ORDER: APPROVE REQUEST TO AMEND LOCAL AND PRIVATE LEGISLATION GOVERNING THE LAFAYETTE COUNTY RESERVE AND TRUST FUND

Motion was made by Larry Gillespie, duly seconded by Chad McLarty, to approve request to amend Local and Private Legislation governing the Lafayette County Reserve and Trust Fund.

The vote on the motion was as follows:

Supervisor Brent Larson, absent Supervisor Larry Gillespie, voted yes Supervisor David Rikard, voted yes Supervisor Chad McLarty, voted yes Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 1st day of February, 2021.

Mike Roberts, President Board of Supervisors Sherry Wall, Chancery Clerk

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2014

By: Senator(s) Tollison

To: Local and Private

SENATE BILL NO. 2992

1 2 3 4 5 6	AN ACT TO AMEND CHAPTER 953, LOCAL AND PRIVATE LAWS OF 2012, AS AMENDED BY CHAPTER 936, LOCAL AND PRIVATE LAWS OF 2013, TO AUTHORIZE THE BOARD OF TRUSTEES OF THE LAFAYETTE COUNTY RESERVE AND TRUST FUND TO INVEST THE FUND IN ANY OF THE INVESTMENTS AUTHORIZED FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND FOR RELATED PURPOSES.								
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:								
8	SECTION 1. Chapter 953, Local and Private Laws of 2012, as								
9	amended by Chapter 936, Local and Private Laws of 2013, is amended								
10	as follows:								
11	Section 1. It is hereby determined and declared that for the								
12	benefit of the people of Lafayette County, Mississippi, and the								
13	continued improvement and maintenance of Lafayette County, and for								
14	providing for the fiscal security and sustained revenue for the								
15	county and its citizens, that it is the purpose of this act to								
16	establish an alternative method to make funds available to fulfill								
17	these obligations and important and prudent purposes by								
18	authorizing the creation, operation, administration and governance								
19	of the Lafayette County Reserve and Trust Fund, through which the								
20	ongoing needs of the county shall be met and ongoing improvements								
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- 21 to the county be made and through which the quality and welfare of
- 22 all residents of Lafayette County will be increased, all to the
- 23 public benefit and good, as more fully provided herein. This act
- 24 shall apply only to the funds creating the Lafayette County
- 25 Reserve and Trust Fund as more fully provided herein.
- Section 2. As used in this act, unless a different meaning
- 27 clearly appears in the context, the following terms shall have the
- 28 following meaning:
- 29 (a) "Board of supervisors" means the Board of
- 30 Supervisors of Lafayette County, Mississippi.
- 31 (b) "County" means Lafayette County, Mississippi,
- 32 acting by and through its board of supervisors.
- 33 (c) "Clerk" means the clerk of the board of
- 34 supervisors.
- 35 (d) "Fund" means the Lafayette County Reserve and Trust
- 36 Fund established under this act for the deposit of the sales
- 37 proceeds received by the county as a result of the termination of
- 38 lease and for the sale of the real and personal property related
- 39 to the existing Baptist Memorial Hospital-North Mississippi
- 40 facilities.
- 41 (e) "Income" means all interest, dividends and capital
- 42 gains derived from the investment of monies in the fund.
- 43 Section 3. The board of supervisors is authorized to
- 44 establish the Lafayette County Reserve and Trust Fund. The board
- 45 of supervisors is authorized to fund and deposit into the fund all

