

By: Representative Burnett

To: Local and Private  
Legislation

HOUSE BILL NO. 1789

1 AN ACT TO AMEND CHAPTER 958, LOCAL AND PRIVATE LAWS OF 1996,  
2 AS LAST AMENDED BY CHAPTER 12, LOCAL AND PRIVATE LAWS OF FIRST  
3 EXTRAORDINARY SESSION OF 2006, TO AUTHORIZE THE TUNICA COUNTY  
4 UTILITY DISTRICT TO SET ITS OWN RATES FOR WATER AND SEWER AND THUS  
5 NOT BE SUBJECT TO THE JURISDICTION OF THE PUBLIC SERVICE  
6 COMMISSION CONCERNING SUCH RATES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 958, Local and Private Laws of 1996, as  
9 amended by Chapter 917, Local and Private Laws of 1997, as amended  
10 by Chapter 986, Local and Private Laws of 1998, as amended by  
11 Chapter 1028, Local and Private Laws of 1999, as amended by  
12 Chapter 12, Local and Private Laws of First Extraordinary Session  
13 of 2006, is amended as follows:

14 Section 1. (1) Any contiguous area situated within Tunica  
15 County, Mississippi, and not being situated within the corporate  
16 boundaries of any existing municipality and having no adequate  
17 water system, sewer system, and/or fire protection serving such  
18 area may become incorporated as a water district, sewer district  
19 and/or fire protection district, or as a combination of any of the  
20 three (3), in the manner set forth in Section 2 of this act. For



21 the purposes of this act, an inadequate system may include, but  
22 not be limited to, an existing system which does not have the  
23 resources to adequately or economically serve its certificated  
24 area.

25 (2) The Board of Supervisors of Tunica County, Mississippi,  
26 upon written petition by the board of commissioners of the  
27 Robinsonville-Commerce Utility District, may change the name of  
28 the Robinsonville-Commerce Utility District to the "Tunica County  
29 Utility District." A change in the name of the district pursuant  
30 to the authority granted under this subsection shall not affect  
31 any other portion of this act, except that beginning on the date  
32 on which the name change is made, all references in this act to  
33 the Robinsonville-Commerce Utility District shall be construed to  
34 mean the "Tunica County Utility District."

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

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

43 (b) The proposed boundaries of the district;

44 (c) An estimate of the cost of acquisition or  
45 construction of the facilities to be operated by the district,



46 which estimate, however, shall not serve as a limitation upon the  
47 financing of improvements or extensions to the facilities; and

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

59 (2) **By Board of Supervisors:** The Board of Supervisors of  
60 Tunica County, in its discretion, may initiate the incorporation  
61 of a district under this section, without a petition being  
62 submitted to them, by adopting a resolution setting forth the  
63 following:

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

66 (b) The proposed boundaries of the district;

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



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

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



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

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

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

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

116           If twenty percent (20%) or one hundred fifty (150), whichever  
117 is less, of the qualified electors of such proposed district file  
118 a written petition with such board of supervisors on or before the  
119 date specified in the resolution protesting the creation of the



120 district, the Board of Supervisors of Tunica County shall call an  
121 election on the question of the creation of such district. Such  
122 election shall be held and conducted by the election commissioners  
123 of Tunica County as nearly as may be in accordance with the  
124 general laws governing elections. The election commissioners  
125 shall determine which of the qualified electors of Tunica County  
126 reside within the proposed district, and only such qualified  
127 electors residing within such proposed district shall be entitled  
128 to vote in such election. Notice of such election setting forth  
129 the time, place or places and purpose of such election shall be  
130 published by the clerk of the board of supervisors, and such  
131 notice shall be published for the time and in the manner  
132 prescribed in Section 3 of this act for the publication of the  
133 resolution of intent. The ballot to be prepared for and used at  
134 such election shall be in substantially the following form:

135 FOR THE CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

136 DISTRICT: ( )

137 AGAINST CREATION OF THE ROBINSONVILLE-COMMERCE UTILITY

138 DISTRICT: ( ).

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

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



145 resolution creating the district as prescribed in the resolution  
146 of intent.

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

159 Section 7. Any party having an interest in the subject  
160 matter who is aggrieved or prejudiced by the findings and  
161 adjudication of the board of supervisors may appeal to the Circuit  
162 Court of Tunica County in the manner provided by law for appeals  
163 from orders of the board of supervisors. However, if no such  
164 appeal is taken within a period of fifteen (15) days after the  
165 date of the adoption of the resolution creating the  
166 Robinsonville-Commerce Utility District, the creation of the  
167 district shall be final and conclusive and shall not thereafter be  
168 subject to attack in any court.



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

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



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

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

212       (3) **General Powers:** The operation, management, abolition or  
213 dissolution of the district, and all other matters in connection  
214 therewith, shall be vested solely and only in the board of  
215 commissioners to the specific exclusion of the board of  
216 supervisors, except as provided for herein. The abolition,  
217 dissolution or termination of such district shall be accomplished



218 only by resolution of the board of commissioners, which resolution  
219 must receive at least a four-fifths (4/5) vote of the entire  
220 membership of the board. Except as otherwise provided herein,  
221 such board of commissioners shall have no power, jurisdiction or  
222 authority to abolish, dissolve or terminate any such district  
223 while such district has any outstanding indebtedness of any kind  
224 or character.

