

By: Dawkins, Cuevas, Gollott, Hewes

To: Local and Private;
FinanceSENATE BILL NO. 3305
(As Passed the Senate)

1 AN ACT TO AMEND SENATE BILL NO. 3246, CHAPTER 1013, LOCAL AND
2 PRIVATE LAWS OF THE REGULAR SESSION OF 1999, TO REORGANIZE AND
3 RECONSTITUTE THE HARRISON COUNTY TRANSPORTATION COMMISSION OF
4 HARRISON COUNTY, MISSISSIPPI, TO REDEFINE CERTAIN POWERS AND
5 DUTIES OF THE HARRISON COUNTY TRANSPORTATION COMMISSION AND ITS
6 COMMISSIONERS; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Senate Bill No. 3246, Chapter 1013, Local and
9 Private Laws of the Regular Session of 1999, is amended as
10 follows:

11 Section 1. Whenever used in this act, unless a different
12 meaning clearly appears in the context, the following * * * terms
13 shall be given the following * * * meanings * * *:

14 (a) "Airport" means the Gulfport-Biloxi Regional
15 Airport or ancillary facilities in Harrison County, Mississippi.

16 (b) "Board of supervisors" means the Board of
17 Supervisors of Harrison County, Mississippi.

18 (c) "County" means Harrison County, Mississippi.

19 (d) "Commission" means the Harrison County
20 Transportation Commission as created by Senate Bill No. 3246, 1999
21 Regular Session, and any amendments thereto, and any
22 reorganization and reconstitution of the commission under any
23 subsequent law.

24 (e) "Commissioners" or "directors" shall mean the
25 persons appointed to vote as members of the Board of Directors of
26 the Harrison County Transportation Commission.

27 (f) "Governing body" means the Board of Supervisors of
28 Harrison County, Mississippi.

(g) "Municipalities" means the City of Biloxi, Mississippi, the City of Gulfport, Mississippi, the City of D'Iberville, Mississippi, the City of Long Beach, Mississippi, and the City of Pass Christian, Mississippi.

(h) "Project" means any one or more roads; bridges; passenger railways; freight railways; multi-modal transportation facilities; mass transit and other surface transportation rights-of-way, improvements, equipment and facilities of all kinds; parking facilities; airport improvements and ancillary facilities; passenger terminals; and related personal and real property, facilities and improvements, and the land on which such facilities and improvements are located.

(i) "System" or "systems" means the combined transportation systems of Harrison County.

(j) "Transit Authority" or "Coast Transit Authority" shall mean the Mississippi Coast Transportation Authority.

(k) "Transportation routes and facilities" means all * * * transportation routes and/or any one or more transportation project or projects and support facilities, for present and future transportation needs of any kind, within the territorial boundaries of Harrison County, Mississippi * * *.

Section 2. There is hereby created and established the Harrison County Transportation Commission. The commission shall be deemed to be acting in all respects for the benefit of the people of Harrison County in the performance of essential public functions as it seeks to plan, promote and develop needed transportation routes and facilities within Harrison County and its municipalities.

* * *

Section 3. The commission shall be empowered, in accordance with the provisions of this act, to promote the general transportation needs of Harrison County and its citizens. In addition to any other powers authorized by law or this act, the

62 commission shall have the following powers:

63 * * *

64 (a) Apply and contract for and accept any grants or
65 gifts or loans or appropriations of funds or property or financial
66 or other aid in any form from the United States or any
67 instrumentality thereof, or from the State of Mississippi or any
68 instrumentality thereof, or from any source, public or private and
69 to comply with and make agreements with respect to the terms and
70 conditions thereof;

71 (b) Employ architects, engineers, attorneys, financial
72 advisors and such other consultants as it deems proper; to fix and
73 pay their compensation and appoint and retain such officers,
74 agents and employees as it deems proper; and to fix and pay their
75 compensation;

76 (c) To maintain an office or offices at such place or
77 places within the county as it may determine;

78 (d) To plan, develop, acquire, construct, reconstruct,
79 operate, own, manage, lease (as lessor or lessee), convey, sell or
80 otherwise dispose of, participate in, maintain, repair, extend or
81 improve one or more projects for one or more roads or other
82 transportation routes and facilities, whether or not such
83 projects, routes or facilities are or are to be owned by the
84 commission or whether or not such facilities are or are to be
85 owned by any other person;

86 (e) To acquire, own, hold, use, lease (as lessor or
87 lessee), convey, sell or otherwise dispose of, mortgage, pledge or
88 grant a security interest in any real or personal property,
89 contract commodity or service or interest therein;

90 (f) To make and enforce, and from time to time amend
91 and repeal, rules and regulations for the management of its
92 business and affairs and for the use, maintenance and operation of
93 any of its roads or other facilities;

94 (g) To procure insurance against any loss in connection

95 with its property, other assets and business in such amounts and
96 from such insurers as it may deem necessary or desirable;

97 (h) To enter on any lands, waters or premises for the
98 purpose of making surveys, borings, soundings and examinations for
99 the purposes of the commission;

