

By: Senator(s) Tollison

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3140

1 AN ACT TO AMEND CHAPTER 971, LOCAL AND PRIVATE LAWS OF 1974,
2 TO REVISE THE MEMBERSHIP AND TERMS OF THE AUTHORITY; TO CHANGE THE
3 NAME OF OXFORD-LAFAYETTE COUNTY RECREATIONAL DISTRICT TO THE
4 LAFAYETTE-OXFORD RECREATIONAL AUTHORITY; TO LIMIT THE NUMBER OF
5 CONSECUTIVE TERMS THAT THE CHAIRMAN OF THE AUTHORITY MAY SERVE; TO
6 GRANT THE AUTHORITY CERTAIN ADDITIONAL POWERS AND DUTIES; TO
7 PROVIDE FOR AN ANNUAL INDEPENDENT AUDIT OF THE AUTHORITY; TO
8 AUTHORIZE THE CITY OF OXFORD, MISSISSIPPI, AND LAFAYETTE COUNTY,
9 MISSISSIPPI, TO DONATE SERVICES AND PERSONNEL TO THE AUTHORITY; TO
10 INCREASE THE AMOUNT OF THE AD VALOREM TAX THAT MAY BE LEVIED BY
11 THE CITY AND THE COUNTY TO SUPPORT THE AUTHORITY; TO PROVIDE THAT
12 THE TAX MAY BE LEVIED IF 60% OF THE VOTERS VOTING IN AN ELECTION
13 CALLED FOR SUCH PURPOSE VOTE IN FAVOR OF THE TAX; TO AUTHORIZE THE
14 COUNTY TO ISSUE BONDS TO DEFRAY THE COST OF ACQUIRING, FURNISHING
15 AND EQUIPPING RECREATIONAL FACILITIES FOR THE AUTHORITY; AND FOR
16 RELATED PURPOSES.

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

18 **SECTION 1.** Chapter 971, Local and Private Laws of 1974, is
19 amended as follows:

20 Section 1. There is hereby created and established the
21 Lafayette-Oxford * * * Recreational Authority (hereinafter
22 referred to as the "authority"). The authority shall be governed
23 by a board of directors to be composed of seven (7) members, all
24 of whom shall be resident citizens of Lafayette County,
25 Mississippi. Three (3) members shall be appointed by the Board of
26 Supervisors of Lafayette County, three (3) members shall be
27 appointed by the governing authorities of the City of Oxford,
28 Mississippi, and one (1) member shall be jointly appointed by the
29 Board of Supervisors of Lafayette County and the governing
30 authorities of the City of Oxford, Mississippi. The initial terms
31 of the members first appointed to the authority shall be as
32 follows:

33 (a) One (1) member appointed by the city and one (1)
34 member appointed by the county shall serve for one (1) year;

35 (b) One (1) member appointed by the city and one (1)
36 member appointed by the county shall serve for two (2) years; and

37 (c) One (1) member appointed by the city and one (1)
38 member appointed by the county shall serve for three (3) years.

39 Thereafter, the terms of members of the authority shall be
40 three (3) years. The duration of the terms of the initial
41 membership of the board shall be determined by a vote of the
42 members of the authority. Vacancies in the membership of the
43 authority shall be filled for the unexpired term by an appointment
44 by the appointing body that made the original appointment.

45 Section 2. Immediately after the initial members are named
46 and commissioned, they shall meet at the county courthouse in
47 Lafayette County, or at an otherwise appropriate place, and
48 proceed to organize the authority by the election of a chairman, a
49 secretary and a treasurer. Thereafter, the duly elected chairman
50 shall preside at all meetings of the authority and perform all
51 duties incident to this office, but the chairman shall not vote
52 except in the case of a tie. In the event that the chairman is
53 absent, the secretary shall preside. In the event that the
54 chairman is absent, the member serving as chairman shall retain
55 all voting privileges. A member may serve as chairman for not
56 more than three (3) consecutive terms, but may be reelected as a
57 chairman after he has not served in that position for a period of
58 one (1) year or more.

59 Annually after the first meeting, the authority shall hold
60 its regular meeting for the election of officers and for the
61 transaction of other business. It shall meet at any other time
62 upon the call of the chairman.

63 Section 3. (1) The purpose of the authority is to promote,
64 develop, own, manage and operate a regional park or parks,
65 recreational facilities, recreation programs and similar objects
66 in the incorporated and unincorporated areas of Lafayette County.

