MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Representatives Mayo, Espy, Burnett

To: Local and Private Legislation

HOUSE BILL NO. 1789

AN ACT TO AMEND CHAPTER 862, LOCAL AND PRIVATE LAWS OF 1981, AS AMENDED BY CHAPTER 860, LOCAL AND PRIVATE LAWS OF 1983, AND BY CHAPTER 17, LOCAL AND PRIVATE LAWS OF FIRST EXTRAORDINARY SESSION OF 1988, TO AMEND THE TERMS OF DIRECTORS APPOINTED AT LARGE AND TO CLARIFY THE AUTHORITY OF THE INDUSTRIAL AREA DEVELOPMENT AUTHORITY OF COAHOMA COUNTY TO ENCOURAGE AND ESTABLISH INDUSTRIAL AND OTHER ECONOMIC DEVELOPMENT PROJECTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 862, Local and Private Laws of 1981, as amended by Chapter 860, Local and Private Laws of 1983, as amended by Chapter 17, Local and Private Laws of First Extraordinary Session of 1988, is amended as follows:

Section 1. When the Board of Supervisors of Coahoma County shall find and determine that the public convenience and necessity requires the same, as evidenced by a resolution duly adopted and entered on the official minutes of such board, it shall establish an industrial development authority, to be known as the Industrial Development Authority of Coahoma County, hereinafter "authority." The authority shall be composed of seven (7) resident citizens of such county, one (1) appointed by each member of the board of supervisors from his or her district, who shall be qualified electors therein, and two (2) appointed by a majority vote of the board of supervisors from the county at large. The initial members appointed from each supervisors district shall serve terms as follows: one (1) member shall be appointed for a term of one (1) year; one (1) shall be appointed for a term of two (2) years; one (1) shall be appointed for a term of three (3) years; one (1) shall be appointed for a term of four (4) years and one (1) shall be appointed for a term of five (5) years and thereafter, such

members shall serve terms of five (5) years. The members appointed from the county at large shall serve terms of five (5) years after the initial appointment.

Section 2. Before entering upon the duties of office, each member of such authority, shall take and subscribe the oath of office required by Section 268, Mississippi Constitution of 1890, and shall give bond in the sum of Five Thousand Dollars ($5,000.00), conditioned upon the faithful performance of his duties, such bond to be made payable to Coahoma County and to be approved by the board of supervisors of such county. The members of such authority shall meet at the regular meeting place of the Board of Supervisors of Coahoma County within five (5) days after the members are initially appointed and shall elect from among their number a president, vice president and secretary-treasurer of the authority and shall adopt a seal and such bylaws, rules and regulations as may be necessary to govern the time, place and manner for holding subsequent meetings of the authority and for conduct of its business, not inconsistent with the provisions of this act. The members of such authority shall serve without salary or compensation, provided, however, that their actual expenses incurred in the performance of their duties may be reimbursed, including mileage as authorized by Section 25-3-41, Mississippi Code of 1972.

Section 3. (1) The Industrial Development Authority of Coahoma County is hereby expressly authorized and empowered to acquire by gift, purchase or otherwise, and to own, lease, hold, maintain, control and develop real estate situated within such county, either within or without the corporate limits of a municipality, for development, use and operation as one or more industrial park complexes or economic development projects, whether such complexes or projects are inside or outside industrial parks, referred to herein as "projects," and is further authorized and empowered to engage in works of internal

improvement therefor, including, but not limited to, construction or contracting for the construction of streets, roads, railroads, site improvements, water, sewerage, drainage, pollution and other related facilities necessary or required for industrial use and development of such park complexes or economic development projects, whether such complexes or projects are inside or outside industrial parks, and to acquire, purchase, install, lease, construct, own, hold, equip, control, maintain, use, operate and repair other structures and facilities necessary and convenient for the planning, development, use, operation and maintenance of projects for industrial or economic development purposes, including, but not limited to, utility installations, elevators, compressors, air, rail and other transportation terminals, pollution control facilities, warehouses, buildings and any other structures built for the purpose of attracting prospective industrial or economic development or projects.

(2) The authority is expressly authorized and empowered to borrow money and issue negotiable promissory notes evidencing the same under the provisions of Sections 4 through 10 of this act; and in addition to or in lieu of the pledges authorized in Section 10 of this act, the authority may secure such notes by the execution of a deed of trust upon any real estate belonging to such authority not otherwise encumbered.

(3) The authority is authorized and empowered to sell, lease, trade, exchange or otherwise dispose of industrial sites situated within such industrial park complexes or project areas to individuals, firms or corporations, public or private, for all types of industrial, commercial, agricultural and other economic development uses upon such terms and conditions, for such consideration and with such safeguards as will best promote and protect the public interest, convenience and necessity, and to execute deeds, leases, contracts, easements and other legal instruments necessary or convenient therefor.

