent  
264 such subdivision from calling an election, whether required by ten  
265 percent (10%) of the qualified electors or not, in which event it  
266 shall not be necessary to publish the resolution of intent above  
267 described.

268 (4) At such election, all qualified electors of the  
269 governmental subdivision may vote, and the ballots used in such  
270 election shall have printed thereon a brief statement of the  
271 amount and purposes of the proposed bond issue and the words "FOR  
272 THE BOND ISSUE" and the words "AGAINST THE BOND ISSUE," and the  
273 voters shall vote by placing a cross (X) or check (✓) opposite  
274 their choice on the proposition.

275 (5) When the results of any such election shall have been  
276 canvassed by the election commission of the governmental  
277 subdivision, and certified to the subdivision, it shall be the  
278 duty of the governing body of the governmental subdivision to  
279 determine and adjudicate whether a majority of the qualified  
280 electors residing in such subdivision and voting in such election  
281 voted in favor of such bonds, failing of which the proposed bond  
282 issue shall be declared as disapproved. If the bond issue shall  
283 be approved, the governmental subdivision may issue such bonds  
284 within two (2) years from the date of such election, or within two  
285 (2) years after final favorable determination of any litigation  
286 affecting the issuance of such bonds at such time or times and in  
287 such amount or amounts, not exceeding that specified in the notice  
288 of the election, as shall be deemed proper by the governmental  
289 subdivision.

290 (6) The full faith, credit and resources of the governmental  
291 subdivisions shall be irrevocably pledged for the repayment of  
292 bonds and the interest thereon issued by such subdivisions. It  
293 shall be the duty of the governmental subdivisions annually to

294 levy and collect a special tax upon all of the taxable property  
295 within such subdivisions which shall be sufficient to provide for  
296 the payment of the principal and interest on the respective bonds  
297 issued, according to the terms thereof; provided, however, any  
298 income derived by the governmental subdivisions from the sale or  
299 lease of the property authorized to be acquired under this act  
300 shall be used for the retirement of the bonds authorized to be  
301 sold under the foregoing sections. Further, if such bonds have  
302 been heretofore issued, or shall be hereafter issued, by only one  
303 (1) of the participating governmental subdivisions under the  
304 provisions of this act, the other participating governmental  
305 subdivision not issuing such bonds is hereby authorized to enter  
306 into an agreement by which it may contribute from any funds  
307 available, including, but not limited to, sales tax revenues, and  
308 funds other than those created by an ad valorem tax levy, to the  
309 bond and interest sinking fund created for the retirement of such  
310 bonds.

311 (7) The bonds issued hereunder shall be exempt from all  
312 taxation in the State of Mississippi except gift and inheritance  
313 taxes, and their inclusion in any statutory debt limitation shall  
314 be governed by the laws applicable to the issuance of bonds as  
315 authorized and provided by Section 19-9-5, Mississippi Code of  
316 1972, as it applies to Adams County, and Section 21-33-303,  
317 Mississippi Code of 1972, as it applies to the City of Natchez.

318 SECTION 6. (1) The governing authorities of the City of  
319 Natchez, Mississippi, and the Board of Supervisors of Adams  
320 County, Mississippi, are each hereby authorized and empowered to  
321 annually levy a special tax not to exceed two (2) mills,  
322 respectively, of their valuations and assessments, and to annually  
323 set aside and appropriate the proceeds of such levy to the  
324 Natchez-Adams County Development Authority for the purposes herein  
325 contained. In lieu of, or in addition to, the funds derived from  
326 a special levy herein provided, the Mayor and Board of Aldermen of

327 the City of Natchez, and the Board of Supervisors of Adams County,  
328 Mississippi, are hereby authorized and empowered to fund the  
329 authority from such excess funds as may be available in the  
330 treasuries of such public bodies. Notwithstanding anything to the  
331 contrary, the contributions of Adams County and the City of  
332 Natchez shall be on a basis of sixty percent (60%) and forty  
333 percent (40%), respectively, and the governing authorities of the  
334 city and the board of supervisors of the county shall meet  
335 annually in the month of August to determine and agree upon the  
336 total levy or appropriation to be made for the ensuing fiscal year  
337 by the city and the county, which shall require the consent of the  
338 governing authorities of the city and the board of supervisors of  
339 the county. Further, the funds as appropriated for the authority  
340 shall be unrestricted by the appropriating entity and shall be  
341 used by the authority solely for the purposes set forth in this  
342 act.

343 (2) The levy authorized by this section shall not be revoked  
344 or diminished until such time as any loan or loans incurred by the  
345 authority are fully satisfied.

346 (3) All loans or other liabilities presently outstanding, as  
347 well as all assets, real or personal, of the Natchez-Adams County  
348 Economic and Community Development Authority created under Chapter  
349 702, Local and Private Laws of 1971, as amended, shall be and are  
350 hereby recognized as assets and liabilities of the Natchez-Adams  
351 County Development Authority created under this act.

352 SECTION 7. The authority shall have power to receive, in  
353 addition to the levies herein provided, other tax monies, private  
354 and public donations, and monies from other sources, and may, with  
355 the same, expend money to advertise, publicize or promote the  
356 industrial, commercial, recreational and educational advantages,  
357 opportunities, resources and facilities of the City of Natchez and  
358 Adams County.

359 SECTION 8. All funds appropriated to the Natchez-Adams  
360 County Development Authority or donated thereto, pursuant to the  
361 provisions of this act, shall be kept in a separate account in a  
362 depository to be selected by the authority, and all expenditures  
363 from such funds shall be made only upon the prior approval of the  
364 authority by check signed by the chairman or vice chairman of the  
365 authority and countersigned by the secretary-treasurer.

366 SECTION 9. As to all money received by the authority, the  
367 Natchez-Adams Development Authority shall keep full, complete and  
368 accurate records of all of its expenditures, which records shall  
369 at all times be available for inspection by the governing  
370 authorities of the City of Natchez, Mississippi, and the Board of  
371 Supervisors of Adams County, Mississippi, and members of the  
372 public at large. The authority shall make and render quarterly  
373 detailed accountings to both of the governing authorities of the  
374 City of Natchez and the Board of Supervisors of Adams County of  
375 all sums of money appropriated to and expended by the authority  
376 under the provisions of this act. An annual detailed audit shall  
377 be published in a newspaper published locally and having a general  
378 circulation throughout Adams County, Mississippi.

379 SECTION 10. The tax levy herein authorized may be levied and  
380 collected without regard to any tax or levy limitation or  
381 restriction contained in any law, general or special, and shall  
382 not be charged against the general fund taxes or either governing  
383 body, this act being supplemental and cumulative to any and all  
384 laws relating to tax levies.

385 SECTION 11. The special ad valorem tax millage authorized by  
386 this act shall not be reimbursable by the state under the  
387 provisions otherwise made for reimbursements under the homestead  
388 exemption laws.

389 SECTION 12. Chapter 702, Local and Private Laws of 1971, as  
390 amended by Chapter 904, Local and Private Laws of 1973, as amended  
391 by Chapter 991, Local and Private Laws of 1975, as amended by

392 Chapter 865, Local and Private Laws of 1984, as amended by Chapter  
393 881, Local and Private Laws of 1990, as amended by Chapter 935,  
394 Local and Private Laws of 1991, which creates the Natchez-Adams  
395 County Economic and Community Development Authority, is hereby  
396 repealed.

397 SECTION 13. This act shall take effect and be in force from  
398 and after its passage.