

# BYLAWS

## Board of Trustees



July 23, 2014

## MISSION

The mission of Mississippi Gulf Coast Community College is to meet the educational and community needs in George, Harrison, Jackson, and Stone counties by providing superior instruction through traditional and technological formats to offer workforce pathways, certificates, diplomas, and associate transfer and applied degrees. The college embraces lifelong learning, productive citizenship, service learning, and leadership development in a dynamic and innovative learning environment.

*Making a positive difference...*

## VISION

Mississippi Gulf Coast Community College will be a globally competitive learning community with an entrepreneurial spirit that cultivates student success.

## VALUES

**Accountability:** An acceptance of responsibility for appropriate actions, obligations and duties.

**Collaboration:** A process that facilitates transfer of knowledge, skills and attainment of common goals.

**Excellence:** A motivation where the highest standards are viewed as benchmarks to surpass.

**Integrity:** A commitment to honesty and ethical behavior in all situations.

**Leadership:** A process of directing groups of people toward a common goal.

**Respect:** A feeling of esteem or regard for the unique qualities of all individuals.

**Service:** An action performed for others without the desire for personal gain.

**BYLAWS OF THE BOARD OF TRUSTEES  
FOR THE  
MISSISSIPPI GULF COAST COMMUNITY COLLEGE DISTRICT  
(Revised July 23, 2014)**

**Table of Contents**

**Article I. The Board of Trustees**

**1.1 Statutory Powers**

- 1.1.1. *Operate Attendance Centers*
- 1.1.2. *Approve Student Curriculum and Other Matters*
- 1.1.3. *Award Diplomas*
- 1.1.4. *Approve Employment, Removal, Suspension of Faculty*
- 1.1.5. *Approve Budgets*
- 1.1.6. *Charge Fees and Tuition*
- 1.1.7. *Levy, Receive, and Expend Taxation*
- 1.1.8. *Borrow in Anticipation of Taxes*
- 1.1.9. *Issue Bonds*
- 1.1.10. *Utilize Available Funds to Begin Projects for which Bonds have been Authorized*
- 1.1.11. *Sell Surplus, Real and Personal Property*
- 1.1.12. *Transport Students*
- 1.1.13. *Adopt an Official Seal*
- 1.1.14. *Hold Title to Lands, Buildings and Improvements*
- 1.1.15. *Hold Title to Land Purchased by Municipalities and Counties*
- 1.1.16. *Execute Oils, Gas and Mineral*
- 1.1.17. *Lease School Buildings, Equipment and Lands for Agricultural Purposes and for Private Schools*
- 1.1.18. *Request Road District Employees Assistance in Maintenance of College Campus Streets*
- 1.1.19. *Participate in Mississippi Vocation-Technical Training Law of 1964*
- 1.1.20. *Participate in Nurse Training Program*
- 1.1.21. *Prohibit Fraternity, Sorority or Secret Societies*
- 1.1.22. *Serve as Regional Vocational Education Centers*
- 1.1.23. *Purchase Liability Insurance*
- 1.1.24. *Purchase Electronic Data Processing Equipment*

**1.2 Duties and Responsibilities**

- 1.2.1. *Employ and Evaluate the President*
- 1.2.2. *Review Administrative Appointments, Removals, and Suspensions*
- 1.2.3. *Approve Professional Non-employee Services*
- 1.2.4. *Attend Meetings*
- 1.2.5. *Keep Informed*
- 1.2.6. *Adopt Bylaws and Changes Thereto*
- 1.2.7. *Approve College Operating Policies*
- 1.2.8. *Approve Operating Expenditures*
- 1.2.9. *Approve Salary Schedules*
- 1.2.10. *Approve Long-Range Maintenance Program*

- 1.2.11. *Approve Long-Range Building Program*
- 1.2.12. *Participate in Due Process*
- 1.2.13. *Request Periodic Reports*
- 1.2.14. *Participate in Appraisals of College Performance*
- 1.2.15. *Represent the Needs of the College Before the Public*

### 1.3 Membership

- 1.3.1. *Appointment of Floating Member*

### 1.4 Dismissal of a Member

### 1.5 Conflict of Interest

## **Article II. Organization of the Board of Trustees**

### 2.1 Meetings

- 2.1.1. *Regular Meetings*
- 2.1.2. *Monthly Board Letter*
- 2.1.3. *Closed and Executive Sessions*
- 2.1.4. *Special Meetings*
- 2.1.5. *Missed Meetings*
- 2.1.6. *Board Members Travel for Meetings*
- 2.1.7. *Quorum*
- 2.1.8. *Time Limit*