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

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

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



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

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

255 (9) **Compensation of Commissioners:** The board of  
256 commissioners may receive per diem compensation, if approved by  
257 the board of supervisors, in the same manner provided to officers  
258 of state boards, commissions and agencies in Section 25-3-69,  
259 Mississippi Code of 1972. However, such per diem compensation  
260 shall not exceed Two Hundred Dollars (\$200.00) per month and shall  
261 not entitle any member of the board of commissioners to receive or  
262 be eligible for any state employee group insurance, retirement or  
263 other fringe benefits. If the board of supervisors elects to  
264 serve as the board of commissioners, they shall receive no  
265 compensation while acting as commissioners.

266 Section 10. The board of commissioners shall have the power  
267 to make regulations to secure the general health of those residing



268 within the district; to prevent, remove and abate nuisances; to  
269 regulate or prohibit the construction of privy-vaults and  
270 cesspools, and to regulate or suppress those already constructed;  
271 and to compel and regulate the connection of all property with  
272 sewers.

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

291         Any district created pursuant to this act shall be vested  
292 with all the powers necessary and requisite for the accomplishment



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

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

303 (a) To sue and be sued;

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

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

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

315 (e) To fix, maintain, collect and revise rates and  
316 charges for services rendered by or through the facilities of such  
317 district, which rates and charges shall not be subject to



318 review \* \* \* and regulation by the Mississippi Public Service  
319 Commission; the district shall obtain a certificate of convenience  
320 and public necessity from the Mississippi Public Service  
321 Commission for operation of a water and/or sewer system;

322 (f) To pledge all or any part of its revenues to the  
323 payment of its debt obligations, including, but not limited to,  
324 revenues from the district's operations, revenues from special  
325 assessments and tax revenues;

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

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

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



343 Mississippi are authorized to enter into such contracts with the  
344 Robinsonville-Commerce Utility District;

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

353           (k) To extend its services to areas beyond but within  
354 one (1) mile of the boundaries of the district; however, no such  
355 extension shall be made to areas already occupied by another  
356 corporate agency rendering the same service so long as the  
357 corporate agency desires to continue to serve such areas. Areas  
358 outside the district desiring to be served which are beyond the  
359 one-mile limit must be brought into the district by annexation  
360 proceedings unless the owners of such areas consent to being part  
361 of this district;

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

365           (m) To sell to any municipality in the county, under  
366 those terms, conditions and covenants that may be imposed or  
367 required by the district, part or all of the utility system or



368 systems within the district; however, in the event of a sale of  
369 all of the system or systems, the municipality shall assume all  
370 obligations of the district as a condition precedent to the sale;

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

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

385 (p) To contract with any person, partnership,  
386 corporation or other entity for the operation and maintenance,  
387 including billing services, of any property or facilities of the  
388 district, upon such terms, conditions and covenants as may be  
389 agreed upon by such contracting parties. The board of  
390 commissioners may contract for the operation and maintenance of  
391 any property or facilities of the district for a term of up to  
392 twenty (20) years;



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

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

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

408           Section 14. (1) The district shall have the power to issue  
409 its bonds to provide funds for the purpose of constructing,  
410 acquiring, reconstructing, improving, bettering or extending the  
411 facilities to provide the services the district is authorized to  
412 provide pursuant to this act, and acquiring land therefor. Such  
413 bonds shall be payable primarily from the revenues of such  
414 facilities, and if so provided for in the proceedings authorizing  
415 such bonds, such bonds shall also be payable from special  
416 assessments levied pursuant to Section 16 of this act, and  
417 further, if so provided for in the proceedings authorizing such



418 bonds and agreed to by resolution of the Board of Supervisors of  
419 Tunica County authorizing the board of commissioners to make such  
420 pledge such bonds shall also be payable from the avails of the ad  
421 valorem tax levy provided for in subsection (2) of Section 14 of  
422 this act, or from any combination of monies from such revenues,  
423 special assessments and tax levies. Such bonds may be issued  
424 without an election being held upon the question of their issuance  
425 and without the publication of any notice of intention to issue  
426 such bonds. The board of commissioners of the district shall  
427 issue bonds of the district by resolution spread upon the minutes  
428 of such board. Such bonds shall contain such covenants and  
429 provisions; shall be executed; shall bear interest at such rate or  
430 rates not to exceed fourteen percent (14%) per annum; shall be in  
431 such denomination or denominations; shall be payable, both as to  
432 principal and interest, at such place or places; and shall mature  
433 at such time or times not exceeding thirty-five (35) years from  
434 their date, all as shall be determined by such board of  
435 commissioners and set forth in the resolution pursuant to which  
436 such bonds shall be issued; however, any such bonds which are  
437 secured by a pledge of special assessments in addition to a pledge  
438 of revenues shall mature at such time or times not exceeding the  
439 time period over which such special assessments are payable, as  
440 determined by the board of commissioners pursuant to Section 18 of  
441 this act. Any provisions of general law to the contrary  
442 notwithstanding, any bonds and interest coupons issued pursuant to



443 the authority of this act shall possess all of the qualities of  
444 negotiable instruments; and such bonds, premium, if any, and  
445 interest thereon shall be exempt from all state, county, municipal  
446 and other taxation under the laws of the State of Mississippi.  
447 Any bonds issued pursuant to the authority of this act may be  
448 refunded in the manner provided herein upon a finding by the board  
449 of commissioners that such refunding is in the public interest,  
450 and bonds for the betterment, improvement or extension of any  
451 facilities of the district may be included with such refunding  
452 bonds. Such bonds may be sold without the necessity of  
453 advertising for bids therefor and may be sold by negotiated  
454 private sale and on such terms, conditions and covenants as may be  
455 agreed to by and between the issuing authority and the purchasers  
456 of such bonds.

