

Minutes of April 5, 2016
Mayor and Board of Aldermen

After considerable discussion, the Local/Private Legislation was taken under advisement for further review and consideration at the next regular meeting, April 19, 2016.

There were no public comment regarding general matters not appearing on the agenda.

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Young made motion seconded by Alderman Griffin and unanimously carried to adjourn until the next regular meeting in due course.

APPROVED:

Alderman Leonard G. Carrubba, Sr., At-Large

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kelly Griffin, Ward 3

Alderman Ronnie Hammons, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Alan Young, Ward 6

Date

ATTEST:

Rebecca E. Schruff, City Clerk

MUNICIPAL DOCKET

SPECIAL MEETING OF APRIL 12, 2016

THE MAYOR AND BOARD OF ALDERMEN

THE CITY OF LONG BEACH, MISSISSIPPI

4:00 O'CLOCK P.M. LONG BEACH CITY HALL, 201 JEFF DAVIS AVE.

- I. CALL TO ORDER
- II. ROLL CALL AND ESTABLISH QUORUM
- III. NOTICE AND SERVICE OF SPECIAL MEETING
- IV. RESOLUTION: AMENDMENT TO LOCAL/PRIVATE ACT ON HARBOR
- V. ADJOURN

Minutes of April 12, 2016
Mayor and Board of Aldermen

Be it remembered that a special meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 4:00 o'clock p.m., on the 12th day of August, 2016, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed by order of the Mayor in accordance with the Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said special meeting.

There were present and in attendance on said board and at the special meeting the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruff, and City Attorney James C. Simpson, Jr.

Alderman Bernie Parker was absent the special meeting.

There being a quorum present sufficient to transact the business of this special meeting, the following proceedings were had and done.

Alderman Young made motion seconded by Alderman Griffin and unanimously carried to spread the Notice of Special Meeting upon the minutes of this meeting in words and figures, as follows:

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Mayor and Board of Aldermen**

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

TO THE CHIEF OF POLICE OR ANY LAWFUL OFFICER OF THE CITY OF LONG BEACH,
MISSISSIPPI:

GREETINGS:

THIS IS TO COMMAND YOU TO NOTIFY Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruff, and City Attorney James C. Simpson, Jr., all of the City of Long Beach, that a special meeting of the Mayor and Board of Aldermen has been called and ordered to be held on Tuesday, April 12, 2016, at 4:00 p.m. at the City Hall Meeting Room, 201 Jeff Davis Avenue, in said City for the transaction of important business of the City of Long Beach, Mississippi, as follows:

To consider and take action on the following:

1. Resolution requesting amendment to local and private act on harbor

And you are to have this Notice of Special Meeting then and there with the endorsement of its service on the above named officers and persons who could be found personally at least three (3) hours before the time and date fixed for the special meeting aforesaid.

WITNESS MY SIGNATURE, this

The 11th day of April, 2016

William Skellie, Jr., Mayor

ATTEST:

Rebecca E. Schruff, City Clerk

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com

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Mayor and Board of Aldermen

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned Chief of Police of the City of Long Beach, Mississippi, do hereby certify that I have served the within notice of special meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, by delivering a true and correct copy thereof personally to the following named persons at three (3) hours prior to the time fixed for holding said special meeting, viz:

NAME OF PERSON SERVED	DATE	TIME
<i>Robert E. ...</i>	4-11-2016	10:40 A.M.
<i>William ...</i>	4-11-2016	10:45 A.M.
<i>...</i>	4-11-2016	2:20 PM

Wayne McDowell
Wayne McDowell, CHIEF OF POLICE

By: _____
POLICE OFFICER

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cityclerk@cityoflongbeachms.com

From: Kelly Griffin <kellygriff7@gmail.com>
Sent: Monday, April 11, 2016 9:40 AM
To: City Clerk
Subject: Re: NOTICE OF SPECIAL MEETING 04.12.16 AT 4:00 PM

I received this notice on April 8, 2016 and will be in attendance.

