

TITLE 6: ECONOMIC DEVELOPMENT

PART 401: PEARL RIVER BASIN DEVELOPMENT DISTRICT

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REGULATIONS
OF THE
PEARL RIVER BASIN DEVELOPMENT DISTRICT

TITLE 6: ECONOMIC DEVELOPMENT

PART 401: PEARL RIVER BASIN DEVELOPMENT DISTRICT

PART 401 CHAPTER 1: REGULATIONS

RULE 1.1 PURPOSE.

The Pearl River Basin Development District is an agency of the State of Mississippi and a body politic and corporate established pursuant to Sections 51-11-1 et seq. of the Mississippi Code of 1972, as amended. The purpose of The Pearl River Basin Development District as set out in Chapter 11 of Title 51, includes the preservation, conservation, storage, and regulation of the waters of the Pearl River and its tributaries and their overflow waters for domestic, commercial, municipal, industrial, agricultural, and manufacturing purposes, for recreational uses, for flood control, timber development, irrigation, navigation, and pollution abatement, and for the preservation, conservation, and development of the soil of the Pearl River Basin for the general welfare of the entire people of the state.

Source: Miss. Code Ann. § 51-11-1

RULE 1.2 DEFINITIONS.

For purposes of these regulations, the following words and terms shall have the meaning ascribed herein, to wit:

- (a) "Section" or "Sections" unless otherwise noted, shall refer to the Mississippi Code of 1972, as amended.
- (b) "District" shall mean the Pearl River Basin Development District.
- (c) "Board" shall mean the Board of Directors of the Pearl River Basin Development District.

Source: Miss. Code Ann. § 51-11-1, et seq.

RULE 1.3 BYLAWS OF THE PEARL RIVER BASIN DEVELOPMENT DISTRICT, AN AGENCY OF THE STATE OF MISSISSIPPI AND A BODY POLITIC AND CORPORATE, CREATED UNDER HOUSE BILL NO. 507, LAWS OF MISSISSIPPI, REGULAR SESSION 1964, AS AMENDED.

ARTICLE I.

Section 1.NAME. The name of this body politic and corporate shall be The Pearl River Basin Development District.

Section 2.OFFICE. The principal office of the District shall be located at such place as the Board of Directors from time to time determine.

ARTICLE II.

Section 1.POWERS OF THE DISTRICT. The powers of the District shall be as set forth in Title 51, Chapter 11, Mississippi Code of 1972, as now or hereafter amended.

Section 2.POWERS VESTED IN BOARD OF DIRECTORS. All powers conferred by Title 51, Chapter 11, Mississippi Code of 1972, as now amended, are vested in the Board of Directors of the Pearl River Basin Development District and shall be exercised by authority of said Board of Directors.

ARTICLE III.

Section 1.BOARD OF DIRECTORS. The Board of Directors of the District shall be selected and composed as set forth in Title 51, Chapter 11, Mississippi Code of 1972, as amended.

Section 2.OATH OF OFFICE. Each director shall take and subscribe to the general oath of office required by Section 268 of the Constitution of the State of Mississippi, before a chancery clerk, that he will faithfully discharge the duties of the office, which oath shall be filed with the said clerk and by him preserved. Upon taking the oath, each Director should request the clerk to mail a copy of the oath to the District office.

Section 3.PER DIEM AND EXPENSES. Each director shall receive a per diem as authorized by applicable state law for attending each day's meeting of the Board and for each day spent attending to the necessary business of the District, and, in addition, he shall receive reimbursement for actual expenses, including travel expenses, not to exceed the amount authorized by law.

Section 4.BONDS OF DIRECTORS. Each director shall give bond in the sum of Ten Thousand and No/100 Dollars (\$10,000.00), with sureties qualified to do business in this state, payable to the State of Mississippi and conditioned that the director will faithfully perform all duties of his office and account for all money or other assets which shall come into his custody as director of the District. The Treasurer and Assistant Treasurer of the District, in lieu of the aforesaid bond, shall give bond in the sum of Fifty Thousand and No/100 Dollars (\$50,000.00), with sureties qualified to do business in this state, payable to the State of Mississippi and conditioned that the Treasurer and Assistant Treasurer will faithfully perform all duties of the office of the Treasurer and account for all money or other assets which shall come into the custody of the office of Treasurer of the District. The premiums on the aforesaid bonds shall be an expense of and shall be paid by the District.

ARTICLE IV.

Section 1.OFFICERS. The Board of Directors shall annually elect from its number a President, a Vice-President, a Secretary and a Treasurer of the District, and such other officers as, in the judgment of the Board, are necessary. The Board may combine the offices of Secretary and Treasurer. The presiding officer of the Board may appoint one or more Assistant Secretaries and Assistant Treasurers, as deemed necessary.

Section 2.ELECTION OF OFFICERS.

