

By: Representatives Burnett, Mayo

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1685

1 AN ACT TO AMEND CHAPTER 958, LOCAL AND PRIVATE LAWS OF 1996,
2 AS AMENDED BY CHAPTER 917, LOCAL AND PRIVATE LAWS OF 1997, AS
3 AMENDED BY CHAPTER 986, LOCAL AND PRIVATE LAWS OF 1998, AS AMENDED
4 BY CHAPTER 1028, LOCAL AND PRIVATE LAWS OF 1999, TO REVISE THE
5 PROPERTY UPON WHICH THE BOARD OF COMMISSIONERS OF THE TUNICA
6 COUNTY UTILITY DISTRICT MAY LEVY AND COLLECT SPECIAL ASSESSMENTS
7 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PAYMENT OF BONDS ISSUED
8 BY THE DISTRICT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Chapter 958, Local and Private Laws of 1996, as
11 amended by Chapter 917, Local and Private Laws of 1997, as amended
12 by Chapter 986, Local and Private Laws of 1998, as amended by
13 Chapter 1028, Local and Private Laws of 1999, as amended as
14 follows:

15 Section 1. (1) Any contiguous area situated within Tunica
16 County, Mississippi, and not being situated within the corporate
17 boundaries of any existing municipality and having no adequate
18 water system, sewer system, and/or fire protection serving such
19 area may become incorporated as a water district, sewer district
20 and/or fire protection district, or as a combination of any of the
21 three (3), in the manner set forth in Section 2 of this act. For
22 the purposes of this act, an inadequate system may include, but
23 not be limited to, an existing system which does not have the
24 resources to adequately or economically serve its certificated
25 area.

26 (2) The Board of Supervisors of Tunica County, Mississippi,
27 upon written petition by the board of commissioners of the
28 Robinsonville-Commerce Utility District, may change the name of
29 the Robinsonville-Commerce Utility District to the "Tunica County
30 Utility District." A change in the name of the district pursuant

31 to the authority granted under this subsection shall not affect
32 any other portion of this act, except that beginning on the date
33 on which the name change is made, all references in this act to
34 the Robinsonville-Commerce Utility District shall be construed to
35 mean the "Tunica County Utility District."

36 Section 2. (1) **By Petition:** A petition for the
37 incorporation of Robinsonville-Commerce Utility District may be
38 submitted to the Board of Supervisors of Tunica County signed by
39 not less than fifteen (15) owners of real property within the
40 boundaries of the proposed district who also reside within the
41 proposed district. Such petition shall include:

42 (a) Statement of necessity for the service or services
43 to be supplied by the proposed district;

44 (b) The proposed boundaries of the district;

45 (c) An estimate of the cost of acquisition or
46 construction of the facilities to be operated by the district,
47 which estimate, however, shall not serve as a limitation upon the
48 financing of improvements or extensions to the facilities; and

49 (d) A statement of whether or not the Board of
50 Supervisors of Tunica County is requested to exercise its
51 authority to levy taxes as outlined in this act. Such petition
52 shall be signed by the petitioners, with their respective resident
53 addresses, and shall be accompanied by a sworn statement of each
54 person circulating the petition, who shall state under oath that
55 he witnessed the signature of each petitioner, that each signature
56 is the signature of the person that it purports to be, and that to
57 the best of his knowledge, each petitioner was at the time of
58 signing an owner of real property within, and a resident of, the
59 proposed district.

60 (2) **By Board of Supervisors:** The Board of Supervisors of
61 Tunica County, in its discretion, may initiate the incorporation
62 of a district under this section, without a petition being

63 submitted to them, by adopting a resolution setting forth the
64 following:

65 (a) A statement of the necessity for the service or
66 services to be supplied by the district;

67 (b) The proposed boundaries of the district;

68 (c) An estimate of the cost of the acquisition or
69 construction of the facilities to be operated by the district,
70 which estimate, however, shall not serve as a limitation upon the
71 financing of improvements or extensions to the facilities; and

72 (d) A statement of whether or not the board of
73 supervisors shall exercise its authority to levy the taxes
74 outlined in this act. The adoption of the resolution shall
75 require a three-fifths (3/5) approval by the board.

76 Section 3. (1) **Public Hearing:** Upon the filing of a
77 petition, or upon the adoption of a resolution declaring the
78 intent of the board of supervisors to incorporate such district
79 without the filing of a petition, the Board of Supervisors of
80 Tunica County shall fix a time and date for a public hearing on
81 the question of the public convenience and necessity of the
82 incorporation of the proposed district. The date fixed for such
83 hearing shall be not more than thirty (30) days after the filing
84 of the petition or the adoption of the resolution of intent by the
85 board of supervisors. The date of the hearing, the place where it
86 shall be held, the proposed boundaries of the district, and the
87 purpose of the hearing shall be set forth in a notice. The notice
88 shall be signed by the Clerk of the Board of Supervisors of Tunica
89 County. Such notice shall be published in a newspaper having
90 general circulation within Tunica County once a week for at least
91 three (3) consecutive weeks before the date of such hearing. The
92 first publication shall be made not less than twenty-one (21) days
93 before the date of such hearing and the last such publication
94 shall be made not more than fourteen (14) days before the date of
95 such hearing.

96 (2) **Resolution of Intent:** If, at such public hearing, the
97 Board of Supervisors of Tunica County finds:

98 (a) That the public convenience and necessity require
99 the creation of the district; and

100 (b) That the creation of the district is economically
101 sound and desirable; then the Board of Supervisors of Tunica
102 County shall adopt a resolution making those findings and
103 declaring its intention to create the district on a date to be
104 specified in such resolution. Such resolution also shall
105 designate the name of the proposed district, define its
106 territorial limits which shall be fixed by the board pursuant to
107 such hearing, and state whether or not the board of supervisors
108 shall levy tax as authorized by this act.

109 Section 4. A certified copy of the resolution so adopted
110 shall be published in a newspaper having general circulation
111 within Tunica County once a week for at least three (3)
112 consecutive weeks before the date specified in the resolution as
113 the date upon which such board intends to create such district.
114 The first such publication shall be made not less than twenty-one
115 (21) days before the date specified, and the last such publication
116 shall be made not more than fourteen (14) days before such date.

117 If twenty percent (20%) or one hundred fifty (150), whichever
118 is less, of the qualified electors of such proposed district file
119 a written petition with such board of supervisors on or before the
120 date specified in the resolution protesting the creation of the
121 district, the Board of Supervisors of Tunica County shall call an
122 election on the question of the creation of such district. Such
123 election shall be held and conducted by the election commissioners
124 of Tunica County as nearly as may be in accordance with the
125 general laws governing elections. The election commissioners
126 shall determine which of the qualified electors of Tunica County
127 reside within the proposed district, and only such qualified
128 electors residing within such proposed district shall be entitled

129 to vote in such election. Notice of such election setting forth
130 the time, place or places and purpose of such election shall be
131 published by the clerk of the board of supervisors, and such
132 notice shall be published for the time and in the manner
133 prescribed in Section 3 of this act for the publication of the
134 resolution of intent. The ballot to be prepared for and used at
135 such election shall be in substantially the following form:

136 FOR THE CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

137 DISTRICT: ()

138 AGAINST CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

139 DISTRICT: ().

140 Voters shall vote by placing a cross mark (X) or a check mark ()
141 opposite their choice.

142 Section 5. If no petition requiring an election is filed, or
143 if three-fifths (3/5) of those voting in the election provided in
144 Section 4 of this act vote in favor of the creation of such
145 district, the Board of Supervisors of Tunica County shall adopt a
146 resolution creating the district as prescribed in the resolution
147 of intent.