Kelly Griffin

On Fri, Apr 8, 2016 at 3:26 PM, <cityclerk@cityoflongbeachms.com> wrote:

Please sign and indicate time and date notice received and return to me. Thanks.

Sincerely,

Rebecca E. Schruff, City Clerk

Long Beach City Hall

201 Jeff Davis Avenue

P.O. Box 929

Long Beach, MS 39560

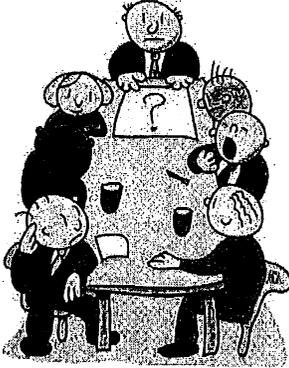
(228) 863-1556 Office

(228) 865-0822 Fax

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Mayor and Board of Aldermen**

cityclerk@cityoflongbeachms.com

From: Mark Lishen <mlishen@egh.ms>
Sent: Monday, April 11, 2016 10:38 AM
To: cityclerk@cityoflongbeachms.com
Subject: RE: NOTICE OF SPECIAL MEETING 04.12.16 AT 4:00 PM



Mark E. Lishen, AIA, LEED AP
Principal

Eley Guild Hardy Architects PA

1091 Tommy Munro Drive
Biloxi, Mississippi 39532
T 228.594.2323
www.eleyguildhardy.com

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From: cityclerk@cityoflongbeachms.com [mailto:cityclerk@cityoflongbeachms.com]
Sent: Monday, April 11, 2016 8:13 AM
To: 'Alan Young' <aeyoung1945@gmail.com>; Alderman At Large <atlarge@cityoflongbeachms.com>; Alderman Ward 1 <ward1@cityoflongbeachms.com>; Alderman Ward 2 <ward2@cityoflongbeachms.com>; Alderman Ward 3 <ward3@cityoflongbeachms.com>; Alderman Ward 4 <ward4@cityoflongbeachms.com>; Alderman Ward 5 <ward5@cityoflongbeachms.com>; Alderman Ward 6 <ward6@cityoflongbeachms.com>; 'Hammons, Ronnie Jr.' <ronaldhammons444@yahoo.com>; 'James Simpson' <jcs@wisecarter.com>; 'Kelly Griffin' <7kellygriff7@gmail.com>; 'Leonard G. Carrubba, Sr.' <aldermancarrubba@cableone.net>; Mark Lishen <mlishen@egh.ms>; 'Parker, Bernie' <bd.parker09@gmail.com>; 'Ponthieux, Gary J.' <garyjponthieux@gmail.com>; 'WILLIAM SKELLIE, JR.' <mayor@cityoflongbeachms.com>
Subject: FW: NOTICE OF SPECIAL MEETING 04.12.16 AT 4:00 PM

I need some sort official verification that you received the notice of special meeting.

Sincerely,

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Mayor and Board of Aldermen

cityclerk@cityoflongbeachms.com

From: Alderman Carrubba <aldermancarrubba@cableone.net>
Sent: Monday, April 11, 2016 4:44 PM
To: cityclerk@cityoflongbeachms.com
Subject: Re: NOTICE OF SPECIAL MEETING 04.12.16 AT 4:00 PM

I have received the notice of special meeting on Tuesday
Leonard
Sent from my iPhone

On Apr 11, 2016, at 8:13 AM, <cityclerk@cityoflongbeachms.com> <cityclerk@cityoflongbeachms.com> wrote:

I need some sort official verification that you received the notice of special meeting.

