To: Local and Private

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Dearing, Johnson (38th)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3079

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

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

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

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

(3) The term of the initial appointments made by the county
shall be for two (2), three (3) and four (4) years, respectively,
as designated by the Board of Supervisors of Adams County. The
term of the initial appointments made by the city shall be for one
(1) and five (5) years respectively as designated by the governing
authorities of the City of Natchez. All subsequent appointments
shall be made in the same manner as the initial appointments for a term of four (4) years or until their successors are appointed and qualified. All appointments made to the authority shall be made within thirty (30) days from and after the effective date of this act.

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

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

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

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

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

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

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

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

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

(b) To engage in works of internal improvement for such
sites, including, but not limited to, construction or contracting
for the construction of streets, roads, railroads, site
improvements, water, sewerage, drainage, pollution and other
related facilities necessary or required for industrial or economic development use and development of projects.

(c) To acquire, purchase, install, lease, construct, own, hold, equip, control, maintain, use, operate and repair such structures and facilities as are determined to be necessary and convenient for the planning, development, use, operation and maintenance of projects for industrial or economic development purposes, including, but not limited to, buildings, utility installations, elevators, compressors, warehouses, air, rail and other transportation terminals and pollution control facilities.

In the event the authority takes by gift or otherwise any land, buildings or other tangible assets from any persons, firms or corporations, public or private, the authority may assume all or any part of the liabilities resulting from such acceptance under such terms and conditions as will be in the best interest of the citizens of Adams County.

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

(e) To fix and prescribe fees, charges and rates for the use of any water, sewerage, utilities, pollution or other facilities constructed, owned and operated by the authority in connection with a project and to collect the same from persons, firms and corporations using the same for industrial, commercial or agricultural purposes, except as to rates and charges against common carriers regulated by an agency of the federal government or the Mississippi Public Service Commission.
(f) To employ an executive director and a minority economic development director, and to employ a staff or to contract for staff and professional services with other organizations such as attorneys, engineers, accountants, consultants and such personnel as shall be reasonably necessary to carry out the duties and powers authorized by this act.

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

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

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

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

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

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

(m) To pledge to one or more lending institutions the revenues to be derived from the tax levy authorized under Section 13 of this act for such period of time as is necessary to repay
any loan or loans incurred by the authority for the purpose of accomplishing the provisions of this act.

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

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

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

(4) Any sale or lease of all or part of a project may be executed upon such terms and conditions and for such monetary rental or other consideration as may be found adequate and approved by the authority in orders or resolutions authorizing the same. Any covenants and obligations of lessees or sublessees to make expenditures in determined amounts, and within such time or
times, for improvements to be erected on the land owned or otherwise held by the authority, and to conduct thereon industrial, commercial, economic, agricultural or public purpose operations in such aggregate payroll amounts and for such period of time or times as may be determined and defined in such sale or lease, and to give preference in employment where practicable to qualified residents of the city and county, shall, if included in such sale or lease, constitute and be deemed adequate and sufficient consideration for the execution of any such sale or lease, and no monetary rental or other consideration may be required; any such instrument may contain reasonable provisions giving the lessee the right to remove its or his improvements upon termination of the lease.

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

(2) The principal of and interest on the bonds authorized hereunder shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101, Mississippi Code of 1972, be payable at such place or places within or without
the State of Mississippi, shall mature absolutely at such time or
times, not to exceed twenty-five (25) years from the date of
issue, be redeemable before maturity at such time or times, and
upon such terms, with or without premium, shall bear such
registration privileges, and shall be substantially in such form,
all as determined by resolution of the governing authorities of
the city or the board of supervisors, as appropriate. Such bonds
shall be executed on behalf of the governmental subdivisions in
the manner provided by law for general obligation bonds of the
respective governmental subdivisions.