457 (2) If provided in the proceedings authorizing the issuance  
458 of the bonds and agreed to by resolution of the Board of  
459 Supervisors of Tunica County authorizing the board of  
460 commissioners of the district to make such pledge, then when there  
461 are insufficient revenues accruing from the operation of such  
462 district or insufficient revenues received from special  
463 assessments authorized hereunder, or from both together, according  
464 to the provisions made in the proceedings authorizing the issuance  
465 of such bonds, to meet the interest and/or principal payments when  
466 due on any bonds issued under the authority of this act (excluding  
467 for such purpose any amounts in a reserve fund for any such



468 bonds), then, upon certification of such fact by the board of  
469 commissioners of such district to the board of supervisors, it  
470 shall be the mandatory duty of the Board of Supervisors of Tunica  
471 County to levy an ad valorem tax on all taxable property within  
472 the geographical limits of the district, which tax, together with  
473 any other monies available for such purpose, shall be sufficient  
474 to provide for the payment of the principal of and interest on  
475 such bonds as the same falls due, and, if so provided in the  
476 proceedings for the issuance of such bonds, to replenish any  
477 reserve fund established for such bonds.

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

491 Section 15. In addition to the purposes authorized by  
492 subsection (1), Section 14 of this act, any district created under



493 this act may issue bonds of such district in the manner provided  
494 in subsection (1), Section 14, for any or all of the following  
495 purposes:

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

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

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

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

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

514 (f) To enter into cooperative agreements with the state  
515 or federal government, or both, to obtain financial assistance in  
516 the form of loans or grants as may be available from the state or  
517 federal government, or both (reference to the state or federal



518 government as used herein shall specifically include any agency  
519 thereof); and to execute and deliver at private sale notes or  
520 bonds as evidence of such indebtedness in the form and subject to  
521 the terms and conditions as may be imposed by the state or federal  
522 government, or both; and to pledge the income and revenues of the  
523 district, or the income and revenues from any part of the area  
524 embraced in the district (which revenues in either instance shall  
525 include, but not be limited to, revenues from special assessments  
526 and tax revenues), in payment thereof; and the state and any  
527 agency thereof is authorized to enter into such agreements with  
528 the district;

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

534 In the event that any outstanding bonds to be purchased,  
535 acquired or refunded by the district created pursuant to this act,  
536 by the terms thereof: (a) mature without option of prior payment  
537 after the date of the district bonds to be issued; or (b) mature  
538 on specified dates, but with the option reserved to call in, pay  
539 and redeem such bonds on a date subsequent to the date of the  
540 district bonds to be issued; and in the event that the holder or  
541 holders of such outstanding revenue bonds are numerous, cannot be  
542 immediately located or will not accept district bonds to be issued



543 in exchange for and upon surrender and cancellation of a like  
544 amount of such outstanding bonds, then the district, in its  
545 discretion, may sell district bonds and deposit with a trustee to  
546 be designated in the resolution issuing such district bonds an  
547 amount sufficient to redeem all such outstanding county, district  
548 or municipal bonds, together with accrued interest and any premium  
549 required for such redemption on the earliest call date or on the  
550 maturity date of noncallable bonds. Such deposits shall be a  
551 trust fund and shall be used for no purpose other than the  
552 redemption of such outstanding bonds, the payment of interest  
553 thereon as the same shall mature and come due, and the payment of  
554 any premium required for redemption of such bonds on their  
555 callable or maturity date or dates. In the event that any of such  
556 outstanding bonds are subject to call for redemption, the county,  
557 district or municipality, before the issuance of district bonds  
558 therefor, shall exercise such right or call and shall call such  
559 outstanding bonds for redemption on the earliest possible call  
560 date.

561 The district, by resolution, may direct that such trust fund  
562 be invested in bonds, notes, certificates or other obligations of,  
563 or guaranteed by, the United States of America and maturing or  
564 being redeemable at or before the time when such funds will be  
565 needed for the redemption of such outstanding bonds. For the  
566 purpose of determining the adequacy of such deposits, the maturity  
567 value or redemption value of all such investments and the interest



568 accruing thereon to maturity or call date, shall be considered as  
569 cash on hand. The district may make such covenants and do any and  
570 all acts and things as may be necessary, convenient and desirable  
571 in order to secure such bonds, in order to make such bonds more  
572 marketable, notwithstanding that such covenants, acts or things  
573 may not be enumerated herein or expressly authorized herein. It  
574 is the intention of this act to give the governing authority of  
575 the district, in issuing such bonds, the power to do all things  
576 required or necessary in the issuance of such bonds and for their  
577 execution which are not inconsistent with the Mississippi  
578 Constitution of 1890.

579 The district bonds herein authorized may be issued  
580 concurrently and in combination with bonds issued to provide funds  
581 for any or all of the purposes authorized by this act. In the  
582 issuance of bonds hereunder, a sufficient sum may be added to the  
583 principal amount thereof: (a) to provide for the payment of all  
584 reserves, interest, expenses, premiums, fees and commissions  
585 deemed necessary or advantageous incident to the issuance and  
586 delivery or exchange of such bonds; and (b) to provide for the  
587 payment into a reserve fund of a sum not exceeding the maximum  
588 annual principal and interest requirements of such bonds, as a  
589 reserve therefor.