Sincerely,
Rebecca E. Schruff, City Clerk
Long Beach City Hall
201 Jeff Davis Avenue
P.O. Box 929
Long Beach, MS 39560
(228) 863-1556 Office
(228) 865-0822 Fax

From: cityclerk@cityoflongbeachms.com [mailto:cityclerk@cityoflongbeachms.com]
Sent: Friday, April 08, 2016 3:26 PM
To: 'Alan Young' <aeyoung1945@gmail.com>; Alderman At Large <atlarge@cityoflongbeachms.com>; Alderman Ward 1 <ward1@cityoflongbeachms.com>; Alderman Ward 2 <ward2@cityoflongbeachms.com>; Alderman Ward 3 <ward3@cityoflongbeachms.com>; Alderman Ward 4 <ward4@cityoflongbeachms.com>; Alderman Ward 5 <ward5@cityoflongbeachms.com>; Alderman Ward 6 <ward6@cityoflongbeachms.com>; 'Hammons, Ronnie Jr.' <ronaldhammons444@yahoo.com>; 'James Simpson' <jcs@wisecarter.com>; 'Kelly Griffin' <7kellygriff7@gmail.com>; 'Leonard G. Carrubba, Sr.' <aldermancarrubba@cableone.net>; 'Mark Lishen' <mlishen@elevguildhardy.com>; 'Parker, Bernie' <bd.parker09@gmail.com>; 'Ponthieux, Gary J.' <garyiponthieux@gmail.com>; 'WILLIAM SKELLIE, JR.' <mayor@cityoflongbeachms.com>
Subject: NOTICE OF SPECIAL MEETING 04.12.16 AT 4:00 PM

Please sign and indicate time and date notice received and return to me. Thanks.

Sincerely,
Rebecca E. Schruff, City Clerk
Long Beach City Hall
201 Jeff Davis Avenue
P.O. Box 929

There came on for discussion the matter of requesting amendments to the local and private act on the Long Beach Harbor, and a resolution providing for said amendments, abolishing the Long Beach Port Commission, authorizing the City to establish an advisory board known as the Long Beach Harbor Commission and authorizing the City to enter into long term agreements related to the development

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improvement, maintenance, management and/or operation of the port and harbor facilities.

Upon discussion, it was noted for the record that all members of the Long Beach Port Commission, past and present, have served in an exemplary and excellent manner, providing a valuable service to the City, the harbor and the community; President Phil Kies was specifically acknowledged for his dedicated service of approximately 30 years; it is the intent of the Mayor and Board of Aldermen for the commission to continue in their service to the community under the new terms of the amended local and private act.

*

*

Alderman Carrubba arrived at 4:40 p.m.

*

*

After considerable discussion, official action was taken as follows:

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There came on for consideration at a duly constituted meeting of the Board of Aldermen and Mayor of the City of Long Beach held on 12th day of April 2016, the following Resolution, which was reduced to writing and presented in advance of the meeting for reading and examination:

AN ACT TO AMEND CHAPTER 917, LOCAL AND PRIVATE LAWS OF 1962, AS LAST AMENDED BY CHAPTER 861, LOCAL AND PRIVATE LAWS OF 1987, ABOLISHING THE LONG BEACH PORT COMMISSION, AUTHORIZING THE CITY OF LONG BEACH TO ESTABLISH AN ADVISORY BOARD KNOWN AS THE LONG BEACH HARBOR COMMISSION; AUTHORIZING THE CITY OF LONG BEACH 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.

WHEREAS, under Chapter 917, Local And Private Laws of 1962, as last amended by Chapter 861, Local And Private Laws Of 1987, The Long Beach Port Commission, was established and among other things, upon and with the approval and ratification of the governing authorities of the municipality, was authorized to 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 ; and

WHEREAS, the governing authorities of the City of Long Beach do hereby find and declare that the purposes and reasons for the creation of a separate legal entity to manage and administer port and harbor interests are no longer in existence and a separate legal entity is no longer necessary or advisable to assist with control and management of the port and harbor facilities of the municipality; and that the best interests of the City would be served by abolition of the separate legal entity established by the original Local and Private Act and that instead an advisory board be authorized to be established by the governing authorities to advise the governing authorities as needed on operation of the port and harbor facilities of the City of Long Beach; and

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WHEREAS, and the City of Long Beach further desires to confirm and extend its authority 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, to include leasing of space in the municipal harbor for such periods as it may deem proper for businesses furnishing services useful or needed by boats and boating; and to set aside and lease under a long-term leases areas for yacht clubs, restaurants and other uses allowed by law.