148 Section 6. If the board of supervisors initiates the
149 creation of the district, all costs incident to the publication of
150 the notices, the public hearing and election, the preparation of
151 the resolution, and all other costs associated with the board
152 meeting the requirements of this act, may be paid by the Board of
153 Supervisors of Tunica County, in its discretion, from any
154 available county fund it deems appropriate, or shall be borne by
155 the parties filing the petition. The Board of Supervisors of
156 Tunica County, in its discretion, may require the execution of a
157 cost bond by the parties filing the petition. Such bond shall be
158 an amount and with good surety to guarantee the payment of such
159 costs.

160 Section 7. Any party having an interest in the subject
161 matter who is aggrieved or prejudiced by the findings and

162 adjudication of the board of supervisors may appeal to the Circuit
163 Court of Tunica County in the manner provided by law for appeals
164 from orders of the board of supervisors. However, if no such
165 appeal is taken within a period of fifteen (15) days after the
166 date of the adoption of the resolution creating the
167 Robinsonville-Commerce Utility District, the creation of the
168 district shall be final and conclusive and shall not thereafter be
169 subject to attack in any court.

170 Section 8. From and after the date of the adoption of the
171 resolution creating the district, such district, upon the election
172 of the board of supervisors, may be a public corporation in
173 perpetuity under its corporate name and, in that name, shall be a
174 body politic and corporate with powers of perpetual succession.

175 Section 9. (1) **Appointment and Terms:** The powers of the
176 Robinsonville-Commerce Utility District may be vested and
177 exercised by a board of commissioners consisting of five (5)
178 members appointed by the Board of Supervisors of Tunica County.
179 The members of the board of commissioners shall be qualified
180 electors of Tunica County at least twenty-five (25) years of age
181 and of sound and disposing mind and judgment. At least three (3)
182 members of the board of commissioners shall be qualified electors
183 of the district. For the purposes of this act, an individual will
184 be considered a qualified elector of the district if he is
185 employed by a corporation or other entity which owns property
186 located within the district. Upon their initial appointment, one
187 (1) of the commissioners shall be appointed for a term of one (1)
188 year; one (1) for a term of two (2) years; one (1) for a term of
189 three (3) years; one (1) for a term of four (4) years; and one (1)
190 for a term of five (5) years. Thereafter, each commissioner shall
191 be appointed and shall hold office for a term of five (5) years.
192 Any vacancy occurring on such board of commissioners shall be
193 filled by the board of supervisors at any regular meeting of the

194 board of supervisors, and the board of supervisors shall have the
195 authority to fill all unexpired terms of any commissioner.

196 (2) **Officers:** The board of commissioners shall have
197 complete and sole authority to appoint a chairman and a vice
198 chairman and any other officers it may deem necessary from among
199 the membership of the board of commissioners. It shall be the
200 duty of the chairman to preside at all meetings of the board and
201 to act as the chief executive officer of the board of
202 commissioners and of the district. The vice chairman shall act in
203 the absence or disability of the chairman. The board of
204 commissioners also shall elect and fix the compensation of a
205 secretary-treasurer who may or may not be a member of the board of
206 commissioners. It shall be the duty of the secretary-treasurer to
207 keep all minutes and records of the board of commissioners and to
208 safely keep all funds of the district. The secretary-treasurer
209 shall be required to execute a bond, payable to the district, in a
210 sum and with security as shall be fixed and approved by the board
211 of commissioners. The bond shall be filed with the Chancery Clerk
212 of Tunica County.

213 (3) **General Powers:** The operation, management, abolition or
214 dissolution of the district, and all other matters in connection
215 therewith, shall be vested solely and only in the board of
216 commissioners to the specific exclusion of the board of
217 supervisors, except as provided for herein. The abolition,
218 dissolution or termination of such district shall be accomplished
219 only by resolution of the board of commissioners, which resolution
220 must receive at least a four-fifths (4/5) vote of the entire
221 membership of the board. Except as otherwise provided herein,
222 such board of commissioners shall have no power, jurisdiction or
223 authority to abolish, dissolve or terminate any such district
224 while such district has any outstanding indebtedness of any kind
225 or character.

226 (4) **Bond of Commissioners:** Each person appointed as a
227 commissioner, before entering upon the discharge of the duties of
228 his office, shall be required to execute a bond payable to the
229 State of Mississippi in the penal sum of Ten Thousand Dollars
230 (\$10,000.00) conditional that he will faithfully discharge the
231 duties of his office. Each bond shall be approved by the Chancery
232 Clerk of Tunica County and filed with such clerk.

233 (5) **Oath of Commissioners:** Each commissioner shall take and
234 subscribe to an oath of office as prescribed in Section 268,
235 Mississippi Constitution of 1890, before the Chancery Clerk of
236 Tunica County, that he will faithfully discharge the duties of the
237 office of commissioner. The oath shall be filed with the Chancery
238 Clerk of Tunica County and by him preserved with such official
239 bond.

240 (6) A majority of the membership of the board of
241 commissioners shall constitute a quorum. Except as otherwise
242 required under this act, all official acts of the board of
243 commissioners shall require a majority vote of the quorum.

244 (7) The board of commissioners shall have authority to
245 employ such employees, experts and consultants and other
246 professional persons as it may deem necessary to assist the board
247 of commissioners in the discharge of its responsibilities to the
248 extent that funds are made available.

249 (8) In lieu of appointing a board of commissioners, the
250 Board of Supervisors of Tunica County may serve as the Board of
251 Commissioners of the Robinsonville-Commerce Utility District, in
252 which case the Board of Supervisors of Tunica County shall assume
253 all of the powers and duties of the board of commissioners as
254 provided in this act, except that they shall not be required to
255 execute a bond as required under subsection (4) of this section.

256 (9) **Compensation of Commissioners:** The board of
257 commissioners may receive per diem compensation, if approved by
258 the board of supervisors, in the same manner provided to officers

259 of state boards, commissions and agencies in Section 25-3-69,
260 Mississippi Code of 1972. However, such per diem compensation
261 shall not exceed Two Hundred Dollars (\$200.00) per month and shall
262 not entitle any member of the board of commissioners to receive or
263 be eligible for any state employee group insurance, retirement or
264 other fringe benefits. If the board of supervisors elects to
265 serve as the board of commissioners, they shall receive no
266 compensation while acting as commissioners.

267 Section 10. The board of commissioners shall have the power
268 to make regulations to secure the general health of those residing
269 within the district; to prevent, remove and abate nuisances; to
270 regulate or prohibit the construction of privy-vaults and
271 cesspools, and to regulate or suppress those already constructed;
272 and to compel and regulate the connection of all property with
273 sewers.

274 Section 11. The Robinsonville-Commerce Utility District
275 created under this act shall have the powers enumerated in the
276 resolution of the board of supervisors creating such district,
277 which shall be limited to the conducting of a water supply system,
278 sewer system, and/or fire protection district, or a combination of
279 any or all of the same. To carry out such purpose or purposes,
280 such district, shall have the power and authority to acquire,
281 construct, reconstruct, improve, better, extend, consolidate,
282 maintain and operate such system or systems and to contract with
283 any municipality, county or other governmental entity, or with any
284 person, firm or corporation for such services and for a supply and
285 distribution of water for collection, transportation, treatment
286 and/or disposal of sewage and for services required incident to
287 the operation and maintenance of such system. As long as the
288 district continues to furnish any of the services which it was
289 authorized to furnish in the resolution by which it was created,
290 it shall be the sole public corporation or entity and sole power
291 to furnish such services within the district.

292 Any district created pursuant to this act shall be vested
293 with all the powers necessary and requisite for the accomplishment
294 of the purpose for which such district is created. No enumeration
295 of powers herein shall be construed to impair or limit any general
296 grant of power herein contained, nor to limit any such grant to a
297 power or powers of the same class or classes as those enumerated.
298 Such districts are empowered to do all acts necessary, proper or
299 convenient to the exercise of the powers granted under this act.

