

ORDINANCE NO. 620

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, TO CREATE A NEW MUNICIPAL PORT COMMISSION WHO SHALL SERVE IN AN ADVISORY CAPACITY TO THE GOVERNING AUTHORITIES TO PROVIDE AND OFFER ADVICE AND ASSISTANCE TO THE CITY, IN THE OPERATION AND DEVELOPMENT OF ITS HARBOR OR PORT FACILITIES, , AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do now find, determined, adjudicate and declare as follows:

Whereas, pursuant to House Bill Number 1768 of the 2106 Session of the Mississippi Legislature the existing Long Beach Port Commission is abolished as of June 30 2016, with all its powers, duties, rights titles and interest thereupon being transferred to the City of Long beach; and

WHEREAS, said House Bill 1768 authorizes the Governing authorities to create a new municipal port commission who shall serve in an advisory capacity to such governing authorities to provide and offer advice and assistance to the city, in the development of its harbor or port facilities; and

WHEREAS, in accordance with such House Bill 1868, and as provided therein, it is the desire of the Governing Authorities to establish the Long Beach Port Commission as provided, allowed and authorized therein to provide and offer advice and assistance to the city, in the development of its harbor or port facilities.

NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Establishment of Commission.

There is hereby established a new municipal port commission who shall serve in an advisory capacity to the Governing Authorities to provide and offer advice and assistance to the city, in the operation and development of its harbor or port facilities to

be known as the Long Beach Port Commission

SECTION 2. Members of the Commission; Term of Office

The membership of the 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. 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.

SECTION 3. Time and Place of Regular Meetings.

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.

Such meetings shall be conducted as public meetings, and are to be held at the Long Beach City Hall at 201 Jeff Davis Avenue, Long Beach, Mississippi, are to be held at such regular recurring time as shall be set by the Commission; provided, further, that said Port Commission may recess any meeting from time to time to convene on a day fixed by order of said Commission entered upon its minutes and may transact any business coming before it for consideration; provided further, that one or more members of the Commission may participate in any such meeting or recessed meeting through teleconference or video means. By this ordinance, notice of all such meetings and possible participation by one or more members through teleconference or video means in any such meeting or meetings is provided at least five (5) days in advance of the date scheduled for the meeting. Participation by teleconference or video means shall only occur through means which provide members of the public and members of the board of aldermen participating by teleconference or video means the ability to hear all hear comments made to or by all members of the Commission and the public. Participation by the general public in any such meeting shall be at the said Long Beach City Hall.

SECTION 4. Governing Authorities.

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. Unless otherwise directed by vote of the Board of Aldermen, all such matters should be considered first by the Commission established hereby, which shall,

through its minutes, makes such recommendations, findings and provide its advice and assistance to the city on the matters coming before it related to the operation and development of its harbor or port facilities.

SECTION 5. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance."

SECTION 6. Effective Date

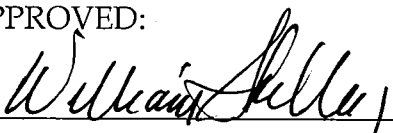
This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 620 was introduced in writing by Alderman Carrubba who moved its adoption. Alderman Lishen seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Gary J. Ponthieux	Voted	Aye
Alderman Bernie Parker	Voted	Aye
Alderman Kelly Griffin	Voted	Aye
Alderman Ronnie Hammons, Jr.	Voted	Aye
Alderman Mark E. Lishen	Voted	Aye
Alderman Alan Young	Voted	Aye
Alderman Leonard G. Carrubba, Sr.	Voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance 620 adopted and approved this the 5th day of July, 2016.

APPROVED:


WILLIAM SKELLIE, JR., MAYOR

ATTEST:


REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruft, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #620 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 5th day of July, 2016, as the same appears of record in Ordinance Book #8, pages 411-415 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 6th day of July, 2016.




Rebecca E. Schruft, City Clerk