

By: Dawkins, Cuevas, Gollott, Hewes

To: Local and Private;  
Finance

SENATE BILL NO. 3305  
(As Sent to Governor)

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.

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

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

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

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

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

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

57           \* \* \*

58           Section 3. The commission shall be empowered, in accordance  
59 with the provisions of this act, to promote the general  
60 transportation needs of Harrison County and its citizens. In  
61 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

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

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

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

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

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

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

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

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

223       Section 9. The executive director shall be the principal  
224 executive officer of the commission and, subject to the direction  
225 of the executive committee of the commission, shall in general  
226 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

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

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

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

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

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

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