300 Section 12. Any district created pursuant to this act,
301 acting by and through the board of commissioners of the district
302 as its governing authority, shall have the following, among other,
303 powers:

304 (a) To sue and be sued;

305 (b) To acquire by purchase, gift, devise and lease, or
306 any other mode of acquisition (other than by eminent domain), and
307 to hold and dispose of, real and personal property of every kind
308 within or without the district, including franchise rights and
309 certificates issued by the Mississippi Public Service Commission;

310 (c) To make and enter into contracts, conveyances,
311 deeds of trust, bonds, leases or contracts for financial advisory
312 services;

313 (d) To incur debts, to borrow money, to issue
314 negotiable revenue bonds, and to provide for the rights of the
315 holders thereof;

316 (e) To fix, maintain, collect and revise rates and
317 charges for services rendered by or through the facilities of such
318 district, which rates and charges shall be subject to review or
319 regulation by the Mississippi Public Service Commission; the
320 district shall obtain a certificate of convenience and public
321 necessity from the Mississippi Public Service Commission for
322 operation of a water and/or sewer system;

323 (f) To pledge all or any part of its revenues to the
324 payment of its debt obligations, including, but not limited to,

325 revenues from the district's operations, revenues from special
326 assessments and tax revenues;

327 (g) To make such covenants in connection with the
328 issuance of bonds or to secure the payment of bonds that a private
329 business corporation can make under the general laws of the state;

330 (h) To use any right-of-way, public right-of-way,
331 easement, or other similar property or property rights, necessary
332 or convenient in connection with the acquisition, improvement or
333 maintenance of the facilities of the district held by the state,
334 or any political subdivision thereof; however, the governing body
335 of such political subdivisions shall consent to such use;

336 (i) To enter into agreement with state and federal
337 agencies for loans, grants and aid, and other forms of assistance,
338 including, but not limited to, participation of the sale and
339 purchase of bonds, and to enter into agreements with state
340 agencies, federal agencies and political subdivisions of the State
341 of Mississippi pertaining to matters relating to the operation of
342 any services of the district authorized under this act, and such
343 state agencies and political subdivisions of the State of
344 Mississippi are authorized to enter into such contracts with the
345 Robinsonville-Commerce Utility District;

346 (j) To acquire by purchase any existing works and
347 facilities providing services for which the district was created
348 and any lands, rights, easements, franchises and other property,
349 real and personal, necessary to the completion and operation of
350 such system upon such terms and conditions as may be agreed upon,
351 and if necessary, as part of the purchase price to assume the
352 payment of outstanding notes, bonds or other obligations upon the
353 system;

354 (k) To extend its services to areas beyond but within
355 one (1) mile of the boundaries of the district; however, no such
356 extension shall be made to areas already occupied by another
357 corporate agency rendering the same service so long as the

358 corporate agency desires to continue to serve such areas. Areas
359 outside the district desiring to be served which are beyond the
360 one-mile limit must be brought into the district by annexation
361 proceedings unless the owners of such areas consent to being part
362 of this district;

363 (l) To be deemed to have the same status as counties
364 and municipalities with respect to payment of sales taxes on
365 purchases made by such district;

366 (m) To sell to any municipality in the county, under
367 those terms, conditions and covenants that may be imposed or
368 required by the district, part or all of the utility system or
369 systems within the district; however, in the event of a sale of
370 all of the system or systems, the municipality shall assume all
371 obligations of the district as a condition precedent to the sale;

372 (n) To contract with any municipality in the county for
373 the operation, maintenance and extension of any utility system or
374 systems or storm drainage systems in the district by the
375 municipality, or with the county for the operation, maintenance
376 and extension of any roadway or street, or for the dedication
377 thereof, upon those terms, conditions and covenants that may be
378 agreed upon between the municipality or the county and the
379 district;

380 (o) To contract with the United States of America, or
381 any agency of the United States of America, the State of
382 Mississippi, or any political subdivision of the State of
383 Mississippi, or any agency, commission, authority, board or other
384 entity thereof, or any municipality or municipalities, for any of
385 the additional purposes authorized by Section 15 of this act;

386 (p) To contract with any person, partnership,
387 corporation or other entity for the operation and maintenance,
388 including billing services, of any property or facilities of the
389 district, upon such terms, conditions and covenants as may be
390 agreed upon by such contracting parties. The board of

391 commissioners may contract for the operation and maintenance of
392 any property or facilities of the district for a term of up to
393 twenty (20) years;

394 (q) To contract with any person, partnership,
395 corporation or other entity pursuant to which such party may
396 acquire, by construction or otherwise, all or any part of a water
397 and/or sewer system with private funds in advance of the issuance
398 of bonds by the district, and such party may be reimbursed by the
399 district for such costs upon the issuance and delivery of bonds
400 and upon conveyance of such water and/or sewer facilities to the
401 district; and

402 (r) To acquire by purchase, gift, device, lease and/or
403 any other mode of acquisition any rural water association located
404 in Tunica County.

405 Section 13. The Board of Supervisors of Tunica County, upon
406 petition by the board of commissioners of the district, may
407 exercise the power of domain on behalf of the district wherever
408 and whenever public necessity and convenience so requires.

409 Section 14. (1) The district shall have the power to issue
410 its bonds to provide funds for the purpose of constructing,
411 acquiring, reconstructing, improving, bettering or extending the
412 facilities to provide the services the district is authorized to
413 provide pursuant to this act, and acquiring land therefor. Such
414 bonds shall be payable primarily from the revenues of such
415 facilities, and if so provided for in the proceedings authorizing
416 such bonds, such bonds shall also be payable from special
417 assessments levied pursuant to Section 16 of this act, and
418 further, if so provided for in the proceedings authorizing such
419 bonds and agreed to by resolution of the Board of Supervisors of
420 Tunica County authorizing the board of commissioners to make such
421 pledge such bonds shall also be payable from the avails of the ad
422 valorem tax levy provided for in subsection (2) of Section 14 of
423 this act, or from any combination of monies from such revenues,

424 special assessments and tax levies. Such bonds may be issued
425 without an election being held upon the question of their issuance
426 and without the publication of any notice of intention to issue
427 such bonds. The board of commissioners of the district shall
428 issue bonds of the district by resolution spread upon the minutes
429 of such board. Such bonds shall contain such covenants and
430 provisions; shall be executed; shall bear interest at such rate or
431 rates not to exceed fourteen percent (14%) per annum; shall be in
432 such denomination or denominations; shall be payable, both as to
433 principal and interest, at such place or places; and shall mature
434 at such time or times not exceeding thirty-five (35) years from
435 their date, all as shall be determined by such board of
436 commissioners and set forth in the resolution pursuant to which
437 such bonds shall be issued; however, any such bonds which are
438 secured by a pledge of special assessments in addition to a pledge
439 of revenues shall mature at such time or times not exceeding the
440 time period over which such special assessments are payable, as
441 determined by the board of commissioners pursuant to Section 18 of
442 this act. Any provisions of general law to the contrary
443 notwithstanding, any bonds and interest coupons issued pursuant to
444 the authority of this act shall possess all of the qualities of
445 negotiable instruments; and such bonds, premium, if any, and
446 interest thereon shall be exempt from all state, county, municipal
447 and other taxation under the laws of the State of Mississippi.
448 Any bonds issued pursuant to the authority of this act may be
449 refunded in the manner provided herein upon a finding by the board
450 of commissioners that such refunding is in the public interest,
451 and bonds for the betterment, improvement or extension of any
452 facilities of the district may be included with such refunding
453 bonds. Such bonds may be sold without the necessity of
454 advertising for bids therefor and may be sold by negotiated
455 private sale and on such terms, conditions and covenants as may be

456 agreed to by and between the issuing authority and the purchasers
457 of such bonds.