(a) Prior to the date for election of officers, members of the Board will be circulated nomination ballots. Prior to the Board meeting at which election of officers shall be held, these ballots shall be tabulated by the Secretary to the Board, the Assistant Secretary and the Comptroller in the presence of the Auditor and Legal Counsel. The names of the two Directors receiving the highest point totals for nominations will be placed on the blackboard in alphabetical order. (In case of a tie, three names will be listed). In the event one or both of the nominees declines to run for an office, the Director or Directors with the next highest point total will be designated a nominee or nominees. Additional nominations may be made from the floor.

(b) Each Director should write the name of one nominee on the line provided on the ballot for the particular office and sign the ballot. Ballots that are not signed will not be counted. If there are more than two nominees, a runoff between the two top nominees will be necessary unless one nominee receives a majority on the first ballot. The ballots will be counted by the Secretary to the Board, the Assistant Secretary and the Comptroller in the presence of the Auditor and Legal Counsel.

(c) The winner for each office will be announced by the presiding officer. The votes of each Director will be recorded in the Minutes of the meeting, in accordance with the Open Meetings Law.

Section 3.PRESIDENT. The President shall be the chief executive officer of the District and the presiding officer of the Board of Directors and shall have the same right to vote as any other director. Subject to the control of the Board of Directors, the President shall supervise and direct the business and affairs of the District. He may, with the Secretary, sign for and on behalf of the District any deeds, mortgages, bonds, contracts, or other instruments which the Board has authority to execute, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors, or by these bylaws, to some other officer or agent of the District or shall be required by law to be otherwise signed or executed; the President in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 4.VICE-PRESIDENT. The Vice-President shall perform all duties and exercise all powers conferred by law or by these bylaws upon the President, when the president is absent or fails or declines to act, except that the Vice-President may not cast the vote of the President as

a member of the Board of Directors. The Vice-President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

Section 5.SECRETARY. The Secretary or the Assistant Secretary, shall: (a) keep the minutes of the District and the Board of Directors' meetings in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these bylaws and as required by law; (c) be custodian of the District's records and of the seal of the District and see that the seal is affixed to all documents, the execution of which on behalf of the District under its seal is duly authorized; and (d) in general, perform all duties incident to the office of the Secretary and such other duties as from time to time may be assigned to him by the President or the Board of Directors. The Assistant Secretary shall be authorized to perform those duties assigned to the Secretary.

Section 6.TREASURER. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the District and shall receive and give receipts for monies due and payable to the District from any source whatsoever, and shall deposit all such moneys in the name of the District in such bank or banks or other depositories as shall be selected by the Board of Directors. The Treasurer shall in general perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or the Board of Directors. The Assistant Treasurer shall be authorized to perform all those duties assigned to the Treasurer.

ARTICLE V.

Section 1.REGULAR MEETINGS. A regular meeting of the Board of Directors of the District shall be held in Jackson, Mississippi, at 1:00 o'clock P.M. on the fourth Thursday in the months of January, April, July and October. The President, or in his absence the Vice-President, shall have the power to redesignate the time and location of a regular meeting at a preceding regular meeting or for cause on two (2) weeks notice. An election of officers for the ensuing year shall be held at the regular meeting in October of each year, and the officers thus elected shall thereupon take office and be installed.

Section 2.ADDITIONAL REGULAR MEETINGS. Additional regular meetings of the Board of Directors of the District may be called by the President, or in his absence by the Vice President, or by a majority of the members of the Board of Directors, at any time upon notice given not less than five (5) nor more than thirty (30) days prior thereto by written notice mailed to each director at the address most recently furnished by him to the District. If mailed, notice shall be deemed to be delivered when deposited in the United States mail, properly addressed with postage thereon prepaid, and said notice shall contain a statement of the purpose or purposes for which said additional regular meeting is called. For any matter of extreme importance which will not permit a five (5) day delay, notice of an additional regular meeting may be given by telephone or by personal message or any form which will convey to the recipient the information that a meeting will be held and the purpose of such meeting; and such additional regular meeting may be held on the calendar day following the day that notice is given, for such emergency matters only.

Section 3.WAIVER OF NOTICE. Whenever any notice is required to be given to any director of the District under the provisions of these bylaws, or otherwise, a waiver thereof in writing, signed by the person entitled to such notice, duly witnessed or acknowledged, either before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 4.PUBLIC NOTICE. Whenever any recessed meeting, adjourned meeting, interim meeting, special called meeting or additional regular meeting shall be called, a notice stating the place, date, hour and subject matter of such meeting shall be posted within one hour after such meeting is called in a prominent place available to examination and inspection by the general public in the building in which the District normally meets. A copy of the notice shall be made a part of the minutes of the District.

Section 5.QUORUM. A majority of the membership of the Board of Directors of the District shall constitute a quorum for the transaction of business in any meeting of the Board of Directors. All business of the District shall be transacted by the affirmative vote of a majority of the total membership of the Board of Directors.

Section 6.COMMITTEES. The Board of Directors may by resolution designate standing and interim committees of the Board for study, investigation or any purpose which will further the business of the District.