(4) The authority is authorized and empowered to fix and prescribe fees, charges and rates for the use of any water, sewerage, pollution or other facilities constructed, owned and operated by the authority in connection with such industrial park or projects and to collect the same from persons, firms and corporations using the same for industrial, commercial or agricultural purposes, except as to rates and charges against common carriers regulated by an agency of the federal government or the Mississippi Public Service Commission.

(5) The authority is authorized and empowered to employ engineers, attorneys, accountants, consultants and such personnel as may be reasonably necessary to carry out the duties and authority authorized by this act.

(6) The enumeration of any specific rights and powers contained herein, and elsewhere in this act, where followed by general powers, shall not be construed in a restrictive sense, but rather in as broad and comprehensive a sense as possible to effectuate the purposes of this act.

(7) Any * * * lease may be executed upon such terms and conditions and for such monetary rental or other consideration as may be found adequate and approved by the authority in orders or resolutions authorizing the same. Any covenants and obligations of the lessee or sublessee to make expenditures in determined amounts, and within such time or times, for improvements to be erected on the land by such lessee or sublessee and to conduct thereon * * * operations in such aggregate payroll amounts and for such period of time or times as may be determined and defined in such lease, and to give preference in employment where practicable to qualified residents of the county in which any such industrial park or project is situated, shall, if included in such lease, constitute and be deemed sufficient consideration for the execution of any such lease in the absence of a monetary rental or other consideration; any such instrument may contain reasonable

provisions giving the lessee the right to remove its or his improvements upon termination of the lease.

(8) If no bonds are issued under the authority of Sections 4 through 10 of this act, the board of supervisors upon request of the industrial development authority is authorized to issue bonds, the principal of and interest on which shall be payable solely out of the revenue derived from the sale, operation and leasing of the industrial park or project and its facilities. The terms, conditions, forms and laws applicable to such bonds shall be as provided in Sections 57-3-19 through 57-3-23, Mississippi Code of 1972.

Section 4. For the purpose of providing funds to defray the expense of acquiring land and the expense of improving the same, as provided by this act, the Board of Supervisors of Coahoma County is hereby authorized to issue the negotiable bonds of such county.

Section 5. The aggregate amount of all bonds authorized to be issued under the provisions of this act shall not exceed the principal amount of Five Million Dollars ($5,000,000.00).

Section 6. All bonds issued under the authority of Section 4 of this act shall bear interest at such rate or rates not exceeding the rate of interest authorized to be paid by counties, shall be in such denomination or denominations, shall be payable, both principal and interest, at such place or places, all as the Board of Supervisors of Coahoma County shall determine. All such bonds shall be sold in the manner now provided by law for the sale of bonds subject to the restrictions, limitations, requirements or conditions applicable to the borrowing of such money and the issuance of such bonds which are provided by law and shall be sold for not less than par value and shall mature not more than twenty (20) years from date, with or without the right of redemption, with or without premium, all as shall be determined by the board. No less than one-fiftieth (1/50) of the total issue shall mature

during each year during the first five (5) years of the life of such bonds, and not less than one-twenty-fifth (1/25) of the total issue shall mature each year during the succeeding period of ten (10) years of the life of such bonds, and the remainder shall be divided into approximately equal annual payments, with payment to be made each year for the remaining life of such bonds. Such bonds shall be executed on behalf of Coahoma County in the manner provided by law for general obligation bonds of counties. The interest to accrue on such bonds on and prior to the respective maturity dates thereof shall be represented by interest coupons to be attached to such bonds which shall be payable semiannually, and which coupons shall be executed by the facsimile signatures of the appropriate officers of Coahoma County.

No bond shall bear more than one (1) rate of interest; each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; all bonds of the same maturity shall bear the same rate of interest from date to maturity; all interest accruing on such bonds so issued shall be payable semiannually or annually, except that the first interest coupon attached to any such bond may be for any period not exceeding one (l) year.

No interest payment shall be evidenced by more than one (l) coupon and neither cancelled nor supplemental coupons shall be permitted; the lowest interest rate specified for any bonds issued shall not be less than seventy percent (70%) of the highest interest rate specified for the same bond issue.

Each interest rate specified in any bid must be in multiples of one-eighth of one percent (l/8 of l%) or in multiples of one-tenth of one percent (l/l0 of l%). Such bonds may be issued and sold in one or more series.