590 Section 16. In addition to the charges and levies provided  
591 for in Sections 1 through 15 of this act, the board of  
592 commissioners may levy and collect special assessments on certain



593 property located in the district to provide funds for the purposes  
594 for which bonds may be issued under Sections 14 and 15 of this  
595 act, and may issue negotiable special improvement bonds of the  
596 district and pledge the receipts from the special assessments to  
597 secure the payment of the principal of, premium, if any, and  
598 interest on any bonds authorized to be issued pursuant to this  
599 act. The property on which such special assessments may be  
600 levied, to the extent such property is within the boundaries of  
601 the district at the time such special assessments are levied,  
602 shall be limited to the following:

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



617 point) and the north line of said Section 3, being the  
618 "POINT OF BEGINNING" of the tract herein described;  
619 THENCE South 45 degrees 33 minutes 26 seconds West for a  
620 distance of 599.99 feet, along said westerly  
621 right-of-way line, to a concrete post;  
622 THENCE North 44 degrees 23 minutes 01 seconds West for a  
623 distance of 410.81 feet, leaving said westerly  
624 right-of-way line, to an iron pin found;  
625 THENCE South 89 degrees 51 minutes 00 seconds West for a  
626 distance of 4214.83 feet, to an iron pin found on the  
627 east line of the northwest 1/4 of said Section 4;  
628 THENCE South 00 degrees 01 minutes 55 seconds East for a  
629 distance of 2486.79 feet, to an iron pin found at the  
630 southeast corner of the northwest 1/4 of said Section 4;  
631 THENCE North 89 degrees 57 minutes 07 seconds West for a  
632 distance of 2638.94 feet, to an iron pin found at the  
633 southwest corner of the northwest 1/4 of said Section 4  
634 and on the eastline of said Section 5;  
635 THENCE South 00 degrees 00 minutes 59 seconds East for a  
636 distance of 1188.62 feet, along the east line of said  
637 Section 5 to a point;  
638 THENCE South 00 degrees 00 minutes 59 seconds East for a  
639 distance of 1442.96 feet, to a nail found at the section  
640 corner common to Sections 4, 5, 8 and 9;



641           THENCE South 00 degrees 11 minutes 20 seconds East for a  
642           distance of 1906.69 feet, along the east line of said  
643           Section 8 to a point;  
644           THENCE North 89 degrees 52 minutes 37 seconds West for a  
645           distance of 28.86 feet, leaving east line of said  
646           Section 8 to an iron pin found;  
647           THENCE South 21 degrees 04 minutes 47 seconds West for a  
648           distance of 81.43 feet to an iron pin found;  
649           THENCE South 10 degrees 38 minutes 49 seconds East for a  
650           distance of 185.22 feet, to an iron pin found on the  
651           northwesterly right-of-way line of Mississippi State  
652           Highway No. 61;  
653           THENCE South 45 degrees 32 minutes 25 seconds West for a  
654           distance of 503.75 feet, continuing along said  
655           right-of-way line, to a point;  
656           THENCE South 44 degrees 25 minutes 59 seconds East for a  
657           distance of 10.00 feet, along said right-of-way line, to  
658           a point;  
659           THENCE South 45 degrees 34 minutes 01 seconds West for a  
660           distance of 400.00 feet, along said right-of-way line,  
661           to a point;  
662           THENCE North 44 degrees 25 minutes 59 seconds West for a  
663           distance of 25.00 feet, along said right-of-way line, to  
664           a point;



665           THENCE South 45 degrees 34 minutes 01 seconds West for a  
666           distance of 1917.36 feet, along said right-of-way line,  
667           to a point;  
668           THENCE North 89 degrees 10 minutes 37 seconds West for a  
669           distance of 707.53 feet, leaving said right-of-way line,  
670           to a point;  
671           THENCE South 00 degrees 49 minutes 23 seconds West for a  
672           distance of 45.07 feet to a point;  
673           THENCE North 89 degrees 10 minutes 31 seconds West for a  
674           distance of 1129.97 feet, to a point;  
675           THENCE North 44 degrees 14 minutes 47 seconds West for a  
676           distance of 1612.08 feet, to a point;  
677           THENCE along a curve to the left having a radius of  
678           2671.83 feet and an arc length of 646.06 feet, being  
679           subtended by a chord of North 51 degrees 09 minutes 38  
680           seconds West for a distance of 644.49 feet, to an iron  
681           pin found;  
682           THENCE North 00 degrees 06 minutes 35 seconds West for a  
683           distance of 1264.09 feet, to a point;  
684           THENCE South 89 degrees 53 minutes 25 seconds West for a  
685           distance of 1714.83 feet, to a point intersecting the  
686           former southeasterly right-of-way line of the Illinois  
687           Central Gulf Railroad Company (since abandoned);  
688           THENCE South 31 degrees 57 minutes 41 seconds West for a  
689           distance of 1301.06 feet, along said southeasterly



690 right-of-way line of abandoned railroad right-of-way, to  
691 a point;  
692 THENCE North 00 degrees 03 minutes 33 seconds West for a  
693 distance of 80.12 feet, leaving said southeasterly  
694 abandoned railroad right-of-way line, to a point on the  
695 new southeasterly right-of-way line of Old Mississippi  
696 Highway 61 (120 foot right-of-way);  
697 THENCE North 31 degrees 57 minutes 41 seconds East for a  
698 distance of 2751.26 feet, along said southeasterly  
699 right-of-way line, to a point;  
700 THENCE North 31 degrees 57 minutes 41 seconds East for a  
701 distance of 324.72 feet, continuing along said  
702 right-of-way line, to a point;  
703 THENCE along a curve to the right continuing along said  
704 right-of-way line having a radius of 780.74 feet and an  
705 arc length of 398.19 feet, being subtended by a chord of  
706 North 47 degrees 26 minutes 26 seconds East for a  
707 distance of 393.89 feet, to a point;  
708 THENCE North 62 degrees 16 minutes 00 seconds East for a  
709 distance of 120.82 feet, continuing along said  
710 right-of-way line, to a point;  
711 THENCE along a curve to the right continuing along said  
712 right-of-way line having a radius of 40 feet and an arc  
713 length of 60.02 feet, being subtended by a chord of