67 (2) The authority is authorized to:

68 (a) Purchase, own, lease, rent or otherwise furnish,
69 equip and operate any and all facilities, services and concessions
70 necessary to accomplish its purposes;

71 (b) Acquire land and construct recreational facilities;

72 (c) Employ personnel, obtain supplies, services,
73 furnishings, equipment and other facilities necessary to
74 administer the affairs and duties of the authority and to pay for
75 them out of any funds available to it; and

76 (d) * * * To receive any contributions in money,
77 property of any kind, or donations of land that might be made by
78 patriotic citizens to carry out the objects and purposes of this
79 act * * *; and to hold it in the name and for the benefit of the
80 citizens of the City of Oxford and of Lafayette County,
81 Mississippi.

82 (3) The authority shall make all purchases in accordance
83 with the laws of the state and shall keep proper financial
84 records. The records of the authority shall be audited annually
85 by an independent certified public accountant. The accountant
86 shall make a written report of his audit to the authority and the
87 authority shall submit a copy of the report to the City of Oxford
88 and Lafayette County. The audit shall be made and completed as
89 soon as practicable after the close of the fiscal year, and copies
90 of the audit report shall be filed with the City of Oxford and
91 Lafayette County within fifteen (15) days after receipt by the
92 authority.

93 Section 4. The Board of Supervisors of Lafayette County,
94 Mississippi, and the Mayor and Board of Aldermen of the City of
95 Oxford, Mississippi, are * * * authorized to make donations of
96 services, personnel and money to the authority, to be used for the
97 acquisition, establishment or maintenance of the facilities,
98 services and programs under the jurisdiction of the authority.
99 Monetary donations may be made from any available funds of the
100 City of Oxford or Lafayette County.

101 Section 5. (1) The Board of Supervisors of Lafayette
102 County, Mississippi, and the Mayor and Board of Aldermen of the
103 City of Oxford, Mississippi, are hereby authorized and empowered,
104 in their discretion, to levy an ad valorem tax in an amount not to
105 exceed four (4) mills annually on all taxable property within the
106 county and city * * *. The proceeds from the tax are to be used
107 for the purposes set forth in this act. This tax is not to be
108 considered reimbursable under any provision of law in the
109 Homestead Exemption Act of the State of Mississippi.

110 (2) Before the tax authorized by this section may be
111 imposed, the board of supervisors or mayor and board of aldermen
112 shall adopt a resolution declaring the intention to levy the tax,
113 setting forth the amount of the tax to be imposed and calling for
114 an election to be held on the question. The date of the election
115 shall be fixed in the resolution. Notice of such intention shall
116 be published once each week for at least three (3) consecutive
117 weeks in a newspaper published or having a general circulation in
118 Lafayette County, with the first publication of the notice to be
119 made not less than twenty-one (21) days before the date fixed in
120 the resolution for the election and the last publication to be
121 made not more than seven (7) days before the election. At the
122 election, all qualified electors of Lafayette County may vote, and
123 the ballots used in the election shall have printed thereon a
124 brief statement of the amount and purposes of the proposed tax
125 levy and the words "FOR THE TAX" and, on a separate line, "AGAINST
126 THE TAX" and the voters shall vote by placing a cross (X) or check
127 (√) opposite their choice on the proposition. When the results of
128 the election shall have been canvassed and certified, the tax may
129 be levied if sixty percent (60%) of the qualified electors who
130 vote in the election vote in favor of the tax.

131 Section 6. Lafayette County, acting on behalf of the City of
132 Oxford and the county, may issue bonds pursuant to Sections 19-9-1
133 through 19-9-31, for the purpose of providing funds necessary to

134 defray the cost of the acquisition, construction and equipping of
135 recreational facilities for the authority. The bonds may be
136 secured by all or any part of the tax levied under Section 5 of
137 this act. Publication of the notice of the intent to issue the
138 bonds as required by Section 19-9-11 and the notice of the intent
139 to levy an ad valorem tax as required by Section 5 of this act may
140 be accomplished by the publication of one (1) notice to satisfy
141 both publication requirements.

142 Section 7. This act shall take effect and be in force from
143 and after its passage.

144 **SECTION 2.** The governing authorities of the City of Oxford,
145 Mississippi, and the Board of Supervisors of Lafayette County,
146 Mississippi, shall submit this act, immediately upon approval by
147 the Governor, or upon approval by the Legislature subsequent to a
148 veto, to the Attorney General of the United States or to the
149 United States District Court for the District of Columbia in
150 accordance with the provisions of the Voting Rights Act of 1965,
151 as amended and extended.

152 **SECTION 3.** This act shall take effect and be in force from
153 and after the date it is effectuated under Section 5 of the Voting
154 Rights Act of 1965, as amended and extended.