NOW, THEREFORE, be it resolved by the Board of Aldermen of the City of Long Beach that the Mississippi Legislature to adopt an act to amend Chapter 917, Local And Private Laws of 1962, as last amended by Chapter 861, Local And Private Laws of 1987, abolishing the long beach port commission as previously constituted and created, and further authorizing the city of long beach to establish an advisory Long Beach Harbor Commission; authorizing the City Of Long Beach 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 FURTHER RESOLVED, by the Mayor and Board of Aldermen of the City of Long Beach, that upon adoption hereof, the Municipal Clerk is authorized and directed to provide a copy of this Resolution and attachment to the members of the Harrison County Delegation to the Mississippi Legislature.

The above and foregoing Resolution having been introduced in writing, was first read and considered section by section and then as a whole. Alderman Hammons made motion seconded by Alderman Young to adopt the above and foregoing resolution and, this question being put to a roll call vote by the Mayor, the result was a follows:

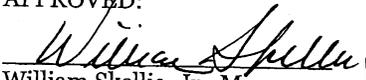
Alderman Bernie Parker	voted absent, not voting
Alderman Gary J. Ponthieux	voted aye
Alderman Kelly Griffin	voted aye
Alderman Alan Young	voted aye
Alderman Leonard G. Carrubba, Sr.	voted aye
Alderman Mark E. Lishen	voted aye
Alderman Ronnie Hammons, Jr.	voted aye

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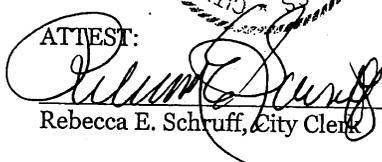
The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved 12th day of April, 2016.



APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schuff, City Clerk

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AN ACT TO AMEND CHAPTER 917, LOCAL AND PRIVATE LAWS OF 1962, AS LAST AMENDED BY CHAPTER 861, LOCAL AND PRIVATE LAWS OF 1987, ABOLISHING THE EXISTING LONG BEACH PORT COMMISSION, AUTHORIZING THE CITY OF LONG BEACH TO ESTABLISH AN ADVISORY LONG BEACH HARBOR COMMISSION; AUTHORIZING THE CITY OF LONG BEACH 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 10 Chapter 861, Local and Private Laws of 1987, is amended as follows:

Section 1. The governing authorities of the City of Long Beach, Mississippi, pursuant to the authority found in Mississippi Code Annotated Sections 21-17-1, *et seq.*, may, by order spread upon its official minutes create a municipal port commission to serve as an advisory board to said governing authorities to provide and offer advice and assistance to the City of Long Beach in development of its harbor or port facilities.

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,

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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 years, coinciding with the term of office of the appointing authorities. Members shall be eligible for reappointment, shall continue to serve in office after expiration of their appointed term of office until a successor is appointed to their office; and 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 appointment as hereinabove set forth for the remaining term of office of the existing governing authorities.

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.

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Upon the effective date of this act the present port commission operating under the provisions of existing Chapter 917, Local and Private Laws of 1962, shall be and the same hereby is abolished. Thereafter, the governing authorities of the municipality shall have vested in them all the powers and duties of the port commission as previously and hereafter provided by law and shall be the successor in title to all real and personal property held by the port commission in existence under the previous form of statute and government, and shall be the successor to all contracts to which said previous commission was a party.

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 of Long Beach, Mississippi.

Section 3. (1) The governing authorities of the municipality 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 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 of Long Beach, Mississippi.

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(2) Subject to the provisions of this subsection (2), 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 (a) aiding in the development, improvement, maintenance, management and/or operation of the port and harbor facilities of the City of Long Beach and (b) 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.

Section 4. The City shall keep a complete record of all sums collected and of expenditures, and at the end of each fiscal year of the municipality 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.

