



HOUSE BILL NO. 1768

AN ACT TO AMEND CHAPTER 917, LOCAL AND PRIVATE LAWS OF 1962, AS LAST AMENDED BY CHAPTER 861, LOCAL AND PRIVATE LAWS OF 1987, TO TRANSFER ALL POWERS AND DUTIES OF THE LONG BEACH PORT COMMISSION TO THE GOVERNING AUTHORITIES OF THE CITY OF LONG BEACH; TO ABOLISH THE COMMISSION AND TO CREATE A NEW MUNICIPAL PORT COMMISSION WHO SHALL SERVE IN AN ADVISORY CAPACITY TO THE CITY; TO AUTHORIZE THE PORT COMMISSION TO ENTER INTO LONG-TERM AGREEMENTS RELATED TO THE DEVELOPMENT, IMPROVEMENT, MAINTENANCE, MANAGEMENT AND/OR OPERATION OF THE PORT AND HARBOR FACILITIES OF THE CITY OF LONG BEACH; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Chapter 917, Local and Private Laws of 1962, as amended by Chapter 696, Local and Private Laws of 1964, as amended by Chapter 818, Local and Private Laws of 1985, as amended by Chapter 861, Local and Private Laws of 1987, is amended as follows:

Section 1. The governing authorities of Long Beach, Mississippi, may, by order spread upon its official minutes and approved by the Board of Supervisors of Harrison County, by order spread upon its minutes, create a municipal port commission for

the development of its harbor or port facilities under the provisions of this act.

Section 2. The said port commission, to be known as the Long Beach Port Commission, shall consist of nine (9) members, who shall be qualified electors of the municipality, and shall be nominated and appointed by the governing authorities of the municipality as herein set forth. One (1) member each shall be recommended for appointment by each alderman from Wards 1, 2, 3, 4, 5 and 6 of the City of Long Beach, the person to be recommended to be a resident of the ward of the alderman so recommending; one (1) member shall be recommended for appointment of the alderman at large, such person so recommended to be an elector or resident of the municipality at large; and two (2) members to be recommended by the mayor, such persons so recommended to be electors or residents of the municipality at large. The appointed members shall be nominated as above set out and shall be appointed by the mayor and board of aldermen solely with reference to their fitness and without regard to party affiliation, and shall serve without compensation.

The port commission shall select one (1) of its members to serve as president or chairman, who shall preside at meetings, one (1) as vice chairman to preside in the absence of the president or chairman, and one (1) as secretary, who shall keep the records and minutes of meetings. The terms of the president or chairman, vice chairman and secretary shall be for one (1) year unless reelected.

Two (2) of the members appointed by the governing authorities of the municipality shall be for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, two (2) shall be appointed for a term of three (3) years, two (2) shall be appointed for a term of four (4) years, and one (1) shall be appointed for a term of five (5) years; thereafter, appointments shall be for a term of five (5) years, to be nominated and appointed in the manner above set forth.

Upon their appointment and qualification of the port commission as above set forth, the port commission of five (5) members holding office on the effective date of this act under the provisions of Chapter 917, Local and Private Laws of 1962, shall be and the same hereby is abolished. In the future, each vacancy, as it may occur in the future or on any existing port commission, either from the expiration of the term of office, or in any other manner, shall thereafter be filled by nomination or recommendations and appointment as hereinabove set forth.

The port commission shall hold at least one (1) regular meeting each month, shall keep a permanent record of its regulations, transactions, findings and determinations, which record shall be a public record, and shall be kept on file at the city hall in the City of Long Beach, Mississippi.

Section 3. Upon and with the approval and ratification of the governing authorities of the municipality, the port commission as above constituted shall have control and management of the port

and harbor facilities of the municipality, including, but not limited to, authority to regulate boats in and immediately adjacent to the harbor and entrance thereto; the use of the harbor to allocate wharf space and fix and collect rentals therefor; to lease space for such periods as it may deem proper for businesses furnishing fuel and other goods, wares and merchandise and services useful or needed by boats and boating; and to set aside and lease under a long-term lease area for a yacht club. All income derived from the above and from any other source whatsoever shall be deposited in the city port fund and be disbursed only by municipal warrants signed by the Mayor and City Clerk of the City of Long Beach, Mississippi. No such warrant shall be issued, however, until the claim therefor has been approved by said port commission by order spread upon its minutes and a copy thereof, certified by the president and attested by the secretary of said port commission, delivered to the city clerk and approved by the governing authorities of the municipality. The governing authorities of the municipality shall have final approval before any action by the port commission shall become final.