Section 7.STANDING COMMITTEES. The District shall have the following standing committees whose duties shall be as follows, to-wit:

(a) Projects and Policy Committee: A Projects and Policy Committee composed of at least one director from each of the member counties of the District to be appointed by the President, whose duties it shall be to coordinate the plans and projects of the District with other agencies of the federal, state and municipal governments.

(b) Budget and Finance Committee: A Budget and Finance Committee composed of at least one director from each of the member counties of the District to be appointed by the President, whose duty shall be to review all receipts and expenditures of the District, and monitor the investment of District funds. The Budget and Finance Committee shall cause an annual audit of all receipts and expenditures to be made, and shall make a report thereof to the Directors. Further audits and reports shall be made as directed by the Board of Directors.

(c) Committee Meetings: Committees of the Pearl River Basin Development District (the "District") shall meet upon call of the President, who shall give not less than three (3) days' notice stating the date, time and place of the committee meeting to each committee member and to the Executive Vice President and Assistant Secretary of the District. Said meetings may be held at the option of the President, on the same day as that specified for board meetings. Meetings of any committee may be recessed from time to time, but not beyond the next regular meeting of the full Board of Directors. Minutes shall be maintained of all committee meetings showing the members present and absent; the date, time and place of the meeting; recording of any final actions taken at such meeting; and a record by individual member of any votes taken.

Such minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection during regular business hours.

(d) Parliamentary Procedure: Robert's Rules of Order shall govern the parliamentary procedure of all Board of Directors and committee meetings.

ARTICLE VI.

Section 1.BUDGET. Subsequent to the recommendations of the Budget and Finance Committee, the directors shall adopt a budget for each fiscal year. Such budget shall reflect all expected receipts and expenditures of the District for the ensuing fiscal year. No expenditures shall be made in excess of the budget and/or each item of such budget. After such budget has been adopted, the same may be amended during the current fiscal year at any regular meeting.

Section 2.CONTRACTS. The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract, to execute and deliver any instrument in the name of and on behalf of the District. No money shall be borrowed by the District and no evidence of indebtedness shall be executed in the name of the District, unless authorized by a resolution of the Board of Directors.

Section 3.OTHER EMPLOYMENT ARRANGEMENTS. The Board of Directors may employ engineers, attorneys, and all agents and employees necessary to the exercising of the powers, rights, privileges, and functions conferred upon the District by law, or necessary to properly finance, construct, operate, and maintain the projects and plans of the District; and the District may pay reasonable compensation for such services.

Section 4.DEPOSITORIES OF FUNDS FOR THE DISTRICT. The Board of Directors shall designate one or more banks or banking institutions within the District to serve as depositories for the funds of the District, pursuant to and according to the provisions of duly promulgated regulations which have been adopted by the Board.

Section 5.CHECKS AND DRAFTS. All checks, drafts or orders for the payments of monies, and all notes and acceptances shall be signed by the President or Vice President and also by the Treasurer, unless the power to sign the same shall have been duly delegated by the Board of Directors to some other officer or staff member or a combination thereof of the District.

ARTICLE VII.

Section 1.EXECUTIVE VICE-PRESIDENT. The Board of Directors of the District may employ an Executive Vice-President who shall act as general manager of the District, and may fix the terms and conditions of his employment. A person thus employed as Executive Vice-President may, at the discretion of the Board of Directors, supervise the day to day affairs of the District in accordance with these bylaws and applicable statutes.

Section 2.ADMINISTRATIVE STAFF DECISIONS. Unless other wise provided by law, and if so authorized by the Board of Directors of the District, the Executive Vice-President

may employ such additional administrative staff or discharge such administrative staff as may be necessary to conduct the affairs of the District.

ARTICLE VIII.

FISCAL YEAR. The fiscal year of the District shall be from July 1 of each year until and including the following June 30.

ARTICLE IX.

AMENDMENTS. These bylaws may be altered, amended or repealed by the affirmative vote of not less than two-thirds of the total membership of the Board of Directors of the District at any regular meeting, provided that notice of the proposed amendment, or amendments, is given to each director at least five days prior to said meeting.

Source: Miss. Code Ann. § 51-11-11.

RULE 1.4 LOCATION OF OFFICES AND ADDRESS TO OBTAIN INFORMATION.

The administrative offices of the Pearl River Basin Development District are located at 2304 Riverside Drive, Jackson, Mississippi. Information may be obtained or requests made by contacting the Executive Vice President at the following mailing address:

Pearl River Basin Development District
P. O. Box 5332
Jackson, Mississippi 39296-5332

or by calling (601) 354-6301.

Source: Miss. Code Ann. § 51-11-11.

RULE 1.5 AGENDA FOR MEETINGS.

The Executive Vice President shall prepare the agenda of matters for consideration at each meeting of the Board of Directors and each meeting of any committee of the District, in compliance with the provisions of 1.6 of these Regulations. No other matter may be submitted to the Board of Directors or any committee for a vote thereon by any director of the District or by any other person, except by unanimous consent of all members present, a quorum being present.

Source: Miss. Code Ann. § 51-11-11.

RULE 1.6 REQUESTS TO BE PLACED ON AGENDA.