458 (2) If provided in the proceedings authorizing the issuance
459 of the bonds and agreed to by resolution of the Board of
460 Supervisors of Tunica County authorizing the board of
461 commissioners of the district to make such pledge, then when there
462 are insufficient revenues accruing from the operation of such
463 district or insufficient revenues received from special
464 assessments authorized hereunder, or from both together, according
465 to the provisions made in the proceedings authorizing the issuance
466 of such bonds, to meet the interest and/or principal payments when
467 due on any bonds issued under the authority of this act (excluding
468 for such purpose any amounts in a reserve fund for any such
469 bonds), then, upon certification of such fact by the board of
470 commissioners of such district to the board of supervisors, it
471 shall be the mandatory duty of the Board of Supervisors of Tunica
472 County to levy an ad valorem tax on all taxable property within
473 the geographical limits of the district, which tax, together with
474 any other monies available for such purpose, shall be sufficient
475 to provide for the payment of the principal of and interest on
476 such bonds as the same falls due, and, if so provided in the
477 proceedings for the issuance of such bonds, to replenish any
478 reserve fund established for such bonds.

479 (3) Notwithstanding any other provision of this act, no
480 taxes or special assessments may be imposed by the district or
481 Tunica County on property of the Yazoo-Mississippi Delta Levee
482 District in connection with the issuance of bonds by the district;
483 however, the district and Tunica County may levy taxes and impose
484 special assessments on the leasehold interests of private entities
485 in real property included in property owned by the
486 Yazoo-Mississippi Delta Levee District and on any personal
487 property of such private entities located on property owned by the
488 Yazoo-Mississippi Delta Levee District. Such taxes and special

489 assessments shall be applied in the manner set forth in the
490 proceedings pertaining thereto, consistent with the provisions of
491 this act.

492 Section 15. In addition to the purposes authorized by
493 subsection (1), Section 14 of this act, any district created under
494 this act may issue bonds of such district in the manner provided
495 in subsection (1), Section 14, for any or all of the following
496 purposes:

497 (a) To refund the outstanding bonds of such district
498 upon a finding by the board of commissioners that such refunding
499 is in the public interest;

500 (b) To improve, better or extend the water and/or sewer
501 system or systems and fire protection system of such district;

502 (c) To purchase or acquire part or all of the utility
503 system or systems and fire protection system of any other district
504 or municipality located in whole or in part in Tunica County,
505 including part or all of such system or systems within the
506 corporate boundaries of any municipality;

507 (d) To provide for the payment of the principal,
508 premium and interest on the outstanding bonds of any other
509 district or municipality in connection with the purchase of any
510 facilities of such district or municipality, and to purchase or
511 acquire the outstanding bonds of any other district or
512 municipality;

513 (e) To purchase or acquire part or all of any privately
514 owned utility system or systems;

515 (f) To enter into cooperative agreements with the state
516 or federal government, or both, to obtain financial assistance in
517 the form of loans or grants as may be available from the state or
518 federal government, or both (reference to the state or federal
519 government as used herein shall specifically include any agency
520 thereof); and to execute and deliver at private sale notes or
521 bonds as evidence of such indebtedness in the form and subject to

522 the terms and conditions as may be imposed by the state or federal
523 government, or both; and to pledge the income and revenues of the
524 district, or the income and revenues from any part of the area
525 embraced in the district (which revenues in either instance shall
526 include, but not be limited to, revenues from special assessments
527 and tax revenues), in payment thereof; and the state and any
528 agency thereof is authorized to enter into such agreements with
529 the district;

530 (g) To purchase or acquire part or all of any utility
531 system or systems located in whole or in part in Tunica County
532 owned by the United States or any agency thereof, or the State of
533 Mississippi or any agency, commission, authority, board or other
534 entity thereof, and to provide therefor as follows:

535 In the event that any outstanding bonds to be purchased,
536 acquired or refunded by the district created pursuant to this act,
537 by the terms thereof: (a) mature without option of prior payment
538 after the date of the district bonds to be issued; or (b) mature
539 on specified dates, but with the option reserved to call in, pay
540 and redeem such bonds on a date subsequent to the date of the
541 district bonds to be issued; and in the event that the holder or
542 holders of such outstanding revenue bonds are numerous, cannot be
543 immediately located or will not accept district bonds to be issued
544 in exchange for and upon surrender and cancellation of a like
545 amount of such outstanding bonds, then the district, in its
546 discretion, may sell district bonds and deposit with a trustee to
547 be designated in the resolution issuing such district bonds an
548 amount sufficient to redeem all such outstanding county, district
549 or municipal bonds, together with accrued interest and any premium
550 required for such redemption on the earliest call date or on the
551 maturity date of noncallable bonds. Such deposits shall be a
552 trust fund and shall be used for no purpose other than the
553 redemption of such outstanding bonds, the payment of interest
554 thereon as the same shall mature and come due, and the payment of

555 any premium required for redemption of such bonds on their
556 callable or maturity date or dates. In the event that any of such
557 outstanding bonds are subject to call for redemption, the county,
558 district or municipality, before the issuance of district bonds
559 therefor, shall exercise such right or call and shall call such
560 outstanding bonds for redemption on the earliest possible call
561 date.

562 The district, by resolution, may direct that such trust fund
563 be invested in bonds, notes, certificates or other obligations of,
564 or guaranteed by, the United States of America and maturing or
565 being redeemable at or before the time when such funds will be
566 needed for the redemption of such outstanding bonds. For the
567 purpose of determining the adequacy of such deposits, the maturity
568 value or redemption value of all such investments and the interest
569 accruing thereon to maturity or call date, shall be considered as
570 cash on hand. The district may make such covenants and do any and
571 all acts and things as may be necessary, convenient and desirable
572 in order to secure such bonds, in order to make such bonds more
573 marketable, notwithstanding that such covenants, acts or things
574 may not be enumerated herein or expressly authorized herein. It
575 is the intention of this act to give the governing authority of
576 the district, in issuing such bonds, the power to do all things
577 required or necessary in the issuance of such bonds and for their
578 execution which are not inconsistent with the Mississippi
579 Constitution of 1890.

580 The district bonds herein authorized may be issued
581 concurrently and in combination with bonds issued to provide funds
582 for any or all of the purposes authorized by this act. In the
583 issuance of bonds hereunder, a sufficient sum may be added to the
584 principal amount thereof: (a) to provide for the payment of all
585 reserves, interest, expenses, premiums, fees and commissions
586 deemed necessary or advantageous incident to the issuance and
587 delivery or exchange of such bonds; and (b) to provide for the

588 payment into a reserve fund of a sum not exceeding the maximum
589 annual principal and interest requirements of such bonds, as a
590 reserve therefor.