Section 4. Said port commission shall keep a complete record of all sums collected and of expenditures, and at the end of each fiscal year of the municipality said port commission shall file with the Board of Supervisors of Harrison County and with the governing authorities of the municipality an itemized statement of all sums received by the port commission from any source during

the fiscal year and of all expenditures, which annual report shall be open to inspection by the public during the hours when the office of the city clerk is open to the public. The records of said port commission shall be subject to auditing the same as records of the board of supervisors and the governing authorities of the municipality by auditors selected by said board of supervisors or by said governing authorities of the municipality as provided by law.

Section 5. The Board of Supervisors of Harrison County is hereby authorized, in its discretion, out of the general fund of said county, or funds available from any other source, to allocate and pay, in such discretion, into the aforesaid municipal port fund of the City of Long Beach, any such funds available for the purpose of aiding in the development, improvement and maintenance of the port and harbor facilities of the City of Long Beach. The proceeds of such funds allocated or paid into the said municipal port fund may be expended by said port commission for any and all things deemed by said port commission necessary or proper in the development, improvement and maintenance of said port or harbor facilities including, but not limited to, building wharves, piers and buildings for shelter, dredging such harbor and the entrance thereto, and in the maintenance of the harbor facilities; provided, however, contracts for such work and for the purchase of materials shall be awarded in the manner provided by law for such contracts for public works or purchase of materials by municipal

authorities upon and with the prior approval of the governing authorities of the municipality.

Section 6. That the Board of Supervisors of Harrison County be, and it is hereby, authorized, in its discretion, to issue and sell bonds of said county, in an amount not exceeding Two Hundred Fifty Thousand Dollars (\$250,000.00) to provide funds for the public municipal harbor facilities and improvements set out in said Chapter 917, as enacted at the Regular 1962 Session of the Legislature, upon the following conditions:

Said Long Beach Municipal Port Commission shall have prepared plans and specifications for the harbor improvement facilities authorized in said Chapter 917 and upon its approval thereof shall file a copy of such plans and specifications with the governing authorities of the City of Long Beach and if said governing authorities approve the same, they shall adopt and enter upon their official minutes a resolution approving such plans and specifications and shall file a certified copy of said plans and specifications, together with a certified copy of the resolution or order approving the same, with the Board of Supervisors of Harrison County. Upon said plans and specifications or any part thereof being approved by said board of supervisors, by order spread upon its official minutes, said board of supervisors may approve the same or any part by resolution or order on its minutes and shall cause such approved copy of plans and specifications to be filed with its clerk, and said board of supervisors shall

publish notice of its intention to issue bonds to provide funds for said harbor improvement facilities, or any approved part thereof, as shown by said plans and specifications.

Upon the adoption of such order giving notice of intention by said board of supervisors to issue and sell such bonds for the aforesaid purpose, the clerk of said board shall cause to be published in three (3) weekly issues of a newspaper having a general circulation in Harrison County and qualified to publish legal notices, a notice of the intention of said board of supervisors to issue and sell such bonds for the aforesaid purposes. If, within twenty-one (21) days after the first publication of such notice twenty percent (20%) of the qualified electors of the county file a petition with the clerk of said board of supervisors for an election to determine whether or not such bonds shall be issued, an election may be ordered by said board in which all of the qualified electors of the county shall be eligible to vote. If at such election a majority of the qualified electors voting in such election shall vote in favor of the issuance of said bonds the same may be issued and sold; if a majority of electors voting in such election shall vote against the issuance of the bonds said bonds shall not be issued. Such election shall be held and conducted and the returns thereof made as provided by law as for other countywide elections. If no such petition be filed with the clerk of said board of supervisors within twenty-one (21) days after the first publication of said

notice, the bonds may be issued and sold by such board of supervisors in the manner by statute provided.