Any county, municipality, state agency, federal agency, or other person or organization desiring to submit a matter for consideration by the Board of Directors or any committee thereof of the District shall give written notice to the Executive Vice President of the District not later than the 10th day of the month in which the Board of Directors is scheduled to meet, which shall state the matter to be presented to the Board of Directors or committee thereof. The Executive

Vice President shall place the matter on the agenda of the appropriate committee or committees of the Board of Directors for consideration as follows:

- (a) the Projects and Policy Committee, if the matter concerns a project, proposed project or policy of the District,
- (b) the Budget and Finance Committee, if the matter concerns the revenues or expenditure of funds of the District,
- (c) both the Projects and Policy Committee and the Budget and Finance Committee, if appropriate, or
- (d) any other standing or special committee appointed by the President, if the matter concerns activity within that standing or special committee's jurisdiction.

The respective committee or committees shall consider the matter and, if and when appropriate, may make a report or recommendation to the Board of Directors.

Source: Miss. Code Ann. § 51-11-11.

RULE 1.7 REQUESTS TO APPEAR BEFORE THE DISTRICT.

Any county, municipality, state agency, federal agency, person or organization desiring to appear before a standing or special committee of the Board of Directors of the District on any matter properly placed on the agenda of one or more of the standing or special committees of the Board of Directors of the District shall make a written request to so appear to the Executive Vice President of the District. The Executive Vice President shall notify the appropriate chairperson or chairpersons of the standing or special committee or committees of said request, and the chairperson or chairpersons shall allocate not more than ten minutes to each speaker and shall so inform each speaker and the respective standing or special committee at the opening of the committee meeting. The respective committee or committees may extend or limit the time allocated to any speaker by a majority vote of the members present at the meeting.

Any person or organization desiring to appear before any meeting of the Board of Directors of the District on any matter properly placed on the agenda for consideration by the Board of Directors shall submit a written request to appear for consideration by the respective standing or special committee when the matter is presented before that committee. The respective standing or special committee may reject or approve of such request to appear before the Board of Directors, and shall include a recommended time limit of not less than five nor more than twenty minutes whenever it shall approve any request to appear before the Board of Directors. The Board of Directors may extend or limit the amount of time allocated to any speaker by a majority vote of the Directors present at the meeting.

Source: Miss. Code Ann. § 51-11-11.

RULE 1.8 OPEN MEETINGS.

All official meetings of the District shall be open to the public at all times unless declared an executive session as provided in Section 25-41-7.

- (a) Official Meetings. The regular meetings and additional regular meetings as described in Article V, Sections 1 and 2 respectively, of the District bylaws found in RULE 1.3 herein, are the official meetings of the District.
- (b) Location and Time of Official Meetings. Official meetings shall be held at the District administrative offices located at 2304 Riverside Drive, Jackson, Mississippi at the times designated in the bylaws, unless such times and locations are redesignated by the President, or in his absence, the Vice President, in accordance with the terms of Article V, Section 1 of the District bylaws.
- (c) Minutes. Minutes of all official District meetings, whether in open or executive session shall be kept by the duly elected Secretary, and in his absence the Assistant Secretary. Such minutes shall contain, at a minimum, the following information: the District Board Members present and absent, the date, time and place of the meeting, an accurate recording of any final actions taken at such meeting, a record by individual Member of the Board of Directors, of any votes taken, and any other information that the District desires to be reflected in the minutes.

The Secretary shall record the minutes within a reasonable time, not to exceed thirty (30) days after recess or adjournment of a meeting. Those minutes or other District records not approved by the Board shall be marked "Unapproved." Such minutes shall be open to public inspection, copy or reproduction, as follows:

- (1) All requests to examine, review or to obtain copies of public records of the Pearl River Basin Development District shall be made in writing to the Executive Vice President of the District.
- (2) Public records of the District will be made available at District offices during normal business hours within five (5) working days of the receipt of the written request, unless written notice from the Executive Vice President is provided within (5) working days to the person or persons making the request, stating the reason or reasons why such request should not be granted.
- (3) Members of the District staff may be allowed to monitor any review or examination of public records of the District. The District shall be reimbursed at its normal rate in the event a staff member spends more than one (1) working day monitoring or assisting in the review of any public records of the District.
- (4) In the event a person desires copies of any public records of the District, copies may be obtained at the rate of \$.30 per page which copies shall be made at the District offices by a member of the District staff. If copies are available and in stock, such copies may be obtained at the rate of \$.10 per page. If copies must be made by District staff, the staff is granted up to five (5) working days to obtain

and deliver such copies to the person or persons making the request. All postage shall be paid by the person or persons making the request.

(d) Notice. The times, procedures and related notice requirements for holding official District meetings are contained in Article V of the District bylaws, incorporated in §1.51-11 3(1) of these regulations.

(e) Conduct of Persons Attending Meetings.

(1) Upon written request, members of the public at large attending official meetings of the District Board of Directors shall be accommodated on a first-come, first-serve basis; provided, however, that the maximum number of individuals allowed to observe such proceedings shall not reach a number which, in the judgment of the President of the Board, may at any time be deemed to constitute a safety hazard. (See RULES 1.6, 1.7 for procedures regarding requests to be placed on agenda and to appear before the District.)