(3) Before issuing any bonds under the provisions of this
section, the governmental subdivisions shall, by resolution spread
upon their respective minutes, declare their intention to issue
bonds for the purposes authorized by this act, shall state in such
resolution the amount of bonds proposed to be issued, and shall
likewise fix in such resolution the date upon which the
governmental subdivisions propose to direct the issuance of such
bonds. Notice of such intention shall be published once a week
for at least three (3) consecutive weeks in a newspaper published
or having a general circulation in Adams County, Mississippi, with
the first publication of such notice to be made not less than
twenty-one (21) days prior to the date fixed in the resolution
declaring the intent to issue the bonds, and the last publication
to be made not more than seven (7) days prior to such date. If,
on or before the date specified in the resolution, ten percent
(10%) of the qualified electors of the governmental subdivision
proposing to issue such bonds shall file a written protest against
the issuance thereof, then an election upon the issuance thereof
shall be called and held as hereby provided. If no such protest
be filed, then the bonds may be issued without an election on the
question of the issuance thereof at any time within a period of
two (2) years after the date specified in the resolution. If an
election is required by the protest of the appropriate number of
qualified electors of the governmental subdivision, then an
election shall be held by such subdivision under the applicable
laws. Provided, however, that nothing in this act shall prevent
such subdivision from calling an election, whether required by ten
percent (10%) of the qualified electors or not, in which event it
shall not be necessary to publish the resolution of intent above
described.

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

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

(6) The full faith, credit and resources of the governmental
subdivisions shall be irrevocably pledged for the repayment of
bonds and the interest thereon issued by such subdivisions. It
shall be the duty of the governmental subdivisions annually to
levy and collect a special tax upon all of the taxable property within such subdivisions which shall be sufficient to provide for the payment of the principal and interest on the respective bonds issued, according to the terms thereof; provided, however, any income derived by the governmental subdivisions from the sale or lease of the property authorized to be acquired under this act shall be used for the retirement of the bonds authorized to be sold under the foregoing sections. Further, if such bonds have been heretofore issued, or shall be hereafter issued, by only one (1) of the participating governmental subdivisions under the provisions of this act, the other participating governmental subdivision not issuing such bonds is hereby authorized to enter into an agreement by which it may contribute from any funds available, including, but not limited to, sales tax revenues, and funds other than those created by an ad valorem tax levy, to the bond and interest sinking fund created for the retirement of such bonds.

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

SECTION 6. (1) The governing authorities of the City of Natchez, Mississippi, and the Board of Supervisors of Adams County, Mississippi, are each hereby authorized and empowered to annually levy a special tax not to exceed two (2) mills, respectively, of their valuations and assessments, and to annually set aside and appropriate the proceeds of such levy to the Natchez-Adams County Development Authority for the purposes herein contained. In lieu of, or in addition to, the funds derived from a special levy herein provided, the Mayor and Board of Aldermen of
the City of Natchez, and the Board of Supervisors of Adams County, Mississippi, are hereby authorized and empowered to fund the authority from such excess funds as may be available in the treasuries of such public bodies. Notwithstanding anything to the contrary, the contributions of Adams County and the City of Natchez shall be on a basis of sixty percent (60%) and forty percent (40%), respectively, and the governing authorities of the city and the board of supervisors of the county shall meet annually in the month of August to determine and agree upon the total levy or appropriation to be made for the ensuing fiscal year by the city and the county, which shall require the consent of the governing authorities of the city and the board of supervisors of the county. Further, the funds as appropriated for the authority shall be unrestricted by the appropriating entity and shall be used by the authority solely for the purposes set forth in this act.

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

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

SECTION 7. The authority shall have power to receive, in addition to the levies herein provided, other tax monies, private and public donations, and monies from other sources, and may, with the same, expend money to advertise, publicize or promote the industrial, commercial, recreational and educational advantages, opportunities, resources and facilities of the City of Natchez and Adams County.
SECTION 8. All funds appropriated to the Natchez-Adams County Development Authority or donated thereto, pursuant to the provisions of this act, shall be kept in a separate account in a depository to be selected by the authority, and all expenditures from such funds shall be made only upon the prior approval of the authority by check signed by the chairman or vice chairman of the authority and countersigned by the secretary-treasurer.

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

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

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


S. B. No. 3079  *SS26/ R592CS*
Chapter 865, Local and Private Laws of 1984, as amended by Chapter
881, Local and Private Laws of 1990, as amended by Chapter 935,
Local and Private Laws of 1991, which creates the Natchez-Adams
County Economic and Community Development Authority, is hereby
repealed.

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