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 City for any and all things deemed by said 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,

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

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2016

By: Representative Bennett

To: Local and Private
Legislation

HOUSE BILL NO. 1768

1 AN ACT TO AMEND CHAPTER 917, LOCAL AND PRIVATE LAWS OF 1962,
2 AS LAST AMENDED BY CHAPTER 861, LOCAL AND PRIVATE LAWS OF 1987, TO
3 AUTHORIZE THE LONG BEACH PORT COMMISSION TO ENTER INTO LONG-TERM
4 AGREEMENTS RELATED TO THE DEVELOPMENT, IMPROVEMENT, MAINTENANCE,
5 MANAGEMENT AND/OR OPERATION OF THE PORT AND HARBOR FACILITIES OF
6 THE CITY OF LONG BEACH; AND FOR RELATED PURPOSES.

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

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

13 Section 1. The governing authorities of Long Beach,
14 Mississippi, may, by order spread upon its official minutes and
15 approved by the Board of Supervisors of Harrison County, by order
16 spread upon its minutes, create a municipal port commission for
17 the development of its harbor or port facilities under the
18 provisions of this act.

19 Section 2. The said port commission, to be known as the Long
20 Beach Port Commission, shall consist of nine (9) members, who

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16/HR31/R2268
PAGE 1 (BS\JAB)



~ OFFICIAL ~

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21 shall be qualified electors of the municipality, and shall be
22 nominated and appointed by the governing authorities of the
23 municipality as herein set forth. One (1) member each shall be
24 recommended for appointment by each alderman from Wards 1, 2, 3,
25 4, 5 and 6 of the City of Long Beach, the person to be recommended
26 to be a resident of the ward of the alderman so recommending; one
27 (1) member shall be recommended for appointment of the alderman at
28 large, such person so recommended to be an elector or resident of
29 the municipality at large; and two (2) members to be recommended
30 by the mayor, such persons so recommended to be electors or
31 residents of the municipality at large. The appointed members
32 shall be nominated as above set out and shall be appointed by the
33 mayor and board of aldermen solely with reference to their fitness
34 and without regard to party affiliation, and shall serve without
35 compensation.

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

42 Two (2) of the members appointed by the governing authorities
43 of the municipality shall be for a term of one (1) year, two (2)
44 shall be appointed for a term of two (2) years, two (2) shall be
45 appointed for a term of three (3) years, two (2) shall be

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46 appointed for a term of four (4) years, and one (1) shall be
47 appointed for a term of five (5) years; thereafter, appointments
48 shall be for a term of five (5) years, to be nominated and
49 appointed in the manner above set forth.

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

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

64 Section 3. (1) Upon and with the approval and ratification
65 of the governing authorities of the municipality, the port
66 commission as above constituted shall have control and management
67 of the port and harbor facilities of the municipality, including,
68 but not limited to, authority to regulate boats in and immediately
69 adjacent to the harbor and entrance thereto; the use of the harbor
70 to allocate wharf space and fix and collect rentals therefor; to

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~ OFFICIAL ~

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71 lease space for such periods as it may deem proper for businesses
72 furnishing fuel and other goods, wares and merchandise and
73 services useful or needed by boats and boating; and to set aside
74 and lease under a long-term lease area for a yacht club. All
75 income derived from the above and from any other source whatsoever
76 shall be deposited in the city port fund and be disbursed only by
77 municipal warrants signed by the Mayor and City Clerk of the City
78 of Long Beach, Mississippi. No such warrant shall be issued,
79 however, until the claim therefor has been approved by said port
80 commission by order spread upon its minutes and a copy thereof,
81 certified by the president and attested by the secretary of said
82 port commission, delivered to the city clerk and approved by the
83 governing authorities of the municipality. The governing
84 authorities of the municipality shall have final approval before
85 any action by the port commission shall become final.

86 (2) Subject to the provisions of this subsection (2), in
87 addition to any other authority granted in this act or any other
88 provision of law, the port commission is authorized and empowered,
89 in its discretion, to enter into leases, contracts and other
90 agreements with entities for various durations up to but not
91 exceeding sixty (60) years as determined necessary or desirable
92 for the purpose of (a) aiding in the development, improvement,
93 maintenance, management and/or operation of the port and harbor
94 facilities of the City of Long Beach and (b) enabling development
95 or improving the development potential of such properties and

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96 facilities, for such consideration determined to be adequate by,
97 and upon such terms and conditions prescribed by, the port
98 commission. The governing authorities of the municipality shall
99 have final approval before any action by the port commission under
100 this subsection (2) shall become final.

