

By: Senator(s) Browning

To: Local and Private

SENATE BILL NO. 3208

1 AN ACT TO AUTHORIZE THE CITY OF PONTOTOC, MISSISSIPPI, TO  
 2 ACQUIRE AN INDUSTRIAL ENTERPRISE AND REPAIR AND MAINTAIN SUCH  
 3 ENTERPRISE; TO AUTHORIZE THE CITY TO ACQUIRE RAW MATERIALS TO BE  
 4 USED BY SUCH ENTERPRISE; TO AUTHORIZE THE CITY TO PROVIDE WORKING  
 5 CAPITAL FOR SUCH ENTERPRISE; TO AUTHORIZE THE CITY TO LEASE, SELL  
 6 OR OTHERWISE DISPOSE OF THE ENTERPRISE; TO AUTHORIZE THE CITY TO  
 7 ISSUE GENERAL OBLIGATION INDUSTRIAL BONDS IN THE AMOUNT OF  
 8 \$6,000,000.00 TO CARRY OUT THE PURPOSES OF THIS ACT; TO AUTHORIZE  
 9 PONTOTOC COUNTY AND THE CITY TO ENTER INTO CONTRACTS AND  
 10 AGREEMENTS BY WHICH EACH MAY CONTRIBUTE TAX REVENUES OR OTHER  
 11 FUNDS NOT OTHERWISE OBLIGATED TOWARD THE PAYMENT OF THE BONDS  
 12 ISSUED UNDER THIS ACT; AND FOR RELATED PURPOSES.

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

14 SECTION 1. The City of Pontotoc, Mississippi (the "city"),  
 15 acting by and through its Mayor and Board of Aldermen (the  
 16 "governing body"), is hereby authorized and empowered to  
 17 accomplish the following project (the "project"): the acquisition  
 18 of an industrial enterprise, comprised of land and a building or  
 19 buildings thereon and equipment and machinery for warehousing,  
 20 storing, distributing, manufacturing or processing goods or  
 21 industrial products; the repair and maintenance of the industrial  
 22 enterprise; the acquisition of raw materials to be used by the  
 23 enterprise; and the provision of working capital for the  
 24 enterprise. The city is further authorized to issue its general  
 25 obligation industrial bonds for the project, and to lease or sell  
 26 the project. Such enterprise may be acquired by the city on such  
 27 terms and conditions and for such consideration as the governing  
 28 body may determine is in the public interest without the necessity  
 29 for appraisal, advertisement or bidding, notwithstanding any other  
 30 statute or rule of law. The city may pay from the proceeds of the  
 31 bonds or otherwise all costs of the project, including, but not

32 limited to, expenses, premiums, fees and commissions that it may  
33 deem necessary or advantageous in connection with the issuance and  
34 sale of bonds thereof. Capitalized interest for a period ending  
35 six (6) months after the projected completion of the project may  
36 be deemed to be a cost of the project.

37 SECTION 2. The governing body is hereby authorized to lease,  
38 sell or otherwise dispose of the project acquired under the  
39 provisions of Section 1 of this act on such terms and conditions  
40 and with such safeguards as will best promote employment and  
41 promote and protect the public interest; and the governing body is  
42 authorized to transfer title or possession to such project by  
43 warranty deed, lease, lease/purchase, bill of sale, contract or  
44 other customary business instrument in the same manner and to the  
45 same extent that any private corporation, association or person  
46 may now contract with reference to property of a similar nature  
47 without the necessity for appraisal, advertising or bidding,  
48 notwithstanding any other statute or rule of law. All income  
49 derived from the sale or lease of the project authorized hereunder  
50 may be applied to the retirement of bonds issued pursuant to this  
51 act or deposited into the general fund of the city to be used for  
52 any lawful purpose.

53 SECTION 3. The general obligation industrial bonds of the  
54 city issued for the purpose set forth in Section 1 of this act  
55 shall not exceed an aggregate principal amount of Six Million  
56 Dollars (\$6,000,000.00) and shall be payable over a term not to  
57 exceed twenty-five (25) years.

58 SECTION 4. All bonds issued, as hereinabove provided, shall  
59 not be subject to any debt limitation, notwithstanding any other  
60 statute or rule of law. Such bonds shall be issued and the  
61 proceeds managed in accordance with the terms and provisions of  
62 Sections 21-33-307, 21-33-309, 21-33-311, 21-33-313, 21-33-315  
63 (other than the provisions pertaining to required bond maturities,  
64 which shall not apply to bonds issued pursuant to this act),

65 21-33-317, 21-33-319, 21-33-321 and 21-33-323, Mississippi Code of  
66 1972.

67 SECTION 5. The bonds issued, as hereinabove provided, may be  
68 sold at public or private sale. If sold privately, such sale  
69 shall be on such terms and in such manner as the governing body  
70 shall determine. If sold publicly, such sale shall be conducted  
71 in accordance with the provisions of Section 31-19-25, Mississippi  
72 Code of 1972.

73 SECTION 6. The city or its designee is hereby authorized to  
74 negotiate contracts for the acquisition and construction of all or  
75 any part of the project if the governing body makes a finding  
76 that, because of the particular nature of the project and each of  
77 its components, it would be in the best public interest of the  
78 city to negotiate the acquisition and construction of all or any  
79 part of the project and such finding is placed in the minutes of  
80 the governing body.

81 SECTION 7. This act, without reference to any other statute  
82 not referred to herein, shall be deemed to be full and complete  
83 authority for the acquisition and/or construction of the project,  
84 the borrowing of money and the issuing of bonds, and shall be  
85 construed as an additional and alternate method therefor.

86 SECTION 8. Any bonds issued under the provisions of this act  
87 shall be validated in the manner provided by law.

88 SECTION 9. (1) Any bonds issued under this act and the  
89 income from such bonds shall be exempt from all State of  
90 Mississippi taxation, except inheritance and gift taxes.

91 (2) Any bonds issued under this act shall be legal  
92 investments for commercial banks, savings and loan associations  
93 and insurance companies organized under the laws of this state.

94 SECTION 10. The governing body is further authorized and  
95 empowered to adopt any and all lawful resolutions, orders and/or  
96 ordinances; to agree to any covenants regarding the project; to  
97 execute necessary documents, contracts, leases, certificates and

98 indentures; and to do and perform any and all acts and things  
99 necessary and requisite to carry out the purposes of this act.

100 SECTION 11. Pontotoc County and the city are hereby  
101 authorized to enter into contracts and agreements by which each  
102 may contribute tax revenues or other funds, not otherwise  
103 obligated by law or contract to another specific purpose, toward  
104 the payment of the bonds issued pursuant to this act.

105 SECTION 12. This act shall take effect and be in force from  
106 and after its passage.