

By: Representatives Burnett,  
Mayo, Espy

To: Local and Private  
Legislation; Ways and Means

## HOUSE BILL NO. 15

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, is 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

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

FOR THE CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

DISTRICT: ( )

AGAINST CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

DISTRICT: ( ).

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

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

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

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

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

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

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

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

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

(a) To sue and be sued;

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

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

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

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

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

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

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

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

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

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

(k) To extend its services to areas beyond but within one (1) mile of the boundaries of the district; however, no such extension shall be made to areas already occupied by another 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, devise, 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.