

By: Representative Paden

To: Local and Private
Legislation

HOUSE BILL NO. 1650

1 AN ACT TO AMEND CHAPTER 912, LOCAL AND PRIVATE LAWS OF 2013,
2 AS LAST AMENDED BY CHAPTER 926, LOCAL AND PRIVATE LAWS OF 2023,
3 WHICH ESTABLISHES THE COAHOMA COUNTY RESERVE AND TRUST FUND; TO
4 PROVIDE THAT UPON A MAJORITY VOTE OF THE TRUSTEES OF THE FUND, WHO
5 ARE THE BOARD OF SUPERVISORS OF COAHOMA COUNTY, MISSISSIPPI, SUCH
6 TRUSTEES MAY WITHDRAW A CERTAIN AMOUNT FROM THE CORPUS COMPONENT
7 OF THE TRUST TO MAKE REPAIRS TO THE COUNTY OWNED BUILDING KNOWN
8 AS THE "FEDERAL BUILDING"; TO PROVIDE THAT IF ANY PORTION OF THE
9 CORPUS COMPONENT IS WITHDRAWN, THEN ANNUAL DISBURSEMENTS OF THE
10 EARNINGS COMPONENTS SHALL NOT EXCEED 50% AND A MINIMUM OF 50%
11 SHALL BE RETAINED BY THE TRUSTEES OF THE FUND, AND REPAYED TO THE
12 CORPUS UNTIL SUCH TIME AS THE CORPUS COMPONENT EQUALS ITS FULL
13 AMOUNT BEFORE THE WITHDRAWAL; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Chapter 912, Local and Private Laws of 2013, as
16 amended by Chapter 909, Local and Private Laws of 2014, as amended
17 by Chapter 918, Local and Private Laws of 2019, as amended by
18 Chapter 926, Local and Private Laws of 2023, is amended as
19 follows:

20 Section 1. It is hereby determined and declared that for the
21 benefit of the people of Coahoma County, Mississippi, for the
22 continued improvement and maintenance of Coahoma County and for
23 providing for the fiscal security and sustained revenue for the



24 county and its citizens, that it is the purpose of this act to
25 establish an alternative method to make funds available to fulfill
26 these obligations and important and prudent purposes by
27 authorizing the creation, operation, administration and governance
28 of the Coahoma County Reserve and Trust Fund, through which the
29 ongoing needs of the county shall be met, ongoing improvements to
30 the county be made and the quality and welfare of all residents of
31 Coahoma County will be increased, all to the public benefit and
32 good, as more fully provided in this act. This act shall apply
33 only to the funds creating the Coahoma County Reserve and Trust
34 Fund as more fully provided in this act.

35 Section 2. As used in this act, unless a different meaning
36 clearly appears in the context, the following terms shall have the
37 following meaning:

38 (a) "County" means Coahoma County, Mississippi, acting
39 by and through its board of supervisors.

40 (b) "Clerk" means the clerk of the Board of Supervisors
41 of Coahoma County.

42 (c) "Governing authorities" means the Board of
43 Supervisors of Coahoma County.

44 (d) "Fund" means the Coahoma County Reserve and Trust
45 Fund established by this act for the deposit of all or part, in
46 amounts to be determined by the board of supervisors, of the lease
47 proceeds received by the county as a result of the lease of the
48 real and personal property related to the Northwest Mississippi



49 Regional Medical Center, located in Clarksdale, Coahoma County,
50 Mississippi.

51 (e) "Trustees" means the Coahoma County Board of
52 Supervisors acting in the position of trustees of the fund.

53 (f) "Income" means all capital gains, interest and
54 dividends derived from the investment of monies in the fund.

55 Section 3. The governing authorities are authorized to
56 establish the Coahoma County Reserve and Trust Fund. The
57 governing authorities are authorized to deposit into the fund all
58 or a portion of the proceeds received by the county as a result of
59 the lease of the real and personal property related to the
60 Northwest Mississippi Regional Medical Center, dated December 28,
61 1995, and any income from the investment of those funds.

62 Section 4. (1) There is established the Board of Trustees
63 of the Coahoma County Reserve and Trust Fund. The fund shall be
64 administered, managed, invested and governed by the board of
65 trustees.

66 (2) The governing authorities are authorized to delegate the
67 administration and management of the fund to the trustees and the
68 trustees are hereby authorized to manage and invest the fund as
69 provided in this act.

70 (3) The governing authorities are authorized to appoint
71 three (3) individuals to an advisory committee who shall possess
72 the level of knowledge and skill in investment strategies as
73 necessary, in the discretion of the governing authorities, to



74 provide ongoing advice to the board of trustees in the proper
75 management of the fund. The term of office of members of the
76 advisory committee shall be concurrent with the term of office of
77 the Board of Supervisors of Coahoma County.

78 (4) The board of trustees shall be the Board of Supervisors
79 of Coahoma County.

80 (5) The president and vice president of the board of
81 supervisors shall act in the same capacity on the board of
82 trustees.