- 46 or a portion of the proceeds received by the county as a result of
- 47 the termination of the lease and for the sale of the real and
- 48 personal property related to the Baptist Memorial Hospital-North
- 49 Mississippi facilities located on Lamar Avenue in the City of
- 50 Oxford, Mississippi, and any income from the investment of those
- 51 funds.
- 52 Section 4. (1) There is established the Board of Trustees
- 53 of the Lafayette County Reserve and Trust Fund. The fund shall be
- 54 administered, managed, invested and governed by the board of
- 55 trustees.
- 56 (2) The board of trustees shall be the Board of Supervisors
- 57 of Lafayette County.
- 58 (3) The board of supervisors is authorized, but not
- 59 required, to appoint three (3) individuals to an advisory
- 60 committee who shall possess the level of knowledge and skill in
- 61 investment strategies as necessary, in the discretion of the board
- 62 of supervisors, to provide advice to the board of trustees in the
- 63 proper management of the fund.
- 64 (4) The term of office for members of the advisory
- 65 committee, if appointed, shall run concurrently with the term of
- 66 office of the board of supervisors.
- 67 (5) The president of the board of supervisors shall be
- 68 chairman of the board of trustees and the vice president of the
- 69 board of supervisors shall be the vice chairman of the board of
- 70 trustees.

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- 71 (6) The board of trustees shall conduct one (1) annual
- 72 meeting at the call of the chairman. It is anticipated that the
- 73 board of trustees shall conduct at least three (3) other meetings
- 74 each calendar year. The board of trustees shall hold such special
- 75 meetings at such time and place as may be called by the chairman.
- 76 All meetings of the board of trustees shall be open to the public
- 77 in accordance with Section * * * 25-41-5(1), Mississippi Code of
- 78 1972, except as provided by Section 25-41-7, Mississippi Code of
- 79 1972, as interpreted by the courts and Attorney General of the
- 80 \nearrow State of Mississippi. Notice of each meeting shall be given in
- 81 accordance with Section 25-41-13, Mississippi Code of 1972, and
- 82 notice of each meeting shall be provided to each trustee. A
- 83 quorum shall be necessary to conduct business. Any trustee may
- 84 attend any meeting via electronic means provided that such
- 85 attendance complies with all applicable laws.
- 86 (7) The Lafayette County Reserve and Trust Fund shall be
- 87 considered a "political subdivision" as defined in Section
- 88 11-46-1, Mississippi Code of 1972, and the fund, its board of
- 89 trustees and its employees, including officers, servants, trustees
- 90 and any other individual who or entity which serves as an
- 91 "employee" as that term is defined in Section 11-46-1, Mississippi
- 92 Code of 1972, shall be entitled to rights, immunities and
- 93 obligations provided by Section 11-46-1 et seq.
- 94 (8) The trustees shall administer and manage the fund and
- 95 manage the principal and income of the fund, and establish a

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96	comprehensive investment plan for the purposes of this act. The
97	comprehensive investment plan shall specify the policies to be
98	utilized by the board of trustees in its administration of the
99	fund. The board of trustees shall invest the fund in enventable with
100	the Mississippi Uniform Frydent Investor Act under Section
101	System weser section 25-13-120-60, Mississippi Code of 1972
102	(9) In furtherance of the powers granted under subsection
103	(8) of this section, the board of trustees shall have such powers
104	as necessary or convenient to carry out the purposes and
105	provisions of this act, including, but not limited to, the
106	following express powers:
107	(a) To contract for necessary goods and services, to
108	employ necessary personnel, and to engage the services of
109	investment advisors and consultants for fund management,
110	administrative and technical assistance in carrying out its duties
111	and responsibilities in administering the fund;
112	(b) To administer the fund in a manner that is
113	sufficiently actuarially sound to meet the obligations of this
114	act;
115	(c) Subject to the terms, conditions, limitations and
116	restrictions specified in Section * * * 25-11-121-12 and eq.
117	subsection (8) of this section, the board of trustees shall have
118	power to sell, assign, transfer and dispose of any of the
119	securities and investments of the fund and shall have the
120	authority to delegate this authority to investment advisors,