714 South 74 degrees 44 minutes 38 seconds East for a  
715 distance of 54.55 feet, to a point;  
716 THENCE along a curve to the right continuing along said  
717 right-of-way line having a radius of 1385.0 feet and an  
718 arc length of 465.40 feet being subtended by a chord of  
719 North 22 degrees 07 minutes 34 seconds West for a  
720 distance of 463.22 feet, to a point;  
721 THENCE South 12 degrees 14 minutes 04 seconds East a  
722 distance of 170.29 feet along said right-of-way to a  
723 point;  
724 THENCE along a curve to the right continuing along said  
725 right-of-way line having a radius of 190.99 feet and an  
726 arc length of 244.14 feet, being subtended by a chord of  
727 South 24 degrees 22 minutes 57 seconds West for a  
728 distance of 227.86 feet, to a point;  
729 THENCE along a curve to the left continuing along said  
730 right-of-way line having a radius of 899.22 feet and an  
731 arc length of 441.77 feet, being subtended by a chord of  
732 South 46 degrees 45 minutes 46 seconds West for a  
733 distance of 437.35 feet to a point;  
734 THENCE South 31 degrees 57 minutes 41 seconds West a  
735 distance of 369.78 feet, along said right-of-way to a  
736 point;  
737 THENCE North 89 degrees 47 minutes 57 seconds West for a  
738 distance of 1038.22 feet, leaving said right-of-way



739 line, along south line of said Section 6, to a point  
740 located at the intersection of said section line and  
741 easterly line of the Board of Levee Commissioners  
742 property;  
743 THENCE North 46 degrees 34 minutes 41 seconds East for a  
744 distance of 230.60 feet, leaving south line of said  
745 Section 6, along said levee property, to a point;  
746 THENCE North 42 degrees 05 minutes 41 seconds East for a  
747 distance of 720.60 feet, along said levee property, to a  
748 point;  
749 THENCE North 36 degrees 00 minutes 41 seconds East for a  
750 distance of 158.60 feet, along said levee property, to a  
751 point;  
752 THENCE North 32 degrees 04 minutes 41 seconds East for a  
753 distance of 247.00 feet, along said levee property, to a  
754 point;  
755 THENCE North 34 degrees 08 minutes 20 seconds East for a  
756 distance of 636.00 feet, along said levee property, to a  
757 point;  
758 THENCE North 34 degrees 35 minutes 41 seconds East for a  
759 distance of 3328.00 feet, along said levee property, to  
760 a point;  
761 THENCE North 29 degrees 05 minutes 41 seconds East for a  
762 distance of 1104.70 feet, along said levee property, to



763 a point located at the intersection of said levee  
764 property and the north line of said Section 5;  
765 THENCE South 89 degrees 48 minutes 01 seconds East for a  
766 distance of 697.08 feet, along north line of said  
767 Section 5, to a point;  
768 THENCE South 89 degrees 48 minutes 01 seconds East for a  
769 distance of 52.93 feet, along north line of said section  
770 5 to a point;  
771 THENCE South 89 degrees 48 minutes 01 seconds East for a  
772 distance of 3210.37 feet, along north line of said  
773 Section 5, to a point at the section corner common to  
774 Sections 4 and 5, Township 3 South, Range 10 West,  
775 Tunica County, and Sections 32 and 33, Township 2 South,  
776 Range 10 West, DeSoto County;  
777 THENCE South 89 degrees 59 minutes 57 seconds East for a  
778 distance of 2638.40 feet, along the north line of said  
779 Section 4, to a point at the northeast corner of the  
780 northwest 1/4 of said Section 4;  
781 THENCE South 89 degrees 55 minutes 35 seconds East for a  
782 distance of 2640.00 feet, along the north line of said  
783 Section 4, to a point at the northeast corner of said  
784 Section 4;  
785 THENCE South 89 degrees 55 minutes 35 seconds East for a  
786 distance of 2290.29 feet, along the north line of said  
787 Section 3, the POINT OF BEGINNING.



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

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



811           THENCE South 06 degrees 58 minutes 13 seconds West for a  
812           distance of 51.20 feet, leaving north line of said  
813           Section 6, to a point;  
814           THENCE South 12 degrees 08 minutes 10 seconds West for a  
815           distance of 640.39 feet, to a point;  
816           THENCE South 08 degrees 54 minutes 19 seconds West for a  
817           distance of 399.12 feet, to a point;  
818           THENCE South 16 degrees 40 minutes 00 seconds West for a  
819           distance of 691.96 feet, to a point;  
820           THENCE South 20 degrees 23 minutes 09 seconds West for a  
821           distance of 595.98 feet, to a point;  
822           THENCE South 22 degrees 23 minutes 10 seconds West for a  
823           distance of 894.76 feet, to a point;  
824           THENCE South 27 degrees 53 minutes 10 seconds West for a  
825           distance of 199.65 feet, to a point;  
826           THENCE South 22 degrees 53 minutes 09 seconds West for a  
827           distance of 303.49 feet, to a point;  
828           THENCE North 67 degrees 06 minutes 49 seconds West for a  
829           distance of 95.00 feet, to a point;  
830           THENCE South 30 degrees 02 minutes 22 seconds West for a  
831           distance of 313.16 feet to a point;  
832           THENCE South 38 degrees 56 minutes 07 seconds West for a  
833           distance of 408.23 feet, to a point;  
834           THENCE South 48 degrees 51 minutes 50 seconds East for a  
835           distance of 70.00 feet, to a point;