83 (6) The board of trustees shall administer and manage the
84 fund, manage the principal and interest income of the fund and
85 establish a comprehensive investment plan for the purposes of this
86 act, with the assistance and advice of the advisory committee.
87 The comprehensive investment plan shall specify the policies to be
88 utilized by the board of trustees in its administration of the
89 fund. The board of trustees shall invest the fund in any of the
90 investments authorized for the Mississippi Prepaid Affordable
91 College Tuition Program under Section 37-155-9, Mississippi Code
92 of 1972, as it may be amended from time to time, and those
93 investments shall be subject to the limitations prescribed by
94 Section 37-155-9, except the fund shall be restricted from
95 investments in the covered call- and put-options allowed in
96 Section 37-155-9(v)(xi), or in the pooled or commingled real
97 estate funds or real estate securities as outlined in Section
98 37-155-9(v)(xiii).



99 (7) In furtherance of the powers granted in this section,
100 the board of trustees shall have such powers as necessary or
101 convenient to carry out the purposes and provisions of this act,
102 including, but not limited to, the following express powers:

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

108 (b) To administer the fund in a manner that is
109 sufficiently actuarially sound to meet the obligations of this
110 act;

111 (c) Subject to the terms, conditions, limitations and
112 restrictions specified in Section 37-155-9 and those set forth in
113 this section, the board of trustees shall have the power to sell,
114 assign, transfer and dispose of any of the securities and
115 investments of the fund, and shall have full authority to delegate
116 this authority to investment advisors, provided that any such
117 sale, assignment, transfer or delegation has the majority approval
118 of the entire board of trustees; and

119 (d) To annually prepare, or cause to be prepared, a
120 report setting forth in appropriate detail an accounting of the
121 fund and a description of the financial condition of the fund at
122 the close of each fiscal year. The report shall be submitted to
123 the governing authorities on or before July 1 of each year. In



124 addition, at all times, the governing authorities shall have the
125 right upon reasonable notice to review, inspect and/or audit fund
126 records and accounts maintained by the trustees.

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

129 (a) The fund shall be divided into two (2) components:

130 (i) The corpus component; and

131 (ii) The earnings component.

132 (b) The corpus component of the fund shall consist of
133 the funds deposited as set out in Section 3 of this act, and
134 additional subsequent deposits from the annual income earned from
135 the investment of the fund. Except as otherwise provided in this
136 act, the corpus shall be inviolate and maintained and used to
137 generate interest income and shall not be invaded or used by the
138 trustees.

139 (c) The earnings component shall be composed of a
140 percentage of the income earned on the corpus component of the
141 fund, and shall be available for distribution by the trustees as
142 described in this section.

143 (d) On or before July 1 of each year, the trustees
144 shall determine the portion of the earnings component of the trust
145 fund, and shall report to the governing authorities as set out in
146 Section 4 of this act. Trustees are specifically given the power
147 to expend from the earnings component or corpus component, if the
148 earnings component is insufficient, to pay the amounts required in



connection with the management by the trustees of the fund, including, but not limited to, payments for accounting fees, legal fees and investment advisor or fund-management fees. These expenditures shall be included in the full report as required in Section 4 of this act.

(e) An amount not to exceed one hundred percent (100%) of the earnings component shall be transferred from the fund to the general fund of the county at the direction of the board of supervisors and shall be available for appropriation and spending in the same manner as provided for the expending of earned interest in Section 3, Chapter 927, Local and Private Laws of 1999, as it may be amended from time to time. That portion of the earnings component not transferred to the county for such general purposes shall remain in the fund and be added to, and be considered a part of, the corpus component for the ensuing fiscal years.

Section 6. (1) In addition to the disbursements provided in Section 5 of this act, the board of supervisors, upon a majority vote, is authorized to withdraw monies from the corpus component of the trust:

(a) In an amount not to exceed five percent (5%) during each fiscal year;

(b) In any amount in the event a state emergency or local emergency has been declared under federal, state or local law;



174 (c) * * * In an amount not to exceed Four Million
175 Dollars (\$4,000,000.00) for purposes of paying for or financing
176 (both interim and long term) the costs of equipment, installation
177 of equipment, payment for costs of construction and improvements,
178 utility permits and inspections, fees and professional services
179 incurred in connection with the equipping of the building owned by
180 Coahoma County and generally known as the "Federal Building"
181 located in the City of Clarksdale, Coahoma County.

182 (2) In the event of withdrawal of any portion of the corpus
183 component by the county pursuant to subsection (1) of this
184 section, annual disbursements by the trustees of the earnings
185 components authorized in Section 5 of this act shall * * * not
186 exceed fifty percent (50%) and a minimum of fifty percent (50%)
187 shall be retained by the trustees and repaid to the corpus until
188 such time as the corpus component equals its full amount prior to
189 the withdrawal, at which time disbursement of earnings component
190 in accordance with Section 5 of this act may continue.

191 Section 7. In the event the monies in the trust account
192 equals a zero balance, the trust will thereupon be dissolved and
193 the act shall be repealed.

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