591 Section 16. In addition to the charges and levies provided
592 for in Sections 1 through 15 of this act, the board of
593 commissioners may levy and collect special assessments on certain
594 property located in the district to provide funds for the purposes
595 for which bonds may be issued under Sections 14 and 15 of this
596 act, and may issue negotiable special improvement bonds of the
597 district and pledge the receipts from the special assessments to
598 secure the payment of the principal of, premium, if any, and
599 interest on any bonds authorized to be issued pursuant to this
600 act. The property on which such special assessments may be
601 levied, to the extent such property is within the boundaries of
602 the district at the time such special assessments are levied,
603 shall be limited to the following:

604 (a) All that tract or parcel of land lying and
605 being in portions of Sections 3, 4, 5, 6, 7 and 8,
606 Township 3 South, Range 10 West, Tunica County,
607 Mississippi, as shown as containing 1347.61 acres, and
608 designated as Tract A on that certain plat prepared by
609 Rosser Lowe, a division of Rosser International, Inc.,
610 entitled Boundary Survey for BL Development Corporation,
611 dated September 12, 1994, updated November 7, 1997, and
612 being more particularly described as follows:
613 Commencing at an iron pin found located at the
614 intersection of the westerly right-of-way line of
615 Mississippi State Highway No. 61 (said westerly
616 right-of-way line being 75 feet northwesterly of and
617 parallel to the centerline of said highway at this
618 point) and the north line of said Section 3, being the
619 "POINT OF BEGINNING" of the tract herein described;

620 THENCE South 45 degrees 33 minutes 26 seconds West for a
621 distance of 599.99 feet, along said westerly
622 right-of-way line, to a concrete post;
623 THENCE North 44 degrees 23 minutes 01 seconds West for a
624 distance of 410.81 feet, leaving said westerly
625 right-of-way line, to an iron pin found;
626 THENCE South 89 degrees 51 minutes 00 seconds West for a
627 distance of 4214.83 feet, to an iron pin found on the
628 east line of the northwest 1/4 of said Section 4;
629 THENCE South 00 degrees 01 minutes 55 seconds East for a
630 distance of 2486.79 feet, to an iron pin found at the
631 southeast corner of the northwest 1/4 of said Section 4;
632 THENCE North 89 degrees 57 minutes 07 seconds West for a
633 distance of 2638.94 feet, to an iron pin found at the
634 southwest corner of the northwest 1/4 of said Section 4
635 and on the eastline of said Section 5;
636 THENCE South 00 degrees 00 minutes 59 seconds East for a
637 distance of 1188.62 feet, along the east line of said
638 Section 5 to a point;
639 THENCE South 00 degrees 00 minutes 59 seconds East for a
640 distance of 1442.96 feet, to a nail found at the section
641 corner common to Sections 4, 5, 8 and 9;
642 THENCE South 00 degrees 11 minutes 20 seconds East for a
643 distance of 1906.69 feet, along the east line of said
644 Section 8 to a point;
645 THENCE North 89 degrees 52 minutes 37 seconds West for a
646 distance of 28.86 feet, leaving east line of said
647 Section 8 to an iron pin found;
648 THENCE South 21 degrees 04 minutes 47 seconds West for a
649 distance of 81.43 feet to an iron pin found;
650 THENCE South 10 degrees 38 minutes 49 seconds East for a
651 distance of 185.22 feet, to an iron pin found on the

652 northwesterly right-of-way line of Mississippi State
653 Highway No. 61;
654 THENCE South 45 degrees 32 minutes 25 seconds West for a
655 distance of 503.75 feet, continuing along said
656 right-of-way line, to a point;
657 THENCE South 44 degrees 25 minutes 59 seconds East for a
658 distance of 10.00 feet, along said right-of-way line, to
659 a point;
660 THENCE South 45 degrees 34 minutes 01 seconds West for a
661 distance of 400.00 feet, along said right-of-way line,
662 to a point;
663 THENCE North 44 degrees 25 minutes 59 seconds West for a
664 distance of 25.00 feet, along said right-of-way line, to
665 a point;
666 THENCE South 45 degrees 34 minutes 01 seconds West for a
667 distance of 1917.36 feet, along said right-of-way line,
668 to a point;
669 THENCE North 89 degrees 10 minutes 37 seconds West for a
670 distance of 707.53 feet, leaving said right-of-way line,
671 to a point;
672 THENCE South 00 degrees 49 minutes 23 seconds West for a
673 distance of 45.07 feet to a point;
674 THENCE North 89 degrees 10 minutes 31 seconds West for a
675 distance of 1129.97 feet, to a point;
676 THENCE North 44 degrees 14 minutes 47 seconds West for a
677 distance of 1612.08 feet, to a point;
678 THENCE along a curve to the left having a radius of
679 2671.83 feet and an arc length of 646.06 feet, being
680 subtended by a chord of North 51 degrees 09 minutes 38
681 seconds West for a distance of 644.49 feet, to an iron
682 pin found;
683 THENCE North 00 degrees 06 minutes 35 seconds West for a
684 distance of 1264.09 feet, to a point;

685 THENCE South 89 degrees 53 minutes 25 seconds West for a
686 distance of 1714.83 feet, to a point intersecting the
687 former southeasterly right-of-way line of the Illinois
688 Central Gulf Railroad Company (since abandoned);
689 THENCE South 31 degrees 57 minutes 41 seconds West for a
690 distance of 1301.06 feet, along said southeasterly
691 right-of-way line of abandoned railroad right-of-way, to
692 a point;
693 THENCE North 00 degrees 03 minutes 33 seconds West for a
694 distance of 80.12 feet, leaving said southeasterly
695 abandoned railroad right-of-way line, to a point on the
696 new southeasterly right-of-way line of Old Mississippi
697 Highway 61 (120 foot right-of-way);
698 THENCE North 31 degrees 57 minutes 41 seconds East for a
699 distance of 2751.26 feet, along said southeasterly
700 right-of-way line, to a point;
701 THENCE North 31 degrees 57 minutes 41 seconds East for a
702 distance of 324.72 feet, continuing along said
703 right-of-way line, to a point;
704 THENCE along a curve to the right continuing along said
705 right-of-way line having a radius of 780.74 feet and an
706 arc length of 398.19 feet, being subtended by a chord of
707 North 47 degrees 26 minutes 26 seconds East for a
708 distance of 393.89 feet, to a point;
709 THENCE North 62 degrees 16 minutes 00 seconds East for a
710 distance of 120.82 feet, continuing along said
711 right-of-way line, to a point;
712 THENCE along a curve to the right continuing along said
713 right-of-way line having a radius of 40 feet and an arc
714 length of 60.02 feet, being subtended by a chord of
715 South 74 degrees 44 minutes 38 seconds East for a
716 distance of 54.55 feet, to a point;

717 THENCE along a curve to the right continuing along said
718 right-of-way line having a radius of 1385.0 feet and an
719 arc length of 465.40 feet being subtended by a chord of
720 North 22 degrees 07 minutes 34 seconds West for a
721 distance of 463.22 feet, to a point;
722 THENCE South 12 degrees 14 minutes 04 seconds East a
723 distance of 170.29 feet along said right-of-way to a
724 point;
725 THENCE along a curve to the right continuing along said
726 right-of-way line having a radius of 190.99 feet and an
727 arc length of 244.14 feet, being subtended by a chord of
728 South 24 degrees 22 minutes 57 seconds West for a
729 distance of 227.86 feet, to a point;
730 THENCE along a curve to the left continuing along said
731 right-of-way line having a radius of 899.22 feet and an
732 arc length of 441.77 feet, being subtended by a chord of
733 South 46 degrees 45 minutes 46 seconds West for a
734 distance of 437.35 feet to a point;
735 THENCE South 31 degrees 57 minutes 41 seconds West a
736 distance of 369.78 feet, along said right-of-way to a
737 point;
738 THENCE North 89 degrees 47 minutes 57 seconds West for a
739 distance of 1038.22 feet, leaving said right-of-way
740 line, along south line of said Section 6, to a point
741 located at the intersection of said section line and
742 easterly line of the Board of Levee Commissioners
743 property;
744 THENCE North 46 degrees 34 minutes 41 seconds East for a
745 distance of 230.60 feet, leaving south line of said
746 Section 6, along said levee property, to a point;
747 THENCE North 42 degrees 05 minutes 41 seconds East for a
748 distance of 720.60 feet, along said levee property, to a
749 point;

750 THENCE North 36 degrees 00 minutes 41 seconds East for a
751 distance of 158.60 feet, along said levee property, to a
752 point;

753 THENCE North 32 degrees 04 minutes 41 seconds East for a
754 distance of 247.00 feet, along said levee property, to a
755 point;

756 THENCE North 34 degrees 08 minutes 20 seconds East for a
757 distance of 636.00 feet, along said levee property, to a
758 point;