100 (i) To do and perform any acts and things authorized by
101 this act under, through or by means of its officers, agents and
102 employees, or by contracts with any person; * * *

103 (j) To enter into any and all contracts, execute any
104 and all instruments and do and perform any and all acts or things
105 necessary, convenient or desirable for the purposes of the
106 commission or to carry out any power expressly granted by this
107 act;

108 (k) To make loans or grants to the Coast Transit
109 Authority, the Gulfport-Biloxi Regional Airport Authority, the
110 State Port at Gulfport, any municipal port commission, any
111 municipality within Harrison County, the Board of Supervisors of
112 Harrison County, and any other governmental entity for the purpose
113 of any project or projects for transportation routes and
114 facilities owned or operated by either of these authorities; and

115 (l) To enter into interlocal agreements pursuant to
116 Section 17-13-1 et seq., Mississippi Code of 1972.

117 Section 4. The board of supervisors and the municipalities,
118 in their discretion, by resolution duly adopted and entered upon
119 their respective minutes, may:

120 (a) Contribute, out of any available funds, any amount
121 to support the work of the commission or to support any project or
122 projects of the commission. Such contributions may be paid
123 according to an agreed upon schedule approved by the commission,
124 the board of supervisors and the municipalities;

125 (b) Use equipment and personnel of the board of
126 supervisors and the municipalities in the support, promotion and
127 development of the work and purpose of the commission, as may be

128 necessary or desirable.

129 Section 5. The commission, and all its powers and duties,
130 shall be vested in a fifteen-person board of directors, who shall
131 also be known as commissioners, which shall consist of the five
132 (5) members of the Harrison County Board of Supervisors; the mayor
133 of each of the five (5) municipalities; and five (5) members from
134 the city councils of the municipalities within Harrison County who
135 shall be the president of the city council from each city under
136 the Mayor-Council form of government and, from each city under
137 another form, shall be a councilman or alderman selected by the
138 members of the council or board of alderman, respectively. Each
139 director may appoint a voting delegate to represent him or her,
140 when absent, at a meeting or meetings of the board of directors.

141 Section 6. The business and affairs of the commission shall
142 be managed by its board of directors and through its executive and
143 legislative committees. The directors shall in all cases act as a
144 board and speak through their written minutes. The act of the
145 majority of the board of directors of the commission present at a
146 meeting at which a quorum, composed of a majority of the
147 directors, is present shall be the act of the directors for all
148 matters except as follows:

149 (a) Executive committee. The executive committee shall
150 be composed of the five (5) mayors of the municipalities of
151 Harrison County and the President of the Harrison County Board of
152 Supervisors. The members of the committee shall select a chairman
153 to preside over the committee and who shall serve as co-chairman
154 of the full board of directors. The executive committee shall be
155 responsible for overseeing the work of the executive director and
156 all employees, and shall have the authority to recommend the
157 hiring and removal of an executive director to the full board of
158 directors. The daily operation of the commission and its
159 executive director's staff and employees shall be subject to the
160 supervision and direction of the executive committee. All actions

of the executive committee shall be decided by a favorable vote of four (4) members.

(b) Legislative committee. The legislative committee shall be composed of the members of the board of directors who are city councilmen and aldermen and all five (5) supervisors. The legislative committee shall select a chairman to preside over the committee and who shall serve as co-chairman of the full board of directors. The legislative committee shall be responsible for making recommendations on all policy decisions involving requests for legislation from the Mississippi Legislature, and contracts, budgets, audits, rules and regulations of the commission. All actions of the legislative committee shall require a vote of seven (7) members. The legislative committee shall also approve all expenditures prior to presentation to the full board of directors for a vote at which time all expenditures in excess of Twenty-five Thousand Dollars (\$25,000.00) shall require two-thirds (2/3) vote of all members of the board of directors. All expenditures less than Twenty-five Thousand Dollars (\$25,000.00) shall require a majority vote of all members of the board of directors. The legislative committee shall maintain a docket of claims, and approve them for presentation to the full board. All actions of the legislative committee shall be decided by a favorable vote of seven (7) members.

(c) Full board of directors. The executive and legislative committees shall meet jointly as a full board of directors at the regular and special meetings of the board, and may take up matters within their jurisdictions on the agenda under the reports of executive and legislative committees, and may make recommendations at that time by forming into committee session with all members of the board of directors being allowed to participate in the discussion and deliberation of any matters coming before either of the committees.

(d) All meetings of the board of directors of the

commission and each of its standing committees, the executive committee and the legislative committee shall comply with the Open Meetings Law of Mississippi, Section 25-41-1 et seq., Mississippi Code of 1972.

Section 7. The officers of the commission shall be the chairman of the executive committee, the chairman of the legislative committee, a secretary, a treasurer and an executive director. The executive director and the secretary shall be elected by a majority of the board of directors. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the board of directors of the commission.

The chairmen of the executive and legislative committees shall be co-chairmen of the full board of directors. The co-chairmen shall on alternate meetings serve as presiding officer of the meeting of the full board of directors, beginning with the chairman of the executive committee at the regular meeting in April of each year.