(2) Any person rightfully in attendance at an official meeting of the District is authorized to take such notes as he may desire concerning the proceedings, in any form selected by him, including the use of any tape recorder, camera or like device so long as this does not interfere with the orderly conduct of the proceedings.

(3) The President of the Board of Directors is hereby empowered to take such actions as may be reasonably necessary to ensure that all official meetings of the District are held in an environment which is safe and suitable for the orderly conduct of such proceedings, including the excusal or removal of any person whose actions are disruptive to the proceedings, or the recess, adjournment or postponement of any meeting until such time as order is restored.

Source: Miss. Code Ann. § 51-11-11.

RULE 1.9 PURCHASING PRACTICES

(a) General Policy Statements. In accordance with Section 31-7-9 the District shall not purchase any commodities covered by existing purchasing regulations unless such commodities be in conformity with the standards and specifications set forth in the purchasing regulations and unless the price thereof does not exceed the maximum fair price established by such purchasing regulations.

(b) The Executive Vice President or his delegate is hereby charged with the responsibility for insuring that purchases are made from the lowest and best bidder, when bids are required by law. If any bid other than the lowest bid actually submitted is accepted, the Executive Vice President shall place on the minutes of the first Board meeting after such acceptance, justifiable reasons that the accepted bid was determined to be the lowest and best bid.

(c) The Executive Vice President shall determine whether an emergency exists in regard to the purchase of any commodities or repair contracts within the meaning of Section 31-7-13. In the event such an emergency is declared, the Executive Vice President shall document the circumstances surrounding said emergency in accordance with Section 31-7-13(j).

(d) Unless otherwise stated in these regulations or provided by statute, the Executive Vice President or his designee is hereby charged with the responsibility of insuring compliance with all other applicable statutory purchasing requirements set forth in Title 31, Chapter 7, Mississippi Code of 1972, as now or hereafter amended.

Source: Miss. Code Ann. § 31-7-1 et seq.

RULE 1.10 REAL PROPERTY ACQUISITIONS

The District shall make every reasonable effort to acquire property as quickly as possible through negotiated agreements and to ensure that all owners and tenants receive fair, equitable and courteous treatment. The District shall pay a price to each owner of interest an amount of money that represents "just compensation" in acquiring the property, shall conduct its acquisition activities in a manner that minimizes hardships to owners and tenants, shall minimize litigation in the acquisition of real property, and shall promote public confidence in the District's land acquisition practices. Accordingly, the following rules and policies are promulgated to facilitate the acquisition of real property by the District for the public benefit as authorized by Section 51-11-11(f).

(a) Appraisal Process.

(1) All properties to be acquired by the District shall be appraised by a qualified real estate appraiser before the initiation of negotiations.

(2) The owner(s) or a designated representative thereof, shall be given the opportunity to accompany the real estate appraiser during inspection of the property. The appraiser shall consider and discuss with the owner(s) or their representative, all facts believed by the owner(s) or the representative to be elements of value.

(3) The Board shall review the appraiser's reasonable recommendations as to the fair market value of the property to be acquired, and shall establish the amount reasonably believed to be just compensation for the property. The amount to be paid to the owner(s) will not be less than such real estate appraiser's approved estimate of the fair market value of the property.

(b) Offers.

(1) After the District has determined the amount of just compensation to be paid to each property owner, an offer, in writing, will be made to acquire the property for the full amount so determined, and each owner will receive a written statement of the amount established as just compensation and a summary of the basis for establishing that amount as just compensation. Where appropriate, the just compensation for the real property acquired and damages to remaining real property shall be separately stated.

(2) After the District makes the property owner an offer for the purchase of said property, if the property owner believes the District's proposed purchase price does not represent the fair market value for the property, the owner can refuse to accept it. If the owner can then provide acceptable evidence concerning value or damages that would warrant a change in the purchase price, the purchase price shall be adjusted accordingly.

(c) Condemnation Proceedings.

(1) Acquisitions by condemnation shall be held to a minimum. However, if a voluntary agreement cannot be reached, the District may institute formal condemnation proceedings to acquire the property. After a court of competent jurisdiction determines the price to be paid for the property, the District shall deposit with the court the amount of the award plus any interest accrued from the date of filing said condemnation suit in court. Any legal fees incurred by the owner shall not be paid by the District.

(2) The District shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(3) No owner shall be required to surrender the possession of real property before the agreed purchase price is paid; provided that such amount shall not be less than the approved appraisal of the fair market value of such property. In the event condemnation proceedings are instituted, no owner shall be required to surrender possession of real property before the award of compensation as determined by a court of competent jurisdiction and contained in a final decree issued by such court, is deposited with the state court, in accordance with applicable law, for the benefit of the owner.

(4) In no event shall the District advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other course of action in an attempt to compel the owner to agree on the price to be paid for the property.

(d) Settlement Statement.