759 THENCE North 34 degrees 35 minutes 41 seconds East for a
760 distance of 3328.00 feet, along said levee property, to
761 a point;

762 THENCE North 29 degrees 05 minutes 41 seconds East for a
763 distance of 1104.70 feet, along said levee property, to
764 a point located at the intersection of said levee
765 property and the north line of said Section 5;

766 THENCE South 89 degrees 48 minutes 01 seconds East for a
767 distance of 697.08 feet, along north line of said
768 Section 5, to a point;

769 THENCE South 89 degrees 48 minutes 01 seconds East for a
770 distance of 52.93 feet, along north line of said section
771 5 to a point;

772 THENCE South 89 degrees 48 minutes 01 seconds East for a
773 distance of 3210.37 feet, along north line of said
774 Section 5, to a point at the section corner common to
775 Sections 4 and 5, Township 3 South, Range 10 West,
776 Tunica County, and Sections 32 and 33, Township 2 South,
777 Range 10 West, DeSoto County;

778 THENCE South 89 degrees 59 minutes 57 seconds East for a
779 distance of 2638.40 feet, along the north line of said
780 Section 4, to a point at the northeast corner of the
781 northwest 1/4 of said Section 4;

782 THENCE South 89 degrees 55 minutes 35 seconds East for a
783 distance of 2640.00 feet, along the north line of said
784 Section 4, to a point at the northeast corner of said
785 Section 4;

786 THENCE South 89 degrees 55 minutes 35 seconds East for a
787 distance of 2290.29 feet, along the north line of said
788 Section 3, the POINT OF BEGINNING.

789 (b) All that tract or parcel of land lying and
790 being in portions of Section 6, Township 3 South, Range
791 10 West, Tunica County, Mississippi; portions of
792 Sections 13 and 24, Township 3 North, Range 7 East, and,
793 Sections 18 and 19, Township 3 North, Range 8 East,
794 Crittenden County, Arkansas, as shown as containing
795 732.21 acres, and designated as Tract B on that certain
796 plat prepared by Rosser Lowe, a division of Rosser
797 International, Inc., entitled Boundary Survey for BL
798 Development Corporation September 12, 1994, updated
799 November 9, 1997, and being more particularly described
800 as follows:

801 Commencing at a point located at the intersection of the
802 north line of Section 5, Township 3 South, Range 10
803 West, Tunica County, Mississippi, and the northwesterly
804 right-of-way line of Old Mississippi State Highway 61
805 (abandoned 45-foot right-of-way), thence North 89
806 degrees 48 minutes 01 seconds West for a distance of
807 697.08 feet, leaving said right-of-way line along north
808 line of said Section 5, to a point; thence North 89
809 degrees 48 minutes 01 seconds West for a distance of
810 2139.82 feet, continuing along north line of said
811 Sections 5 and 6, to the TRUE POINT OF BEGINNING.

812 THENCE South 06 degrees 58 minutes 13 seconds West for a
813 distance of 51.20 feet, leaving north line of said
814 Section 6, to a point;

815 THENCE South 12 degrees 08 minutes 10 seconds West for a
816 distance of 640.39 feet, to a point;
817 THENCE South 08 degrees 54 minutes 19 seconds West for a
818 distance of 399.12 feet, to a point;
819 THENCE South 16 degrees 40 minutes 00 seconds West for a
820 distance of 691.96 feet, to a point;
821 THENCE South 20 degrees 23 minutes 09 seconds West for a
822 distance of 595.98 feet, to a point;
823 THENCE South 22 degrees 23 minutes 10 seconds West for a
824 distance of 894.76 feet, to a point;
825 THENCE South 27 degrees 53 minutes 10 seconds West for a
826 distance of 199.65 feet, to a point;
827 THENCE South 22 degrees 53 minutes 09 seconds West for a
828 distance of 303.49 feet, to a point;
829 THENCE North 67 degrees 06 minutes 49 seconds West for a
830 distance of 95.00 feet, to a point;
831 THENCE South 30 degrees 02 minutes 22 seconds West for a
832 distance of 313.16 feet to a point;
833 THENCE South 38 degrees 56 minutes 07 seconds West for a
834 distance of 408.23 feet, to a point;
835 THENCE South 48 degrees 51 minutes 50 seconds East for a
836 distance of 70.00 feet, to a point;
837 THENCE South 45 degrees 10 minutes 43 seconds West for a
838 distance of 683.14 feet, to a point;
839 THENCE South 51 degrees 10 minutes 35 seconds West for a
840 distance of 663.40 feet, to a point;
841 THENCE North 42 degrees 21 minutes 50 seconds West for a
842 distance of 1138.30 feet, to a point;
843 THENCE North 64 degrees 54 minutes 44 seconds West for a
844 distance of 131.67 feet, to a point;
845 THENCE South 32 degrees 35 minutes 15 seconds West for a
846 distance of 680.63 feet, to a point;

847 THENCE South 39 degrees 31 minutes 58 seconds West for a
848 distance of 402.14 feet, to a point;
849 THENCE South 51 degrees 59 minutes 57 seconds West for a
850 distance of 354.49 feet, to a point located on the south
851 line of said Section 6;
852 THENCE South 40 degrees 00 minutes 15 seconds for a
853 distance of 305.02 feet, leaving south line of said
854 Section 6 to a point located at the intersection of said
855 south line and the southeasterly line of said Section
856 24, Township 3 North, Range 7 East, Crittenden County,
857 Arkansas;
858 THENCE South 49 degrees 43 minutes 22 seconds West for a
859 distance of 430.58 feet, continuing along southeasterly
860 line of said Section 24, to a point;
861 THENCE South 64 degrees 31 minutes 29 seconds West for a
862 distance of 415.00 feet, along said section line, to a
863 point;
864 THENCE South 74 degrees 08 minutes 08 seconds West for a
865 distance of 290.00 feet, along said section line, to a
866 point;
867 THENCE South 85 degrees 40 minutes 30 seconds West for a
868 distance of 260.00 feet, along said section line, to a
869 point;
870 THENCE South 88 degrees 43 minutes 25 seconds West for a
871 distance of 285.00 feet, along said section line, to a
872 point;
873 THENCE North 79 degrees 02 minutes 30 seconds West for a
874 distance of 966.94 feet, along said section line, to a
875 point;
876 THENCE North 09 degrees 19 minutes 44 seconds East for a
877 distance of 6898.79 feet, leaving said section line to a
878 point on the top of bank of the Mississippi River;

879 THENCE North 53 degrees 34 minutes 07 seconds East for a
880 distance of 160.58 feet, along said top of bank, to a
881 point;

882 THENCE North 54 degrees 17 minutes 31 seconds East for a
883 distance of 118.13 feet, along said top of bank, to a
884 point;

885 THENCE North 60 degrees 47 minutes 07 seconds East for a
886 distance of 243.08 feet, along said top of bank, to a
887 point;

888 THENCE North 24 degrees 55 minutes 38 seconds East for a
889 distance of 116.41 feet, along said top of bank, to an
890 iron pin found at the intersection of said top of bank
891 and the northerly line of said Section 13;

892 THENCE South 32 degrees 42 minutes 47 seconds East for a
893 distance of 402.67 feet, along northerly line of said
894 Section 13, to an iron pin found;

895 THENCE South 32 degrees 54 minutes 14 seconds East for a
896 distance of 206.79 feet, continuing along northerly line
897 of said Section 13, to an iron pin found;

898 THENCE South 75 degrees 25 minutes 04 seconds East for a
899 distance of 339.68 feet, to a point;

900 THENCE South 75 degrees 05 minutes 38 seconds East for a
901 distance of 191.08 feet, along northerly line of said
902 Section 13, to a point;

903 THENCE South 73 degrees 31 minutes 27 seconds East for a
904 distance of 534.65 feet, along northerly line of said
905 Section 13, to a point;

906 THENCE South 58 degrees 32 minutes 00 seconds East for a
907 distance of 214.14 feet, along northerly line of said
908 Section 13, to a wood post;

909 THENCE South 44 degrees 16 minutes 59 seconds East for a
910 distance of 205.85 feet, along northerly line of said
911 Section 13, to a concrete post;

912 THENCE South 53 degrees 00 minutes 01 seconds East for a
913 distance of 395.21 feet, along northerly line of said
914 Section 13 to an iron pin found;

915 THENCE South 89 degrees 48 minutes 01 seconds East for a
916 distance of 3467.53 feet, along northerly line of said
917 Section 13, Township 3 North, Range 7 East and Section
918 18, Township 3 North, Range 8 East, to the TRUE POINT OF
919 BEGINNING.