Bonds issued under the authority of this act shall be full faith and credit obligations of such county and the principal of and interest on the same shall be paid out of funds made available by said board of supervisors by an annual ad valorem tax levied upon all of the taxable property within the county in an amount necessary to pay the interest thereon as the same becomes due to be paid, and the principal of said bonds as the same fall due to be paid, but not in excess of the amount of the several ad valorem taxes authorized to be levied for numerous port facilities and improvements by said Chapter 917 as enacted by the Regular 1962 Session of the Mississippi Legislature. The proceeds of said levy made to provide funds for the payment of the principal of and interest on such bonds shall be credited to a separate county fund appropriately designated by order of the board of supervisors and shall be used to pay the principal of, and interest on, said bonds and for no other purpose; provided, however, in addition to such levy for bond purposes, said board of supervisors shall continue to have the authority contained in said Chapter 917 to levy taxes for such municipal port maintenance and expenses; provided further, that such levy for said municipal port maintenance and expenses, combined with the aforesaid levy for bond purposes shall not exceed the amount authorized to be levied under the provisions of said Chapter 917. The proceeds of any such levy for said

municipal maintenance and expenses, if any, shall be collected and disbursed as provided in Section 3 of said Chapter 917 for expenses and salaries necessarily incurred in the operation and maintenance of such municipal port facilities. In addition to the proceeds from the ad valorem tax levied to provide funds for the payment of the principal of and interest on the aforesaid bonds as hereinabove provided; the interest falling due to be paid on any of such bonds during the first year following their issuance, and any of said bonds falling due to be paid at the end of said first year may be paid out of any funds in the municipal port fund of the municipality in which such port may be located; such payment out of said municipal port fund to be made by the transfer of funds to such county whenever available and needed, pursuant to order or resolution of the municipality and the issuance of a city warrant to the county, which sum shall be deposited in the proper county fund created by the board of supervisors for the payment of the principal of and interest on such bonds. Said bonds shall bear interest at a rate not to exceed six percent (6%) per annum payable semiannually, shall mature serially within twenty (20) years of the date of issuance in such annual maturities and denominations as such board of supervisors may direct. Said bonds shall not be subject to any limitation relative to amounts of bonded debts, and said bonds and the interest thereon and income therefrom shall be exempt from all taxation, except gift, transfer and inheritance or estate taxes, insofar as may be within the

power of the State of Mississippi so to provide. Said bonds shall be executed for and in behalf of said Harrison County by the signature of the president of said board of supervisors, and countersigned by the clerk thereof, under the seal of the board, and sold by the board of supervisors to the highest and best bidder at a public sale after advertising the same as by statute provided.

The proceeds of the sale of said bonds shall be deposited by the board of supervisors in a separate county fund appropriately designated by order of the board of supervisors as the City of Long Beach, Mississippi Municipal Port Fund in the manner provided for deposits of public funds belonging to the county and shall be withdrawn only by warrants authorized by said board of supervisors and issued in the manner by statute provided for the payment of county obligations.

Contracts for the municipal port facilities and improvements shall be let and entered into by such board of supervisors on public bids after due advertisement therefor as may be ordered by such board in the manner by statute provided for county contracts.

Section 7. (a) Upon the effective date of House Bill No. 1768, 2016 Regular Session, the port commission shall be abolished and the governing authorities of the municipality shall have vested in them all the powers and duties of the port commission and shall be the successor in title to all real and personal property held by the port commission in existence under this act

and shall be the successor to and may execute any contracts, agreements, leases or any documents and take any other actions necessary to effectuate the transfer of such powers and duties to the governing authorities of the municipality.

(b) Any actions taken by the port commission and actions taken by the governing authorities of the municipality are hereby ratified, approved and confirmed, and such governing authorities are authorized to do any and all things necessary to carry out the provisions of this section.

**SECTION 2.** (1) As used under this section, the following words shall mean:

(a) "Commission" or "port commission" means the Long Beach Port Commission.

(b) "Governing authorities" means the governing authorities of the City of Long Beach, Mississippi.

(c) "City" means the City of Long Beach, Mississippi.