121	nrowided	that	antr	such	ടമിക.	assignment,	transfer	or	delegation
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- 122 has the majority approval of the entire board of trustees; and
- 123 (d) To annually prepare, or cause to be prepared, a
- 124 report setting forth in appropriate detail an accounting of the
- 125 fund and a description of the financial condition of the fund at
- 126 the close of each fiscal year. The report shall be submitted on
- 127 or before July 1 of each fiscal year.
- 128 Section 5. The fund shall be invested and disbursed as
- 129 follows:
- 130 (a) The fund shall be divided into two (2) components:
- 131 (i) the corpus component, and (ii) the earnings component,
- 132 (b) The corpus component of the fund shall consist of
- 133 the initial deposit as described above, and additional subsequent
- 134 deposits from the annual income earned from the investment of the
- 135 fund. Except as otherwise provided in this act, the corpus shall
- 136 be inviolate and maintained and used to generate income and shall
- 137 not be invaded or used by the trustees.
- 138 (c) The earnings component shall be defined and
- 139 available for distribution by the trustees as described in this
- 140 subsection.
- 141 (d) Every fiscal year after the fund is established,
- 142 the earnings component shall be considered an amount equal to
- 143 three percent (3%) of the amount of the full fund balance,
- 144 calculated at the end of each fiscal year, whether or not the
- 145 corpus component has generated any income in that fiscal year.

- 146 All remaining portions of the annual income earned from the 147 investment of the fund shall remain in the fund as a part of the
- 148 corpus component.
- 149 (e) On or before July 1 of each year, the trustees
- 150 shall determine the portion of the earnings component of the fund
- 151 and shall report to the board of supervisors as provided for in
- 152 Section 4 of this act. Trustees are specifically given the power
- 153 to expend from the earnings component amounts required in
- 154 connection with the management by the trustees of the fund,
- 155 including, but not limited to, payments for accounting fees, legal
- 156 fees and investment advisor or fund-management fees. The board of
- 157 trustees is specifically given the power to expend from the corpus
- 158 component amounts required to pay the amounts required in
- 159 connection with the management by the trustees of the fund if the
- 160 earnings component is insufficient to pay the amounts required in
- 161 connection with the management by the trustees of the fund. These
- 162 expenditures shall be included in the full report as required in
- 163 Section 4 of this act.
- 164 (f) Funds comprising the earnings component may be
- 165 transferred from the fund to the general fund of the county upon a
- 166 vote of the board of supervisors at the direction of the clerk and
- 167 shall be available for appropriation and spending on designated
- 168 "special" projects or purposes, as determined by the board of
- 169 supervisors; however, there shall be no distribution of the
- 170 earnings component if the full fund balance falls below an amount

- 171 equal to the initial deposit to the fund. That portion of the
- 172 earnings component not transferred to the county for such general
- 173 purposes, if any, shall remain in the fund and be added to, and be
- 174 considered a part of, the corpus component for the ensuing fiscal
- 175 years.
- 176 Section 6. (1) In addition to the disbursements provided in
- 177 Section 5 of this act, the board of supervisors, upon a majority
- 178 vote, is authorized to withdraw monies from the corpus component
- 179 of the trust:
- 180 (a) In an amount not to exceed five percent (5%) during
- 181 each fiscal year;
- 182 (b) In any amount in the event a state emergency or
- 183 local emergency has been declared under federal, state or local
- 184 law.
- 185 (2) In the event of withdrawal of any portion of the corpus
- 186 component by the county pursuant to subsection (1)(a) or (b) of
- 187 this section, annual disbursements by the trustees of the earnings
- 188 components authorized in Section 5 of this act shall cease and all
- 189 income shall be retained by the trustees and repaid to the corpus
- 190 until such time as the corpus component equals its full
- 191 pre-withdrawal amount, at which time, disbursement of earning
- 192 components in accordance with Section 5 of this act may continue.
- 193 Section 7. In the event the monies in the trust account
- 194 equals a zero balance, the trust will thereupon be dissolved and
- 195 this act will be repealed.

196 **SECTION 2.** This act shall take effect and be in force from 197 and after its passage.

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ST: Lafayette County Reserve and Trust Fund; authorize fund to be invested in any investments authorized for PERS.