920 (c) Any other real property and personal property
921 located in Tunica County, Mississippi, provided that (i) the
922 property is located in the district, (ii) the owner or owners of
923 the property at the time the assessment is levied have consented
924 to the proposed special assessment, and (iii) the Board of
925 Supervisors of Tunica County consents to the special assessment.

926 Any special assessments authorized under this section shall
927 be levied and collected in the manner provided in Sections 21-41-1
928 through 21-41-53, Mississippi Code of 1972, except as otherwise
929 herein provided. The board of commissioners may secure bonds of
930 the district solely from the aforesaid receipts from special
931 assessments, or may pledge such receipts in addition to the pledge
932 of revenues of the district or the receipts from any tax levy
933 authorized in this act, or from any combination of monies from the
934 special assessments, revenues and tax levies. Bonds issued
935 pursuant to this section or pursuant to Section 14 of this act
936 shall be payable as to principal, premium, if any, and interest
937 solely from the sources authorized in this act.

938 Section 17. Any bonds secured by a pledge of the special
939 assessments authorized in Section 16 shall mature at any time or
940 times, not exceeding twenty (20) years from the date of the bonds,
941 and may be in fully registered form or in bearer form, as
942 determined by the board of commissioners.

943 Section 18. All special assessments levied under this act
944 shall be payable in equal annual installments over a period not in

945 excess of twenty (20) years, as determined by the board of
946 commissioners, with interest from the date of the confirmation of
947 the assessment at a rate, to be fixed by the board of
948 commissioners, which will produce sufficient funds for the payment
949 of all or a specified portion of the principal of and interest on
950 the bonds as they mature and accrue and for fees and expenses for
951 a paying agent and/or trustee for the bonds. The amount to be
952 paid pursuant to such special assessments may be limited by the
953 board of commissioners to the assessments needed for the aforesaid
954 purposes. Any property owner who shall not have taken an appeal
955 from the assessment, upon failure to pay the assessment in full
956 within thirty (30) days from the date of confirmation, shall be
957 deemed to have elected to pay the assessment in installments as
958 provided in this section, and shall be deemed to have admitted the
959 legality of the assessment, and the right to contest the validity
960 of the assessment shall be waived. The installments of the
961 assessment shall be due and payable at the same time that the
962 annual real property tax becomes due and payable, commencing with
963 the first county tax levy which is payable after the expiration of
964 thirty (30) days from the date of confirmation of the assessment.

965 Section 19. The resolution declaring the intent of the board
966 of commissioners to proceed with the special improvements
967 authorized by this act may direct that all of the expenses of the
968 property or facilities of the district, or such part of the
969 expenses that the board of commissioners shall charge upon the
970 property in the district described in Section 16 of this act,
971 shall be assessed according to the frontage rule or area rule, as
972 outlined in this section. Bonds may be issued for one or more
973 projects, and the area and method of assessment for each project
974 shall be specified in the resolution declaring the intent of the
975 board of commissioners of the district to proceed with that
976 project.

977 The resolution declaring the intent of the board of
978 commissioners to proceed with the special improvements shall: (a)
979 define the area to be benefited by each improvement, with each
980 improvement being designated as a project; (b) fix the amount or
981 percentage of the charge to be levied upon the property benefited;
982 (c) designate the minimum and maximum number of years between the
983 date of the bonds and the maturity of those bonds; (d) delineate
984 the method of determining the amount of special assessments to be
985 levied on each lot or parcel of land in the benefited area; and
986 (e) designate the minimum and maximum number of equal annual
987 installments that the board of commissioners may later allow for
988 the payment of assessments with interest on those assessments.

989 If the board of commissioners determines that the front foot
990 rule is the most equitable method of distributing the cost among
991 the properties, then the resolution shall direct that the cost to
992 be assessed against each lot or parcel of land shall be determined
993 by dividing the entire cost to be assessed by the total number of
994 front feet of real property abutting upon the utility easement,
995 street, railroad or public or private right-of-way on which the
996 project is located and which will be subject to such special
997 assessment, and multiplying the quotient by the total number of
998 front feet in any particular lot or parcel of land fronting in the
999 utility easement, street, railroad or public or private
1000 right-of-way on which the project is located. The result of this
1001 formula shall be assessed against each lot or parcel of land for
1002 the owner's part of the cost of the entire improvement to be paid
1003 through special assessments.

1004 If the board of commissioners determines that the area rule
1005 is the most equitable method of distributing the cost among the
1006 properties, then the resolution shall direct that the cost to be
1007 assessed against each lot or parcel of land shall be determined by
1008 dividing the entire cost to be assessed by the total number of
1009 acres or square feet in the area being benefited and that is

1010 subject to such special assessment, and multiplying the quotient
1011 by the total number of acres or square feet in any particular lot
1012 or parcel of land. The result of this formula shall be assessed
1013 against each lot or parcel of land for the owner's part of the
1014 cost of the entire improvement to be paid through special
1015 assessments.

1016 Section 20. If the owners of a majority of the front footage
1017 of the property to be assessed under the front foot rule, or if
1018 the owners of a majority of the area of the property to be
1019 assessed under the area rule, as described in Section 19, file a
1020 written protest objecting to the assessments authorized under this
1021 act and in Section 21-41-7, Mississippi Code of 1972, then the
1022 board of commissioners shall not proceed with the special
1023 assessment.

1024 Section 21. All construction contracts by the district where
1025 the amount of the contract shall exceed Ten Thousand Dollars
1026 (\$10,000.00) shall be made upon at least three (3) weeks public
1027 notice. Such notice shall be published once a week for at least
1028 three (3) consecutive weeks in at least one (1) newspaper having
1029 general circulation in Tunica County. The first publication of
1030 such notice shall be made not less than twenty-one (21) days
1031 before the date fixed in the notice for the receipt of bids, and
1032 the last publication shall be made not more than fourteen (14)
1033 days before such date. The notice shall state the construction
1034 project to be done and invite sealed proposals, to be filed with
1035 the secretary of the district, to do the work. In all such cases,
1036 before the notice is published, plans and specifications for the
1037 work shall be prepared by a registered professional engineer and
1038 filed with the secretary of the district and remain therein. The
1039 board of commissioners of the district shall award the contract to
1040 the lowest and best bidder who will comply with the terms imposed
1041 by the commission and enter into bond with sufficient sureties to
1042 be approved by the commissioners and such penalty as shall be

1043 fixed by the commissioners; however, in no case shall such bond be
1044 less than the contract price, and the bond shall be conditioned
1045 for the prompt, proper, efficient performance of the contract.
1046 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be
1047 negotiated; however, the board of commissioners shall invite and
1048 receive written proposals for the work from at least three (3)
1049 contractors regularly engaged in the type of work involved.