836           THENCE South 45 degrees 10 minutes 43 seconds West for a  
837           distance of 683.14 feet, to a point;  
838           THENCE South 51 degrees 10 minutes 35 seconds West for a  
839           distance of 663.40 feet, to a point;  
840           THENCE North 42 degrees 21 minutes 50 seconds West for a  
841           distance of 1138.30 feet, to a point;  
842           THENCE North 64 degrees 54 minutes 44 seconds West for a  
843           distance of 131.67 feet, to a point;  
844           THENCE South 32 degrees 35 minutes 15 seconds West for a  
845           distance of 680.63 feet, to a point;  
846           THENCE South 39 degrees 31 minutes 58 seconds West for a  
847           distance of 402.14 feet, to a point;  
848           THENCE South 51 degrees 59 minutes 57 seconds West for a  
849           distance of 354.49 feet, to a point located on the south  
850           line of said Section 6;  
851           THENCE South 40 degrees 00 minutes 15 seconds for a  
852           distance of 305.02 feet, leaving south line of said  
853           Section 6 to a point located at the intersection of said  
854           south line and the southeasterly line of said Section  
855           24, Township 3 North, Range 7 East, Crittenden County,  
856           Arkansas;  
857           THENCE South 49 degrees 43 minutes 22 seconds West for a  
858           distance of 430.58 feet, continuing along southeasterly  
859           line of said Section 24, to a point;



860           THENCE South 64 degrees 31 minutes 29 seconds West for a  
861           distance of 415.00 feet, along said section line, to a  
862           point;

863           THENCE South 74 degrees 08 minutes 08 seconds West for a  
864           distance of 290.00 feet, along said section line, to a  
865           point;

866           THENCE South 85 degrees 40 minutes 30 seconds West for a  
867           distance of 260.00 feet, along said section line, to a  
868           point;

869           THENCE South 88 degrees 43 minutes 25 seconds West for a  
870           distance of 285.00 feet, along said section line, to a  
871           point;

872           THENCE North 79 degrees 02 minutes 30 seconds West for a  
873           distance of 966.94 feet, along said section line, to a  
874           point;

875           THENCE North 09 degrees 19 minutes 44 seconds East for a  
876           distance of 6898.79 feet, leaving said section line to a  
877           point on the top of bank of the Mississippi River;

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

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



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

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

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

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

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

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

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

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



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

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

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

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

925           Any special assessments authorized under this section shall  
926           be levied and collected in the manner provided in Sections 21-41-1  
927           through 21-41-53, Mississippi Code of 1972, except as otherwise  
928           herein provided. The board of commissioners may secure bonds of  
929           the district solely from the aforesaid receipts from special  
930           assessments, or may pledge such receipts in addition to the pledge  
931           of revenues of the district or the receipts from any tax levy  
932           authorized in this act, or from any combination of monies from the



933 special assessments, revenues and tax levies. Bonds issued  
934 pursuant to this section or pursuant to Section 14 of this act  
935 shall be payable as to principal, premium, if any, and interest  
936 solely from the sources authorized in this act.

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

942 Section 18. All special assessments levied under this act  
943 shall be payable in equal annual installments over a period not in  
944 excess of twenty (20) years, as determined by the board of  
945 commissioners, with interest from the date of the confirmation of  
946 the assessment at a rate, to be fixed by the board of  
947 commissioners, which will produce sufficient funds for the payment  
948 of all or a specified portion of the principal of and interest on  
949 the bonds as they mature and accrue and for fees and expenses for  
950 a paying agent and/or trustee for the bonds. The amount to be  
951 paid pursuant to such special assessments may be limited by the  
952 board of commissioners to the assessments needed for the aforesaid  
953 purposes. Any property owner who shall not have taken an appeal  
954 from the assessment, upon failure to pay the assessment in full  
955 within thirty (30) days from the date of confirmation, shall be  
956 deemed to have elected to pay the assessment in installments as  
957 provided in this section, and shall be deemed to have admitted the



958 legality of the assessment, and the right to contest the validity  
959 of the assessment shall be waived. The installments of the  
960 assessment shall be due and payable at the same time that the  
961 annual real property tax becomes due and payable, commencing with  
962 the first county tax levy which is payable after the expiration of  
963 thirty (30) days from the date of confirmation of the assessment.

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

976 The resolution declaring the intent of the board of  
977 commissioners to proceed with the special improvements shall: (a)  
978 define the area to be benefited by each improvement, with each  
979 improvement being designated as a project; (b) fix the amount or  
980 percentage of the charge to be levied upon the property benefited;  
981 (c) designate the minimum and maximum number of years between the  
982 date of the bonds and the maturity of those bonds; (d) delineate



983 the method of determining the amount of special assessments to be  
984 levied on each lot or parcel of land in the benefited area; and  
985 (e) designate the minimum and maximum number of equal annual  
986 installments that the board of commissioners may later allow for  
987 the payment of assessments with interest on those assessments.