101 Section 4. Said port commission shall keep a complete record
102 of all sums collected and of expenditures, and at the end of each
103 fiscal year of the municipality said port commission shall file
104 with the Board of Supervisors of Harrison County and with the
105 governing authorities of the municipality an itemized statement of
106 all sums received by the port commission from any source during
107 the fiscal year and of all expenditures, which annual report shall
108 be open to inspection by the public during the hours when the
109 office of the city clerk is open to the public. The records of
110 said port commission shall be subject to auditing the same as
111 records of the board of supervisors and the governing authorities
112 of the municipality by auditors selected by said board of
113 supervisors or by said governing authorities of the municipality
114 as provided by law.

115 Section 5. The Board of Supervisors of Harrison County is
116 hereby authorized, in its discretion, out of the general fund of
117 said county, or funds available from any other source, to allocate
118 and pay, in such discretion, into the aforesaid municipal port
119 fund of the City of Long Beach, any such funds available for the
120 purpose of aiding in the development, improvement and maintenance



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121 of the port and harbor facilities of the City of Long Beach. The
122 proceeds of such funds allocated or paid into the said municipal
123 port fund may be expended by said port commission for any and all
124 things deemed by said port commission necessary or proper in the
125 development, improvement and maintenance of said port or harbor
126 facilities including, but not limited to, building wharves, piers
127 and buildings for shelter, dredging such harbor and the entrance
128 thereto, and in the maintenance of the harbor facilities;
129 provided, however, contracts for such work and for the purchase of
130 materials shall be awarded in the manner provided by law for such
131 contracts for public works or purchase of materials by municipal
132 authorities upon and with the prior approval of the governing
133 authorities of the municipality.

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

141 Said Long Beach Municipal Port Commission shall have prepared
142 plans and specifications for the harbor improvement facilities
143 authorized in said Chapter 917 and upon its approval thereof shall
144 file a copy of such plans and specifications with the governing
145 authorities of the City of Long Beach and if said governing

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146 authorities approve the same, they shall adopt and enter upon
147 their official minutes a resolution approving such plans and
148 specifications and shall file a certified copy of said plans and
149 specifications, together with a certified copy of the resolution
150 or order approving the same, with the Board of Supervisors of
151 Harrison County. Upon said plans and specifications or any part
152 thereof being approved by said board of supervisors, by order
153 spread upon its official minutes, said board of supervisors may
154 approve the same or any part by resolution or order on its minutes
155 and shall cause such approved copy of plans and specifications to
156 be filed with its clerk, and said board of supervisors shall
157 publish notice of its intention to issue bonds to provide funds
158 for said harbor improvement facilities, or any approved part
159 thereof, as shown by said plans and specifications.

160 Upon the adoption of such order giving notice of intention by
161 said board of supervisors to issue and sell such bonds for the
162 aforesaid purpose, the clerk of said board shall cause to be
163 published in three (3) weekly issues of a newspaper having a
164 general circulation in Harrison County and qualified to publish
165 legal notices, a notice of the intention of said board of
166 supervisors to issue and sell such bonds for the aforesaid
167 purposes. If, within twenty-one (21) days after the first
168 publication of such notice twenty percent (20%) of the qualified
169 electors of the county file a petition with the clerk of said
170 board of supervisors for an election to determine whether or not

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171 such bonds shall be issued, an election may be ordered by said
172 board in which all of the qualified electors of the county shall
173 be eligible to vote. If at such election a majority of the
174 qualified electors voting in such election shall vote in favor of
175 the issuance of said bonds the same may be issued and sold; if a
176 majority of electors voting in such election shall vote against
177 the issuance of the bonds said bonds shall not be issued. Such
178 election shall be held and conducted and the returns thereof made
179 as provided by law as for other countywide elections. If no such
180 petition be filed with the clerk of said board of supervisors
181 within twenty-one (21) days after the first publication of said
182 notice, the bonds may be issued and sold by such board of
183 supervisors in the manner by statute provided.