A summary statement of settlement will be provided the property owner by the District at the time title to the property is transferred to the District or as soon as

practicable thereafter. The settlement statement shall advise the seller of settlement and title costs. The seller shall not be required to pay any sales commission. All outstanding loans, liens, and assessments affecting the property shall be the responsibility of the seller and accounted for at the closing. The negotiator will discuss such encumbrances with the property owner prior to closing.

(e) Reimbursement of Owner for Expenses. The District shall fully comply with the provisions of Sections 43-37-5, 43-37-7 and 43-37-9.

(f) General Provisions.

(1) (i) Where any interest in real property is acquired, an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which are required to be removed from such real property or which are determined to be adversely affected by the use to which such real property will be put shall also be acquired.

(ii) The District shall comply with Sections 43-37-11(2) and (3) regarding acquisition payments for tenant-occupied buildings, structures and improvements and the prohibition against duplicate payments for the acquisition of buildings, structures and improvements.

(2) The District shall encourage owners to contact the District as soon as possible if a property owner desires to retain any fixtures, shrubbery, or other improvements scheduled for acquisition by the District, in order that all feasible methods of handling the transaction may be considered by the appraiser.

(3) The construction or development of District projects shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety (90) days written notice from the date which such move is required.

(4) If acquisition of only part of the property would leave the owner with an uneconomic remnant, an offer to acquire the entire property shall be made.

(5) If an owner desires to donate property to the District for purposes consistent with District program objectives, the owner will be advised in writing of the market value of the property so the owner can have documentation to support any tax claims.

(6) The District shall comply with all other provisions of Title 43, Chapter 37 of the Mississippi Code of 1972, as now or hereafter amended, insofar as they are applicable to its property acquisitions.

Source: Miss. Code Ann. § 51-11-11; § 51-11-13.

RULE 1.11 RELOCATION ASSISTANCE

These rules are promulgated pursuant to the authority granted by Sections 43-39-17 and 25-43-5 and are designed to insure a uniform policy for fair and equitable treatment as to (1) relocation payments, (2) advisory assistance, and (3) assurance of availability of standard housing under state or local land acquisition programs which are federally funded in whole or in part.

(a) In any case where a person who, on or after July 1, 1972, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property in whole or in part, by the District or as result of a written order of the District to vacate real property, for a program or project undertaken by the District; and solely for purposes of Sections 43-39-7(1), 43-39-7(2) and 43-39-13, as a result of the acquisition of or as a result of the written order of the District to vacate other real property on which such person conducts a business or farm operation, the District shall fully comply with all applicable provisions of Title 43, Chapter 39 of the Mississippi Code of 1972, as amended, to assure that:

- (1) The payments and assistance authorized by law are administered in a manner which is fair and reasonable, and as uniform as practicable
- (2) All displaced persons who make proper application for a payment authorized by law are paid promptly after a move, or in hardship cases, are paid in advance. Hardship cases shall be designated as such by the Board;
- (3) Any person who disagrees or is dissatisfied with their determination of eligibility for relocation assistance payments, or the amount of a payment, may have his application reviewed by the President of the District or his designee.
- (4) The President of the District or his designee may, from time to time, prescribe other rules and procedures necessary to carry out the terms of the applicable statutes.

Source: Miss. Code Ann. § 43-39-17, § 25-43-5.

RULE 1.12 DEPOSITORIES FOR DISTRICT FUNDS AND INVESTMENT POLICIES.

Pursuant to Section 25-43-5(1)(b), the following District policies and rules of practice regarding investments, approval and selection of official depositories and the like are hereby adopted.

(a) All funds of the Pearl River Basin Development District (except and less amounts sufficient to cover disbursements for current operation) shall be deposited at interest with qualified State Depositories which have been designated and approved as qualified depositories of the District, at a rate of interest not less than the bank discount rate on United States Treasury Bills of comparable maturity.

Such funds shall be offered to qualified depositories of the District having combined capital and surplus account or regulatory net worth of \$1 million or more on a competitive basis for certificates of deposits in such amount or amounts as may be designated by the District with maturities not longer than 13 months. The amount of any deposit which is in excess of \$100,000 shall be secured to the extent required by Law by obligations of the United States of America or by general obligation or highway bonds of the State of Mississippi. The maximum amount to be held in certificates of deposit with any one commercial bank depository shall be 10% of its combined capital and surplus account, or \$500,000 whichever is less. The maximum amount to be held in certificates of deposit with any other qualified depository shall be \$100,000.

Provided that bond proceeds, funds held for current operations, and other funds for which no acceptable certificate of deposit can be obtained may be invested in direct obligations issued by or guaranteed in full as to principal and interest by the United States of America or in such other types of interest bearing accounts as may be authorized by law, to be secured to the extent and in the manner required by law.

(b) Designation of depositories.

(1) Pursuant to Section 51-11-39, the Board shall designate one or more official state depositories within the member counties of the District to serve as depositories for funds covered by this paragraph, and such funds shall, from time to time be deposited in such depositories.

