

By: Representative Chism

To: Local and Private  
Legislation

HOUSE BILL NO. 153

1 AN ACT TO AMEND CHAPTER 910, LOCAL AND PRIVATE LAWS OF 2013,  
2 AS AMENDED BY CHAPTER 917, LOCAL AND PRIVATE LAWS OF 2014, TO  
3 REVISE THE VALUATION DATE FOR THE LOWNDES COUNTY RESERVE AND TRUST  
4 FUND FROM DECEMBER 31 TO AUGUST 31 OF EACH YEAR IN ORDER TO ALLOW  
5 THE INVESTMENT INCOME TO BE KNOWN AND CONSIDERED BEFORE THE  
6 BEGINNING OF THE COUNTY'S FISCAL YEAR; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 910, Local and Private Laws of 2013, as  
9 amended by Chapter 917, Local and Private Laws of 2014, is amended  
10 as follows:

11 Section 1. It is hereby determined and declared that for the  
12 benefit of the people of Lowndes County, Mississippi, and the  
13 continued improvement and maintenance of Lowndes County, and for  
14 providing for the fiscal security and sustained revenue for the  
15 county and its citizens, that it is the purpose of this act to  
16 establish an alternative method to make funds available to fulfill  
17 these obligations and important and prudent purposes by  
18 authorizing the creation, operation, administration and governance  
19 of the Lowndes County Reserve and Trust Fund, through which the  
20 ongoing needs of the county shall be met and ongoing improvements



21 to the county be made and through which the quality and welfare of  
22 all residents of Lowndes County will be increased, all to the  
23 public benefit and good, as more fully provided herein.

24 Section 2. As used in this act, unless a different meaning  
25 clearly appears in the context, the following terms shall have the  
26 following meaning:

27 (a) "Board of supervisors" means the Board of  
28 Supervisors of Lowndes County, Mississippi.

29 (b) "County" means Lowndes County, Mississippi, acting  
30 by and through its board of supervisors.

31 (c) "Clerk" means the clerk of the board of  
32 supervisors.

33 (d) "Fund" means the Lowndes County Reserve and Trust  
34 Fund established under this act for the deposit of the sales  
35 proceeds received by the county as a result of the termination of  
36 lease and for the sale of the real and personal property related  
37 to the existing Baptist Memorial Hospital-Golden Triangle  
38 facilities.

39 (e) "Income" means all interest, dividends, and capital  
40 gains, realized or unrealized, derived from the investment of  
41 monies in the fund.

42 Section 3. The board of supervisors is authorized to  
43 establish the Lowndes County Reserve and Trust Fund. The board of  
44 supervisors is authorized to fund and deposit into the fund all or  
45 a portion of the proceeds received by the county as a result of



46 the termination of the lease and for the sale of the real and  
47 personal property related to the Baptist Memorial-Golden Triangle  
48 facilities located on North 5th Street in the City of Columbus,  
49 Mississippi, and any income from the investment of those funds.

50 Section 4. (1) There is established the Board of Trustees  
51 of the Lowndes County Reserve and Trust Fund. The fund shall be  
52 administered, managed, invested and governed by the board of  
53 trustees.

54 (2) The board of trustees shall be the Board of Supervisors  
55 of Lowndes County.

56 (3) The board of supervisors is authorized to appoint three  
57 (3) individuals to an advisory committee who shall possess the  
58 level of knowledge and skill in investment strategies as  
59 necessary, in the discretion of the board of supervisors, to  
60 provide advice to the board of trustees in the proper management  
61 of the fund.

62 (4) The term of office for members of the advisory  
63 committee, if appointed, shall run concurrently with the term of  
64 office of the board of supervisors.

65 (5) The president of the board of supervisors shall be  
66 chairman of the board of trustees and the vice president of the  
67 board of supervisors shall be the vice chairman of the board of  
68 trustees.

69 (6) The board of trustees shall conduct one (1) annual  
70 meeting at the call of the chairman. It is anticipated that the



71 board of trustees shall conduct at least three (3) other meetings  
72 each calendar year. The board of trustees shall hold such special  
73 meetings at such time and place as may be called by the chairman.  
74 All meetings of the board of trustees shall be open to the public  
75 in accordance with Section 25-41-5(1), Mississippi Code of 1972,  
76 except as provided by Section 25-41-7, Mississippi Code of 1972,  
77 as interpreted by the courts and Attorney General of the State of  
78 Mississippi. Notice of each meeting shall be given in accordance  
79 with Section 25-41-3, Mississippi Code of 1972, and notice of each  
80 meeting shall be provided to each trustee. A quorum shall be  
81 necessary to conduct business. Any trustee may attend any meeting  
82 via electronic means provided that such attendance complies with  
83 all applicable laws.