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

1003         If the board of commissioners determines that the area rule  
1004 is the most equitable method of distributing the cost among the  
1005 properties, then the resolution shall direct that the cost to be  
1006 assessed against each lot or parcel of land shall be determined by  
1007 dividing the entire cost to be assessed by the total number of



1008 acres or square feet in the area being benefited and that is  
1009 subject to such special assessment, and multiplying the quotient  
1010 by the total number of acres or square feet in any particular lot  
1011 or parcel of land. The result of this formula shall be assessed  
1012 against each lot or parcel of land for the owner's part of the  
1013 cost of the entire improvement to be paid through special  
1014 assessments.

1015 Section 20. If the owners of a majority of the front footage  
1016 of the property to be assessed under the front foot rule, or if  
1017 the owners of a majority of the area of the property to be  
1018 assessed under the area rule, as described in Section 19, file a  
1019 written protest objecting to the assessments authorized under this  
1020 act and in Section 21-41-7, Mississippi Code of 1972, then the  
1021 board of commissioners shall not proceed with the special  
1022 assessment.

1023 Section 21. All construction contracts by the district where  
1024 the amount of the contract shall exceed Ten Thousand Dollars  
1025 (\$10,000.00) shall be made upon at least three (3) weeks public  
1026 notice. Such notice shall be published once a week for at least  
1027 three (3) consecutive weeks in at least one (1) newspaper having  
1028 general circulation in Tunica County. The first publication of  
1029 such notice shall be made not less than twenty-one (21) days  
1030 before the date fixed in the notice for the receipt of bids, and  
1031 the last publication shall be made not more than fourteen (14)  
1032 days before such date. The notice shall state the construction



1033 project to be done and invite sealed proposals, to be filed with  
1034 the secretary of the district, to do the work. In all such cases,  
1035 before the notice is published, plans and specifications for the  
1036 work shall be prepared by a registered professional engineer and  
1037 filed with the secretary of the district and remain therein. The  
1038 board of commissioners of the district shall award the contract to  
1039 the lowest and best bidder who will comply with the terms imposed  
1040 by the commission and enter into bond with sufficient sureties to  
1041 be approved by the commissioners and such penalty as shall be  
1042 fixed by the commissioners; however, in no case shall such bond be  
1043 less than the contract price, and the bond shall be conditioned  
1044 for the prompt, proper, efficient performance of the contract.  
1045 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be  
1046 negotiated; however, the board of commissioners shall invite and  
1047 receive written proposals for the work from at least three (3)  
1048 contractors regularly engaged in the type of work involved.

1049 Section 22. Any area adjacent to any district created  
1050 pursuant to this act and situated within Tunica County and not  
1051 being situated within the corporate boundaries of any existing  
1052 municipality may be added to the district by order of the Board of  
1053 Supervisors of Tunica County upon the written consent of one  
1054 hundred percent (100%) of the owners of real property to be so  
1055 added. Any area adjacent to the district which is situated within  
1056 Tunica County may be annexed to and become a part of the district  
1057 by the same procedures prescribed in Sections 2 through 7 of this



1058 act. The petition for any annexation must be signed by the owners  
1059 of no less than seventy-five percent (75%) of the land to be  
1060 annexed into the district, computed on a square footage basis.  
1061 All costs incident to the publication of notice and all other  
1062 costs incident to the annexation shall be paid by the district.

1063 The district shall have the exclusive right to provide any of  
1064 the services for which it was created in the annexed territory;  
1065 however, if any part of the annexed territory is then being served  
1066 by another corporate agency with any such service, the district,  
1067 at the option of the other corporate agency, shall either: (a)  
1068 relinquish its prior right to serve the area occupied by the  
1069 corporate agency; or (b) acquire by purchase the facilities of  
1070 such corporate agencies, together with its franchise rights to  
1071 serve such area. If the annexation affects only a portion of the  
1072 corporation's agencies facility, the cash considerations for such  
1073 purpose shall not be less than: (a) the present day reproduction  
1074 cost, new, of the facilities being acquired, less depreciation  
1075 computed on a straight-line basis; plus (b) an amount equal to the  
1076 cost of constructing any necessary facilities to reintegrate the  
1077 system of the corporate agency outside the annexed area after  
1078 detaching the portion to be acquired by the district; plus an  
1079 annual amount payable each year for a period of ten (10) years  
1080 equal to the sum of twenty-five percent (25%) of the revenues  
1081 received from sales to consumers within the annexed area during  
1082 the last twelve (12) months.



1083           If the option is for the district to purchase, upon  
1084 notification thereof the district shall be obligated to buy and  
1085 pay for, and the corporate agency shall be obligated to convey to  
1086 the district, all of its service facilities and franchise rights  
1087 in the annexed area free and clear of all mortgages, liens and  
1088 encumbrances for the aforesaid cash consideration.

1089           If the annexed territory affects all of the property and  
1090 facilities of such other corporate agency, then all such property  
1091 constituting the entire system or facility of the corporate agency  
1092 shall be acquired by the district in accordance with the terms and  
1093 conditions as may be agreed upon, and the district shall have the  
1094 authority to assume the operation of such entire system or  
1095 facilities and to assume and become liable for the payment of any  
1096 notes, bonds or other obligations that are outstanding against  
1097 such system or facility and payable primarily from the revenues  
1098 therefrom.