(2) Before designating depositories, the Board shall issue a notice stating the time and place the Board will meet for such purpose and inviting the banks or banking institutions in the District counties to submit applications to be designated depositories. The applications shall be on a form provided by the District, which shall be furnished upon request and submitted in complete form by a time prescribed by the Board. Said notice shall be published one time in a newspaper or newspapers published in the District and specified by the Board.

(3) The term of service for depositories shall be prescribed by the Board from time to time and shall be stated in the notice inviting depository applications.

(4) At the time and place mentioned in the notice, the Board shall review the applications and the management and conditions of those banks and banking institutions offering the most favorable terms and conditions for the handling of the funds of the District, provided the Board finds that such banks and banking institutions have proper management and are in condition to warrant handling the District funds in the manner prescribed in Title 27, Chapter 105 of the Mississippi Code of 1972, as amended. After considering all relevant facts and circumstances bearing on the management and condition of said banks or banking institutions, the Board shall choose and notify all banks and banking institutions whose depository applications are approved. Such notification shall state the period of

time such approval encompasses. The Board shall also, within a reasonable time, provide such approved depositories with specific deposit and investment procedures which the District will follow.

Source: Miss. Code Ann. § 51-11-39.

PART 401 CHAPTER 2: AMERICANS WITH DISABILITIES ACT POLICIES

RULE 2.1. POLICY OF ACCESSIBILITY

The Pearl River Basin Development District wishes to publicize its policy concerning accessibility of its facilities for employees and others.

- (a) It is the policy of the Pearl River Basin Development District that its facilities will be as accessible as possible for all persons. The District recognizes that there are certain facilities that due to their setting in natural areas may not be able to be made accessible without destroying the essential functions of these areas. These include nature trails, certain water related facilities and other operations.
- (b) It is the policy of the District that work areas will be as accessible as possible, given the above restrictions.
- (c) It is the policy of the District to maintain its facilities and equipment in operable working condition, especially those as required for ready accessibility and use by persons with disabilities. Any routine maintenance or repairs or replacement will be carried out as quickly as possible.
- (d) Written materials of the District will attempt to include materials on usage by persons regardless to race, sex, age or disability, and publications will attempt to make known the District's policy of accessibility and nondiscrimination.
- (e) The District will attempt to make sure that functions it sponsors are as accessible to all persons as possible. Again, they will be held in places that are as accessible as possible given the natural conditions that surround many of the District's properties.
- (f) It is also our policy that any customer or visitor to one of our facilities who feels aggrieved that the facilities are not properly accessible, may file a complaint with our ADA representative, whose mailing address and telephone number are P.O. Box 5332, Jackson, Mississippi 39296-5332, (601) 354-6301. Assuming the ADA coordinator is unable to resolve the issue, please contact the Executive Director of the District at (601) 354-6301.

Source: Miss. Code Ann. § 51-11-19.

RULE 2.2. NOTICE TO EMPLOYEES

It is the policy of the Pearl River Basin Development District that we do not discriminate against individuals based upon disability. If you feel that you have a disability that affects your ability to work, please notify our ADA coordinator, who will attempt to work with you to create a reasonable solution. Note: Short term disabilities are not covered under this policy.

It is our policy that all employees will be able to function effectively regardless of disability unless our ability to accommodate the disability would create an undue hardship on the District.

In general, we will ask each individual affected to suggest reasonable accommodations to us and we will consider them as they arise. We wish for the process to be interactive and ongoing and your cooperation will be greatly needed.

No employee, whether supervisory or not, may intimidate or threaten or interfere with any individual in the exercise or enjoyment of any employment opportunities or benefits because of the individual's disability or having aided or encouraged any other employee or individual in the exercise of their rights granted or protected by the Americans with Disabilities Act. Violators of this policy shall be subject to appropriate discipline.

Any questions concerning this policy or the accommodation or its reasonableness should be first addressed to your supervisor or to our ADA coordinator. If no resolution can be reached, contact the Executive Director who will make the final decision concerning any accommodation.

Source: Miss. Code Ann. § 51-11-19.

RULE 2.3. NOTICE TO VENDORS

Dear Vendor or Supplier:

It is the policy of the Pearl River Basin Development District that no person or entity who contracts with us shall utilize any method for excluding persons because of race, sex, age or disability from their program services or activities. This includes your employment opportunities as well as the services you provide to customers or visitors.

Source: Miss. Code Ann. § 51-11-19.

PART 401 CHAPTER 3 BOGUE CHITTO WATER PARK - OPERATIONS AND REGULATIONS

Rule 3.1 GENERAL RESERVATION INFORMATION

- (a) All reservations must be made by persons of at least 21 years of age, must have a valid drivers license and must be present during occupation.
- (b) Reservations can be made up to one year in advance.

(c) A reservation requires a non-refundable deposit. The deposit must be received within 7 days of making the reservation. If deposit is not received, the reservation will be cancelled.

(d) The amount of the Reservation Deposit is the same as the daily rate.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.2 CAMPSITE RESERVATIONS & DEPOSIT

(a) Reservations for Monday through Thursday require a one night deposit.