Section 7. Before issuing any bonds under the provisions of Sections 4 and 5 of this act, the Board of Supervisors of Coahoma County shall, by resolution spread upon its minutes, declare its

intention to issue such bonds for the purposes authorized by this act, and shall state in such resolution the amount of bonds proposed to be issued, and shall likewise fix in such resolution the date upon which such county proposes to direct the issuance of such bonds. Notice of such intention shall be published once a week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in Coahoma County, Mississippi, with the first publication of such notice to be made not less than twenty-one (21) days prior to the date fixed in the resolution declaring the intent to issue such bonds, and the last publication to be made not more than seven (7) days prior to such date. If, on or before the date specified in the resolution, ten percent (10%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county proposing to issue such bonds shall file a written protest against the issuance thereof, then an election upon the issuance thereof shall be called and held as hereby provided. If no such protest shall be filed, then the county may issue such bonds without an election on the question of the issuance thereof at any time within a period of two (2) years after the date specified in the resolution. If an election is required by the protest of the appropriate number of qualified electors of the county, then an election shall be held by such county under applicable laws. Provided, however, that nothing in this act shall prevent such county from calling an election, whether required by ten percent (10%) or fifteen hundred (1500), whichever is less, of the qualified electors or not, in which event it shall not be necessary to publish the resolution of intent above described.

Section 8. At such election, all qualified electors of the county may vote and the ballots used in such election shall have printed thereon a brief statement of the amount and purposes of the proposed bond issue and the words "FOR THE BOND ISSUE" and the words "AGAINST THE BOND ISSUE," and the voters shall vote by

placing a cross (X) or check (V) opposite their choice on the proposition.

Section 9. When the results of any such election shall have been canvassed by the election commission of the county, and certified, the board of supervisors may issue the bonds if a majority of the qualified electors who vote in such an election vote in favor of the issuance of such bonds. If such bond issue shall be approved the county may issue such bonds within two (2) years from the date of such election, or within two (2) years after final favorable determination of any litigation affecting the issuance of such bonds at such time or times and in such amount or amounts, not exceeding that specified in the notice of the election, as shall be deemed proper by the county.

Section 10. The full faith, credit and resources of Coahoma County shall be irrevocably pledged for the repayment of bonds issued pursuant to Sections 4 through 10 of this act and the interest thereon. It shall be the duty of the county annually to levy and collect a special tax upon all of the taxable property within such county, which shall be sufficient to provide for the payment of the principal and interest on the respective bonds issued, according to the terms thereof; provided, however, of any income derived by the county from the sale or lease of the property authorized to be acquired under this act, eighty percent (80%) shall be used for the retirement of the bonds authorized to be sold under the foregoing sections of this act, and twenty percent (20%) may be used for further development of such industrial park <u>or project</u> and other related <u>economic</u> development activities.

Section 11. The bonds issued hereunder shall be exempt from taxation as provided in Section 57-1-39, Mississippi Code of 1972, and their inclusion in any statutory debt limitation shall be governed by the laws applicable to the issuance of bonds as

authorized and provided by Section 19-9-5, Mississippi Code of 1972.

Section 12. All bonds issued under the provisions of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

Section 13. The carrying out of the corporate purposes of the authority is in all respects for the benefit of the people of Coahoma County and is a public purpose, and the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this act, hence, any property owned or held by the authority under the provisions of this act shall be exempt from all taxation in the State of Mississippi.

Section 14. In addition to rights, duties and powers now or hereafter conferred upon Coahoma County, the Board of Supervisors of Coahoma County, at the request of the authority, is authorized and empowered, in its discretion, to levy an ad valorem tax, not to exceed two (2) mills on the dollar of assessed valuation of the taxable property of such county, to provide for the operation and general support of the authority. Any funds generated by said tax levy over and above the amount necessary to cover the administrative and operational costs of the authority shall be accumulated and deposited in an "industrial development authority fund." This fund may be accumulated from year to year and the balance of such fund may be utilized by the board of supervisors for any economic and industrial purpose in support of the authority including, but not limited to, the purchase and improvement of land for industrial development <u>or other economic development project</u>, the installation and construction of

utilities, roads and other improvements thereon, whether such land is owned by the authority, the county or an economic development district and the retirement of any indebtedness of the authority incidental to an economic or industrial purpose.

The tax authorized in this section shall be within any statutory limitation established for county millage under Article 3, Chapter 39, Title 27, Mississippi Code of 1972, and shall not be reimbursed under any provision of the Homestead Exemption Laws of this state.

Section 15. The authority, in addition to the moneys which may be received by it from the sale of bonds and from the collection of revenues, rents and earnings derived under the provisions of this act, shall have the authority to accept from any public or private agency, or from any individual, grants for or in aid of the construction of any project, or for the payment of bonds, and to receive and accept contributions from any source, of money or property or other things of value to be held, used and applied only for the purposes for which such grants or contributions may be made.

The authority is authorized and empowered, upon approval by the county board of supervisors, to contribute to the county port commission any funds of the authority, except for bond proceeds and ad valorem taxes levied and collected for the payment of principal of and interest on bonds.

Section 16. This act shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this act shall not be deemed to repeal or to be in derogation of any existing law of this state whereunder projects of the character herein defined may be constructed or financed.

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