184 Bonds issued under the authority of this act shall be full
185 faith and credit obligations of such county and the principal of
186 and interest on the same shall be paid out of funds made available
187 by said board of supervisors by an annual ad valorem tax levied
188 upon all of the taxable property within the county in an amount
189 necessary to pay the interest thereon as the same becomes due to
190 be paid, and the principal of said bonds as the same fall due to
191 be paid, but not in excess of the amount of the several ad valorem
192 taxes authorized to be levied for numerous port facilities and
193 improvements by said Chapter 917 as enacted by the Regular 1962
194 Session of the Mississippi Legislature. The proceeds of said levy
195 made to provide funds for the payment of the principal of and

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196 interest on such bonds shall be credited to a separate county fund
197 appropriately designated by order of the board of supervisors and
198 shall be used to pay the principal of, and interest on, said bonds
199 and for no other purpose; provided, however, in addition to such
200 levy for bond purposes, said board of supervisors shall continue
201 to have the authority contained in said Chapter 917 to levy taxes
202 for such municipal port maintenance and expenses; provided
203 further, that such levy for said municipal port maintenance and
204 expenses, combined with the aforesaid levy for bond purposes shall
205 not exceed the amount authorized to be levied under the provisions
206 of said Chapter 917. The proceeds of any such levy for said
207 municipal maintenance and expenses, if any, shall be collected and
208 disbursed as provided in Section 3 of said Chapter 917 for
209 expenses and salaries necessarily incurred in the operation and
210 maintenance of such municipal port facilities. In addition to the
211 proceeds from the ad valorem tax levied to provide funds for the
212 payment of the principal of and interest on the aforesaid bonds as
213 hereinabove provided; the interest falling due to be paid on any
214 of such bonds during the first year following their issuance, and
215 any of said bonds falling due to be paid at the end of said first
216 year may be paid out of any funds in the municipal port fund of
217 the municipality in which such port may be located; such payment
218 out of said municipal port fund to be made by the transfer of
219 funds to such county whenever available and needed, pursuant to
220 order or resolution of the municipality and the issuance of a city

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221 warrant to the county, which sum shall be deposited in the proper
222 county fund created by the board of supervisors for the payment of
223 the principal of and interest on such bonds. Said bonds shall
224 bear interest at a rate not to exceed six percent (6%) per annum
225 payable semiannually, shall mature serially within twenty (20)
226 years of the date of issuance in such annual maturities and
227 denominations as such board of supervisors may direct. Said bonds
228 shall not be subject to any limitation relative to amounts of
229 bonded debts, and said bonds and the interest thereon and income
230 therefrom shall be exempt from all taxation, except gift, transfer
231 and inheritance or estate taxes, insofar as may be within the
232 power of the State of Mississippi so to provide. Said bonds shall
233 be executed for and in behalf of said Harrison County by the
234 signature of the president of said board of supervisors, and
235 countersigned by the clerk thereof, under the seal of the board,
236 and sold by the board of supervisors to the highest and best
237 bidder at a public sale after advertising the same as by statute
238 provided.

239 The proceeds of the sale of said bonds shall be deposited by
240 the board of supervisors in a separate county fund appropriately
241 designated by order of the board of supervisors as the City of
242 Long Beach, Mississippi Municipal Port Fund in the manner provided
243 for deposits of public funds belonging to the county and shall be
244 withdrawn only by warrants authorized by said board of supervisors

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245 and issued in the manner by statute provided for the payment of
246 county obligations.

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

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

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ST: Long Beach Port Commission; authorize to
enter into certain long-term agreements related
to port and harbor facilities.

There being no further business allowed under the Notice and Service of Special Meeting, Alderman Ponthieux made motion seconded by Alderman Young and unanimously carried to adjourn until the next regular meeting in due course.

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APPROVED:

Alderman Leonard G. Carrubba, Sr., At-Large

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kelly Griffin, Ward 3

Alderman Ronnie Hammons, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Alan Young, Ward 6

Date

ATTEST:

Rebecca E. Schruff, City Clerk