(b) Reservations for weekends (Friday, Saturday & Sunday) require a two night deposit.

(c) Reservations for Holidays-national Memorial Day, Independence Day July 4th, and Labor Day require a three night deposit. No discount rates are allowed on holidays.

(d) No reservations can be made for campsites 21-40. These sites are designated first come-first serve.

(e) *No reservations can be made for campsites 75-81 except by monthly renters. Requires one months deposit. Check out 1:00 p.m.*

Source: Miss. Code Ann. § 51-11-19.

Rule 3.3 CABIN RESERVATIONS & DEPOSITS

(a) On holiday reservations require a one night deposit. Reservations for Holidays-National Memorial Day, Independence Day July 4th, and Labor Day require a two night deposit.

(b) Rental Agreement and Refundable Security Deposit is required on rental of cabins. The Log Cabin security deposit is \$50.00. The Family Cabin security deposit is \$100.00.

(c) Security Deposit is due at time of Check In and will be refunded after satisfactory Check Out inspection.

(d) Check out 11:00 a.m.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.4 PAVILLION RESERVATION AND DEPOSIT

Reservation requires a one day deposit for each day reserved.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.5 CANCELLATIONS AND RAIN CHECKS

- (a) A cancellation of less than 48 hours from the reservation date will result in forfeiture of one nights rent. A Rain Check for the balance of the reserved nights can be provided. No refunds can be given.
- (b) No Rain Check will be given where there is a reduction of nights in violation of the reservation policy.
- (c) No Rain Check will be issued due to the eviction of occupant.
- (d) No Rain Check can be given for bad weather.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.6 PARK RULES

- (a) Cabins, park facilities and grounds must be kept clean and left neat.
- (b) No smoking in cabins.
- (c) Quiet hours are from 10:00 p.m. to 6:00 a.m.
- (d) No loud music at any time.
- (e) No abusive, boisterous, offensive, threatening language or behavior.
- (f) No alcoholic beverages are allowed in the park.
- (g) Pets must be kept on a leash.
- (h) Pets will not be left unattended.
- (i) Pets are not allowed in or around cabins.
- (j) Camp only in designated areas.
- (k) Do not leave campfires unattended.
- (l) Extinguish campfires after use.
- (m) No cutting of trees or vegetation is allowed in the park.

- (n) No hunting, firearms, or fireworks are allowed in the park.
- (o) Vehicles shall be parked in designated areas.
- (p) No all terrain vehicles are allowed in the park.
- (q) No motorized vehicles are allowed on trails.
- (r) No person under 12 years of age is allowed in the park unless accompanied by an adult.
- (s) Violation of any park rules is ground for eviction from the park.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.7 PARK ENTRY FEE

- (a) Each Person \$1.50
- (b) Minimum per vehicle \$2.00

Source: Miss. Code Ann. § 51-11-19.

Rule 3.8 DAILY CAMPING RATES

- (a) Campsite rate is for one to four people
- (b) Each person over four per site \$2.00
- (c) Campsite with electricity and water \$14.00
- (d) Senior Citizen (55+) & 100% Disabled \$12.00
- (e) Improved Campsite \$18.00
(with concrete pad, electricity, water and sewer)
- (f) Primitive Campsite \$8.00

Source: Miss. Code Ann. § 51-11-19.

Rule 3.9 MONTHLY CAMPSITE RENTAL

- Improved Campsites only \$345.00
(Including electricity)

Source: Miss. Code Ann. § 51-11-19.

Rule 3.10 OCCUPANCY

- (a) An occupant of a campsite or cabin is recognized as an individual 4 years of age or older.

- (b) Maximum campsite occupancy is 8 persons.
- (c) Maximum of two vehicles per campsite.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.11 LOG CABIN (Maximum occupancy is four)

- (a) Daily rate \$50.00
- (b) Security/Clean up Deposit \$50.00
- (c) Maximum of two vehicles parked at cabin

Source: Miss. Code Ann. § 51-11-19.

Rule 3.12 FAMILY CABIN (Maximum Occupancy is eight)

- (a) Daily rate \$85.00
- (b) Each person over four \$5.00
- (c) Security/Clean up deposit \$100.00
- (d) Each vehicle over two \$2.00
- (e) Maximum of four vehicles parked at cabin

Source: Miss. Code Ann. § 51-11-19.

Rule 3.13 VEHICLES

Daily rate includes two vehicles per campsite or cabin. The Family Cabin is allowed more than two vehicles with an additional charge.

Source: Miss. Code Ann. § 51-11-19.

Rule 3.14 DAILY FACILITY RENTAL

- (a) Pavilion \$50.00
- (b) Security/Clean up Deposit \$100.00
- (c) Picnic Table with cover \$6.00
- (d) Picnic Table without cover \$5.00

Source: Miss. Code Ann. § 51-11-19.

Rule 3.15 BOAT RAMP

- (a) Boat launch fee \$3.00
- (b) Tube launch fee \$1.50

Source: Miss. Code Ann. § 51-11-19.