(2) The governing authorities of the city, pursuant to authority found in Section 21-17-1, et seq., Mississippi Code of 1972, may, by order spread upon its official minutes and approved by order spread upon its official minutes, create a municipal port commission to serve as an advisory board to such governing authorities to provide and offer advice and assistance to the city, in the development of its harbor or port facilities.

(3) The port commission, to be known as the Long Beach Port Commission, shall consist of nine (9) members, who shall be

qualified electors of the municipality, and shall be nominated and appointed by the governing authorities of the municipality as herein set forth. One (1) member each shall be recommended for appointment by each alderman from Wards 1, 2, 3, 4, 5 and 6 of the city, the person to be recommended to be a resident of the ward of the alderman so recommending; one (1) member shall be recommended for appointment of the alderman at large, such person so recommended to be an elector or resident of the municipality at large; and two (2) members to be recommended by the mayor, such persons so recommended to be electors or residents of the municipality at large. The appointed members shall be nominated as above set out and shall be appointed by the mayor and board of aldermen solely with reference to their fitness and without regard to party affiliation, and shall serve without compensation. The initial term of the appointed commissioners shall coincide with the remaining term of office of the appointing authorities. Thereafter, the term of such appointed members shall be for a period of up to four (4) years, coinciding with the term of office of the appointing authorities. A member shall be eligible for reappointment, shall continue to serve in office after expiration of his or her appointed term of office until a successor is appointed to the office and he or she shall serve at the will and pleasure of the governing authorities. In the future, any vacancy which may occur in the port commission, either from the expiration of the term of office or in any other manner, shall thereafter be

filled by nomination or recommendations and such vacancy shall be filled by appointment as prescribed under this section for the remaining term of office of the existing governing authorities.

The port commission may hold at least one (1) regular meeting each month, shall keep a permanent record of its recommendations, findings and determinations, which record shall be a public record and shall be kept on file at the city hall in the city.

(4) (a) The governing authorities of the city shall have control and management of the port and harbor facilities of the city, including, but not limited to, authority to regulate boats in and immediately adjacent to the harbor and entrance thereto; the use of the harbor to allocate wharf space and fix and collect rentals therefor; to lease space for such periods as it may deem proper for businesses furnishing fuel and other goods, wares and merchandise and services useful or needed by boats and boating; and to set aside and lease under long-term leases areas for a yacht club, restaurant and all such other purposes allowed by law. All income derived from the above and from any other source whatsoever shall be deposited in the city port fund and be disbursed only by municipal warrants signed by the Mayor and City Clerk of the city.

(b) In addition to any other authority granted in this act or any other provision of law, the city is authorized and empowered, in its discretion, to enter into leases, contracts and other agreements with entities for various durations up to but not

exceeding sixty (60) years as determined necessary or desirable for the purpose of (i) aiding in the development, improvement, maintenance, management and/or operation of the port and harbor facilities of the city and (ii) enabling development or improving the development potential of such properties and facilities, for such consideration determined to be adequate by, and upon such terms and conditions prescribed by, the city.

(5) The city shall keep a complete record of all sums collected and of expenditures, and at the end of each fiscal year of the city shall prepare an itemized statement of all sums received by the city from any source during the fiscal year and of all expenditures, which annual report shall be open to inspection by the public during the hours when the office of the city clerk is open to the public.

(6) The Board of Supervisors of Harrison County is hereby authorized, in its discretion, out of the general fund of the county, or funds available from any other source, to allocate and pay, in such discretion, into the city port fund of the city, any such funds available for the purpose of aiding in the development, improvement and maintenance of the port and harbor facilities of the city. The proceeds of such funds allocated or paid into the city port fund may be expended by the city for any and all things deemed by the city necessary or proper in the development, improvement and maintenance of said port or harbor facilities including, but not limited to, building wharves, piers and

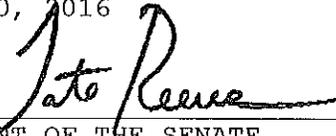
buildings for shelter, dredging such harbor and the entrance thereto, and in the maintenance of the harbor facilities; provided, however, contracts for such work and for the purchase of materials shall be awarded in the manner provided by law for such contracts for public works or purchase of materials by municipal authorities.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 17, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 20, 2016

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

May 11, 2016  
8:16am