84 (7) The Lowndes County Reserve and Trust Fund shall be  
85 considered a "political subdivision" as defined under Section  
86 11-46-1, Mississippi Code of 1972, and the fund, its board of  
87 trustees and its employees, including officers, servants, trustees  
88 and any other individual who or entity which serves as any  
89 "employee" as that term is defined in Section 11-46-1, Mississippi  
90 Code of 1972, shall be entitled to rights, immunities and  
91 obligations provided by Section 11-46-1 et. seq.

92 (8) The trustees shall administer and manage the fund and  
93 manage the principal and income of the fund, and establish a  
94 comprehensive investment plan for the purposes of this act. The  
95 comprehensive investment plan shall specify the policies to be



96 utilized by the board of trustees in its administration of the  
97 fund. The board of trustees shall invest the fund in any of the  
98 investments authorized for the Mississippi Prepaid Affordable  
99 College Tuition Program under Section 37-155-9, Mississippi Code  
100 of 1972, and those investments shall be subject to the limitations  
101 prescribed by Section 37-155-9.

102 (9) In furtherance of the powers granted under subsection(8)  
103 of this section, the board of trustees shall have such powers as  
104 necessary or convenient to carry out the purposes and provisions  
105 of this act, including, but not limited to, the following express  
106 powers:

107 (a) To contract for necessary goods and services, to  
108 employ necessary personnel, and to engage the services of  
109 investment advisors and consultants for fund management,  
110 administrative and technical assistance in carrying out its duties  
111 and responsibilities in administering the fund;

112 (b) To administer the fund in a manner that is  
113 sufficiently actuarially sound to meet the obligations of this  
114 act;

115 (c) Subject to the terms, conditions, limitations and  
116 restrictions specified in Section 37-155-9 and subsection (8) of  
117 this section, the board of trustees shall have power to sell,  
118 assign, transfer and dispose of any of the securities and  
119 investments of the fund and shall have the authority to delegate  
120 this authority to investment advisors, provided that any such



121 sale, assignment or transfer or delegation has the majority  
122 approval of the entire board of trustees; and

123 (d) To annually prepare, or cause to be prepared, a  
124 report setting forth in appropriate detail an accounting of the  
125 fund and a description of the financial condition of the fund at  
126 the close of each fiscal year. The report shall be submitted on  
127 or before July 1 of each fiscal year.

128 Section 5. The fund shall be invested and disbursed as  
129 follows:

130 (a) The fund shall be divided into two (2) components:  
131 (i) the corpus component, and (ii) the income component.

132 (b) The corpus component of the funds shall consist of  
133 the initial deposit as described above, and additional subsequent  
134 deposits from the annual income earned from the investment of the  
135 fund. Except as otherwise provided in this act, the corpus shall  
136 be inviolate and maintained and used to generate income and shall  
137 not be invaded or used by the trustees.

138 (c) The income component shall be defined and available  
139 for distribution by the trustees as described in this subsection.

140 (d) As soon after \* \* \* August 31 of each year, as is  
141 reasonable, but before July 1 of each year succeeding such year,  
142 the trustees shall determine the value of the fund's two (2)  
143 components as of \* \* \* August 31 and report to the board of  
144 supervisors as provided in Section 4 of this act. Trustees are  
145 specifically given the power to expend from the earnings component



146 amounts required in connection with the management by the trustees  
147 of the fund if the income component is insufficient to pay the  
148 amounts required in connection with the management by the trustees  
149 of the fund. These expenditures shall be included in the full  
150 report as required in Section 4 of this act.

151 (e) Up to three percent (3%) of the fund's \* \* \* August  
152 31 balance (corpus and income) may be transferred from the fund to  
153 the general fund, or any other fund of the county, upon a majority  
154 vote of the board of supervisors at the direction of the clerk and  
155 shall be available for appropriation and spending on designated  
156 "special" projects or purposes, as determined by the board of  
157 supervisors; however, the distributions may not cause the fund  
158 balance to fall below an amount equal to the initial corpus  
159 deposited to the fund as described in Section 2(d) of \* \* \* this  
160 act. That portion of the income component not transferred to the  
161 county for such general purposes, if any, shall remain in the fund  
162 and be added to, and be considered a part of, the corpus component  
163 for the ensuing fiscal years.

164 Section 6. (1) In addition to the disbursements provided in  
165 Section 5 of this act, the board of supervisors, upon a majority  
166 vote, is authorized to withdraw monies from the corpus component  
167 of the trust, in any amount, in the event a state of emergency or  
168 local emergency has been declared under federal or state law.

169 (2) In the event of withdrawal of any portion of the  
170 original corpus component by the county pursuant to subsection (1)



171 of this section, annual disbursements by the trustees of the  
172 earnings components authorized in Section 5 of this act shall  
173 cease and all income shall be retained by the trustees and repaid  
174 to the corpus until such time as the corpus component equals the  
175 original fund value as described in Section 2(d) of this act.

176 Section 7. In the event the monies in the trust account  
177 equals a zero balance, the trust will thereupon be dissolved and  
178 this act will be repealed.

179 Section 8. This act shall take effect and be in force from  
180 and after its passage.

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