Section 8. The officers of the commission to be elected by the board of directors shall be elected annually at the regular meeting of the board of directors held in April of each year. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided. Any officer elected or appointed by the board of directors may be removed by a two-thirds (2/3) majority of the board of directors whenever in their judgment the best interests of the commission would be served thereby. A vacancy in any office because of death, resignation, removal, disqualification or otherwise may be filled by the board of directors for the unexpired portion of the term.

Section 9. The executive director shall be the principal executive officer of the commission and, subject to the direction of the executive committee of the commission, shall in general supervise and direct all of the business and affairs of the

227 commission.

228 Section 10. The chairman of the executive committee shall
229 also be known as the chairman of the commission and may sign, with
230 the secretary or treasurer or any other proper officer of the
231 commission authorized by the board of directors, any deeds,
232 mortgages, contracts or other instruments which the board of
233 directors have authorized to be executed, except in cases where
234 the signing and execution thereof shall be expressly delegated by
235 the board of directors to the executive director or to some other
236 officer or agent of the commission, or shall be required by law to
237 be otherwise signed or executed; and in general shall perform all
238 duties incident to the office of executive director in the
239 absence, vacancy or incapacity of the executive director, and such
240 other duties as may be prescribed by the board of directors from
241 time to time.

242 Section 11. The chairman of the legislative committee shall
243 preside over meetings of the legislative committee.

244 Section 12. The Chancery Clerk of Harrison County shall be
245 the treasurer. He shall have charge and custody of and be
246 responsible for all funds and securities of the commission,
247 receive and give receipts for monies due and payable to the
248 commission from any source whatsoever, deposit all such monies in
249 the name of the commission in such banks, trust companies or other
250 depositories as shall be selected in accordance with these bylaws
251 and state law, and in general perform all of the duties incident
252 to the office of treasurer and such other duties as from time to
253 time may be assigned to him by the board of directors. All
254 commission funds shall be kept in an appropriate depository under
255 the supervision of the Chancery Clerk of Harrison County,
256 Mississippi, who shall annually cause a complete review of the
257 books of accounts of the commission and provide a copy of such
258 review to the board of supervisors and the governing authorities
259 of the municipalities of Harrison County, Mississippi.

260 Section 13. The salaries and employee benefits of the
261 executive director and other employees shall be fixed from time to
262 time by the board of directors, upon recommendation of two-thirds
263 (2/3) majority of the legislative committee.

264 Section 14. A two-thirds (2/3) majority of the board of
265 directors of the commission, upon recommendation of two-thirds
266 (2/3) majority of the legislative committee present and voting,
267 may authorize the chairman of the commission or the executive
268 director and secretary to enter into any contract or execute and
269 deliver any instrument in the name of and on behalf of the
270 commission, and such authority may be general or confined to
271 specific instances. No loans shall be contracted on behalf of the
272 commission and no evidences of indebtedness shall be issued in its
273 name unless authorized by a resolution adopted by two-thirds (2/3)
274 of the board of directors of the commission, upon recommendation
275 of the two-thirds (2/3) majority of the legislative committee
276 present and voting. Such authority may be general or confined to
277 specific instances. All checks, drafts or other orders for the
278 payment of money, notes or other evidences of indebtedness issued
279 in the name of the commission, shall be signed by the executive
280 director and treasurer of the commission and paid in such manner
281 as shall from time to time be determined by resolution of the
282 board of directors, upon recommendation of two-thirds (2/3)
283 majority of the legislative committee present and voting.

284 Section 15.

285 * * *

286 The commission shall adopt a set of bylaws, which may include
287 such provisions that it deems appropriate, but shall include
288 provisions for the following:

289 (a) Procedures and times for its meetings, following
290 Roberts Rules of Order, and complying with the Open Meetings Law
291 of Mississippi, Section 25-41-1 et seq., Mississippi Code of 1972.

292 (b) The commission shall make a bimonthly written

report to the board of supervisors and the governing authorities of the municipalities as to the current operational and financial status of the commission.

(c) Provide that all commission funds shall be kept in an appropriate depository under the supervision of the Chancery Clerk of Harrison County, Mississippi, who shall, annually, cause a complete review of the books and accounts of the commission and provide a copy of such review to the Board of Supervisors and the governing authorities of the municipalities of Harrison County, Mississippi.

Section 16. (1) It is hereby determined and declared to be in the best interest of the people of the county and the surrounding area to provide an adequate public transportation system in Harrison County. It is in the public interest that the county's critical transportation needs be met and that the transportation problems which exist in the county and surrounding area be alleviated. The construction of one or more projects will secure the maintenance and improvement of the living conditions of the people of the Mississippi coastal area, the continuation of industrial, commercial and economic opportunities in the area and the enhancement of the health and welfare of the area's people, in the years to come.

(2) The commission shall endeavor to alleviate the county's transportation problems through cooperative efforts and agreements for the benefit of communities in the county.

Section 17. The commission is hereby authorized to raise money for the acquisition of property, the payment of engineering, legal and other professional fees related to the acquisition of property and the planning and design of projects and the supervision of construction, and the construction of one or more projects.

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