1050 Section 22. Any area adjacent to any district created
1051 pursuant to this act and situated within Tunica County and not
1052 being situated within the corporate boundaries of any existing
1053 municipality may be added to the district by order of the Board of
1054 Supervisors of Tunica County upon the written consent of one
1055 hundred percent (100%) of the owners of real property to be so
1056 added. Any area adjacent to the district which is situated within
1057 Tunica County may be annexed to and become a part of the district
1058 by the same procedures prescribed in Sections 2 through 7 of this
1059 act. The petition for any annexation must be signed by the owners
1060 of no less than seventy-five percent (75%) of the land to be
1061 annexed into the district, computed on a square footage basis.
1062 All costs incident to the publication of notice and all other
1063 costs incident to the annexation shall be paid by the district.

1064 The district shall have the exclusive right to provide any of
1065 the services for which it was created in the annexed territory;
1066 however, if any part of the annexed territory is then being served
1067 by another corporate agency with any such service, the district,
1068 at the option of the other corporate agency, shall either: (a)
1069 relinquish its prior right to serve the area occupied by the
1070 corporate agency; or (b) acquire by purchase the facilities of
1071 such corporate agencies, together with its franchise rights to
1072 serve such area. If the annexation affects only a portion of the
1073 corporation's agencies facility, the cash considerations for such
1074 purpose shall not be less than: (a) the present day reproduction
1075 cost, new, of the facilities being acquired, less depreciation

1076 computed on a straight-line basis; plus (b) an amount equal to the
1077 cost of constructing any necessary facilities to reintegrate the
1078 system of the corporate agency outside the annexed area after
1079 detaching the portion to be acquired by the district; plus an
1080 annual amount payable each year for a period of ten (10) years
1081 equal to the sum of twenty-five percent (25%) of the revenues
1082 received from sales to consumers within the annexed area during
1083 the last twelve (12) months.

1084 If the option is for the district to purchase, upon
1085 notification thereof the district shall be obligated to buy and
1086 pay for, and the corporate agency shall be obligated to convey to
1087 the district, all of its service facilities and franchise rights
1088 in the annexed area free and clear of all mortgages, liens and
1089 encumbrances for the aforesaid cash consideration.

1090 If the annexed territory affects all of the property and
1091 facilities of such other corporate agency, then all such property
1092 constituting the entire system or facility of the corporate agency
1093 shall be acquired by the district in accordance with the terms and
1094 conditions as may be agreed upon, and the district shall have the
1095 authority to assume the operation of such entire system or
1096 facilities and to assume and become liable for the payment of any
1097 notes, bonds or other obligations that are outstanding against
1098 such system or facility and payable primarily from the revenues
1099 therefrom.

1100 If the district is notified to relinquish its prior right to
1101 serve the annexed area, the district shall grant the corporate
1102 agency a franchise to serve within the annexed territory; however,
1103 the corporate agency shall be entitled to serve only such
1104 customers or locations within the annexed area as it served on the
1105 date that such annexation became effective.

1106 The annexed territory shall become liable for any existing
1107 indebtedness of the district and shall be subject to any taxes

1108 levied by the board of supervisors pursuant to the terms of this
1109 act in payment of the district's indebtedness.

1110 Section 23. The board of commissioners of any district
1111 created pursuant to this act shall have the authority to enter
1112 into cooperative agreements with the state or federal government,
1113 or both, to obtain financial assistance in the form of loans or
1114 grants as may be available from the state or federal government,
1115 or both, and to execute and deliver at private sale notes or bonds
1116 as evidence of such indebtedness in the form and subject to the
1117 terms and conditions as may be imposed by the state or federal
1118 government, or both, and to pledge the income and revenues of the
1119 district, or the income and revenues from any part of the area
1120 embraced in the district, in payment thereof. It is the purpose
1121 and intent of this section to authorize the district to do any and
1122 all things necessary to secure the financial aid or cooperation of
1123 the state or federal government, or both, in the planning,
1124 construction, maintenance or operation of project facilities.

1125 If the board of supervisors creates the district within one
1126 (1) mile of the corporate boundaries of any existing municipality,
1127 the municipality may require such district to construct and
1128 maintain all facilities, whether purchased or constructed, to
1129 standards commensurate with those of the adjoining municipality;
1130 however, the governing authorities of the municipality may
1131 specifically waive compliance with any or all of such
1132 requirements.

1133 Section 24. This act, without reference to any statute,
1134 shall be deemed to be full and complete authority for the creation
1135 of the district and for the issuance of bonds. No proceedings
1136 shall be required for the creation of the district or for the
1137 issuance of bonds other than those provided for and required
1138 herein. All necessary powers to be exercised by the Board of
1139 Supervisors of Tunica County and by the board of commissioners of

1140 the district in order to carry out the provisions of this act are
1141 hereby conferred.

1142 Section 25. Within ninety (90) days after the close of each
1143 fiscal year, the board of commissioners shall publish in a
1144 newspaper of general circulation in Tunica County a sworn
1145 statement showing the financial condition of the district, the
1146 earnings for the fiscal year just ended, a statement of the water
1147 and sewer rates being charged, and a brief statement of the method
1148 used in arriving at such rates. Such statement shall also be
1149 furnished to the Board of Supervisors of Tunica County.

1150 Section 26. If the district created under this act includes
1151 water and/or sewer facilities, the board of supervisors, where it
1152 finds unhealthy or unsanitary or deleterious conditions in such
1153 district because of the inadequate or contaminated water supplies
1154 or lack of approved septic tanks or because of high water tables
1155 or inadequate drainage or inadequate provisions for disposal of
1156 sewage, may require by order or resolution, all dwellings and
1157 buildings within the district that are within reasonable proximity
1158 to the system or systems to be connected to the water and sewer
1159 systems of the district. Any person, firm or corporation within
1160 the district declining or refusing to connect to the district's
1161 water and/or sewer system after the adoption by the board of
1162 supervisors of any order or resolution predicated on such findings
1163 shall be guilty of a misdemeanor and shall be subject to a fine
1164 not to exceed One Hundred Dollars (\$100.00) per day, to be imposed
1165 by any court of competent jurisdiction, and each day that such
1166 dwelling or building shall remain unconnected to such district
1167 water and/or sewer system shall constitute a separate offense.
1168 After the adoption of such order or resolution, it shall be
1169 unlawful for any dwelling or building to be constructed within the
1170 district unless, where it is feasible to do so, provision is made
1171 to connect such building or dwelling to the district's water
1172 and/or sewer system; and the drilling of private wells to provide

1173 water for human consumption and the construction of outhouses,
1174 cesspools and septic tanks in the district shall be declared to be
1175 unlawful and punishable as a misdemeanor as herein provided.

1176 Section 27. The Board of Supervisors of Tunica County is
1177 authorized to appropriate to the Robinsonville-Commerce Utility
1178 District not more than Three Million Dollars (\$3,000,000.00) from
1179 the Tunica County General Fund, not to exceed One Million Dollars
1180 (\$1,000,000.00) in any one fiscal year, solely for: (a) the
1181 purchase of existing water and/or sewer facilities, whether
1182 currently owned by a public entity, private corporation or any
1183 other entity; and/or (b) the cost of capital improvements,
1184 including, but not limited to, expansion and improvement of new or
1185 existing facilities.

1186 Section 28. Any bonds issued under the provisions of this
1187 act may be submitted for validation under the provisions of
1188 Chapter 13, Title 31, Mississippi Code of 1972.

1189 Section 29. This act shall be liberally construed for the
1190 purposes herein set out, the powers hereby granted being
1191 additional, cumulative and supplemental to any power granted to
1192 Tunica County or any municipality or district therein by any
1193 general or local and private act of the Legislature.

1194 Section 30. If any provisions of this act shall be held to
1195 be invalid by any court of competent jurisdiction, the remainder
1196 of this act shall not be affected thereby.

1197 **SECTION 2.** This act shall take effect and be in force from
1198 and after its passage.