1099           If the district is notified to relinquish its prior right to  
1100 serve the annexed area, the district shall grant the corporate  
1101 agency a franchise to serve within the annexed territory; however,  
1102 the corporate agency shall be entitled to serve only such  
1103 customers or locations within the annexed area as it served on the  
1104 date that such annexation became effective.

1105           The annexed territory shall become liable for any existing  
1106 indebtedness of the district and shall be subject to any taxes



1107 levied by the board of supervisors pursuant to the terms of this  
1108 act in payment of the district's indebtedness.

1109 Section 23. The board of commissioners of any district  
1110 created pursuant to this act shall have the authority to enter  
1111 into cooperative agreements with the state or federal government,  
1112 or both, to obtain financial assistance in the form of loans or  
1113 grants as may be available from the state or federal government,  
1114 or both, and to execute and deliver at private sale notes or bonds  
1115 as evidence of such indebtedness in the form and subject to the  
1116 terms and conditions as may be imposed by the state or federal  
1117 government, or both, and to pledge the income and revenues of the  
1118 district, or the income and revenues from any part of the area  
1119 embraced in the district, in payment thereof. It is the purpose  
1120 and intent of this section to authorize the district to do any and  
1121 all things necessary to secure the financial aid or cooperation of  
1122 the state or federal government, or both, in the planning,  
1123 construction, maintenance or operation of project facilities.

1124 If the board of supervisors creates the district within one  
1125 (1) mile of the corporate boundaries of any existing municipality,  
1126 the municipality may require such district to construct and  
1127 maintain all facilities, whether purchased or constructed, to  
1128 standards commensurate with those of the adjoining municipality;  
1129 however, the governing authorities of the municipality may  
1130 specifically waive compliance with any or all of such  
1131 requirements.



1132           Section 24. This act, without reference to any statute,  
1133 shall be deemed to be full and complete authority for the creation  
1134 of the district and for the issuance of bonds. No proceedings  
1135 shall be required for the creation of the district or for the  
1136 issuance of bonds other than those provided for and required  
1137 herein. All necessary powers to be exercised by the Board of  
1138 Supervisors of Tunica County and by the board of commissioners of  
1139 the district in order to carry out the provisions of this act are  
1140 hereby conferred.

1141           Section 25. Within ninety (90) days after the close of each  
1142 fiscal year, the board of commissioners shall publish in a  
1143 newspaper of general circulation in Tunica County a sworn  
1144 statement showing the financial condition of the district, the  
1145 earnings for the fiscal year just ended, a statement of the water  
1146 and sewer rates being charged, and a brief statement of the method  
1147 used in arriving at such rates. Such statement shall also be  
1148 furnished to the Board of Supervisors of Tunica County.

1149           Section 26. If the district created under this act includes  
1150 water and/or sewer facilities, the board of supervisors, where it  
1151 finds unhealthy or unsanitary or deleterious conditions in such  
1152 district because of the inadequate or contaminated water supplies  
1153 or lack of approved septic tanks or because of high water tables  
1154 or inadequate drainage or inadequate provisions for disposal of  
1155 sewage, may require by order or resolution, all dwellings and  
1156 buildings within the district that are within reasonable proximity



1157 to the system or systems to be connected to the water and sewer  
1158 systems of the district. Any person, firm or corporation within  
1159 the district declining or refusing to connect to the district's  
1160 water and/or sewer system after the adoption by the board of  
1161 supervisors of any order or resolution predicated on such findings  
1162 shall be guilty of a misdemeanor and shall be subject to a fine  
1163 not to exceed One Hundred Dollars (\$100.00) per day, to be imposed  
1164 by any court of competent jurisdiction, and each day that such  
1165 dwelling or building shall remain unconnected to such district  
1166 water and/or sewer system shall constitute a separate offense.  
1167 After the adoption of such order or resolution, it shall be  
1168 unlawful for any dwelling or building to be constructed within the  
1169 district unless, where it is feasible to do so, provision is made  
1170 to connect such building or dwelling to the district's water  
1171 and/or sewer system; and the drilling of private wells to provide  
1172 water for human consumption and the construction of outhouses,  
1173 cesspools and septic tanks in the district shall be declared to be  
1174 unlawful and punishable as a misdemeanor as herein provided.

1175 Section 27. The Board of Supervisors of Tunica County is  
1176 authorized to appropriate to the Robinsonville-Commerce Utility  
1177 District not more than Three Million Dollars (\$3,000,000.00) from  
1178 the Tunica County General Fund, not to exceed One Million Dollars  
1179 (\$1,000,000.00) in any one fiscal year, solely for: (a) the  
1180 purchase of existing water and/or sewer facilities, whether  
1181 currently owned by a public entity, private corporation or any



1182 other entity; and/or (b) the cost of capital improvements,  
1183 including, but not limited to, expansion and improvement of new or  
1184 existing facilities.

1185 Section 28. Any bonds issued under the provisions of this  
1186 act may be submitted for validation under the provisions of  
1187 Chapter 13, Title 31, Mississippi Code of 1972.

1188 Section 29. This act shall be liberally construed for the  
1189 purposes herein set out, the powers hereby granted being  
1190 additional, cumulative and supplemental to any power granted to  
1191 Tunica County or any municipality or district therein by any  
1192 general or local and private act of the Legislature.

1193 Section 30. If any provisions of this act shall be held to  
1194 be invalid by any court of competent jurisdiction, the remainder  
1195 of this act shall not be affected thereby.

1196 **SECTION 2.** This act shall take effect and be in force from  
1197 and after its passage.