### 2.2 Officers of the Board

- 2.2.1. *Nomination and Election of Officers*
- 2.2.2. *Terms of Office*
- 2.2.3. *Duties and Powers of Officers*

### 2.3 Operating Rules of the Board

- 2.3.1. *Committees*
- 2.3.2. *Actions of the Board*
- 2.3.3. *Minutes*
- 2.3.4. *Controversial Issues*
- 2.3.5. *Derogatory Information*
- 2.3.6. *Complaints*
- 2.3.7. *Discipline*
- 2.3.8. *Applications*
- 2.3.9. *Requests for Information*
- 2.3.10. *Naming of Buildings*
- 2.3.11. *Bids*
- 2.3.12. *Board Members Travel*

## **Article III. Amendment of the Bylaws**

### **Appendix A. Job Descriptions**

A.1 President

A.2 College Attorney

### **Appendix B. Guidelines for Specialized Areas**

B.1 Guidelines for Private Financial Management Audit

B.2 Guidelines for College Architect and Engineers

B.3 Guidelines for College Consultants

B.4 Guidelines for College Insurance Coverage

### **Appendix C. State of Mississippi Statutes Related to Community Colleges**

**BYLAWS OF THE BOARD OF TRUSTEES  
FOR THE  
MISSISSIPPI GULF COAST COMMUNITY COLLEGE DISTRICT**  
*(Revised July 23, 2014)*

**Article I. The Board of Trustees**

The Statutes establishing the community college district prescribe the power, authority, and responsibilities of the Board of Trustees; and the Bylaws (defined as those rules and regulations pertaining to actual conduct of Board operation) and College Operating Policies (defined as those policies approved by the Board for subjects requiring development of procedures to implement and carry out the directives contained in the policies by the administration) provide for and carry out the provisions of Core Requirement 2.2 (Governing Board) and Comprehensive Requirement 3.2 (Governance and Administration) of the Southern Association of Colleges and Schools (SACS) Commission on Colleges Principles of Accreditation.

**1.1 Statutory Powers**

The Board of Trustees of the Mississippi Gulf Coast Community College District has those duties and powers prescribed by law in Sections 37-29-401 through 437, Mississippi Code 1972, Annotated, and shall have all the powers of other community colleges in the State. (Section 37-29-411)

The statutory powers of the Board of Trustees include:

**1.1.1. *Operate Attendance Centers***

The Board is authorized to operate three campuses. (Section 37-29-413)

**1.1.2. *Approve Student Curriculum and Other Matters***

The Board shall approve, on recommendation of the President and after due consideration and agreement, student affairs, curriculum and other items required by law, College Operating Policies or other necessities. (Section 39-29-407)

**1.1.3. *Award Diplomas***

The Board can authorize diplomas for two years of college work. (Section 37-29-233)

#### *1.1.4. Approve Employment, Removal, Suspension of Faculty*

The Board shall approve, on recommendation of the President and after due consideration and agreement, the employment, removal or suspension of faculty. (Section 37-29-407)

#### *1.1.5. Approve Budgets*

The Board shall approve, on recommendation of the President and after due consideration and agreement, necessary Education and General, Capital, Auxiliary and other budgets (Section 37-29-415). The Board shall, on or before June 15 each year, prepare and file the budget for the College with the Boards of Supervisors of the counties (Sections 37-29-415 and 37-29-437). A roll call vote of the members of the Board of Trustees for the E & G and Capital Budgets is required.

#### *1.1.6. Charge Fees and Tuition*

Section 37-29-423 authorizes the Board to charge fees and dues. Section 37-29-125 authorizes the Board to fix, maintain and collect fees to repay borrowed money to build facilities for the use of the institution, students or faculty. Section 37-103-25 authorizes the Board to set fees for out-of-state students.

#### *1.1.7. Levy, Receive, and Expend Taxation*

Section 37-29-437 allows the Board to levy tax. Section 37-29-143 prescribes provisions for receipt and expenditures of tax revenues.

#### *1.1.8. Borrow in Anticipation of Taxes*

Section 37-29-425 authorizes borrowing in anticipation of taxes, not to exceed 50% of the previous year's ad valorem receipts for any college expense authorized by law. Interest rates of no more than 11% are stipulated for these notes. Sections 37-29-431 and 75-17-105 provides authority and other information for issuance of bonds.

#### *1.1.9. Issue Bonds*

Provisions for issuance of bonds are as follows:

- (1) Authorized purposes, resolution and elections. (Section 37-29-429)
- (2) Procedure where Board of Trustees elects itself not to cause an election to be held. (Section 37-29-431)
- (3) Validation and sale. (Section 37-29-433)
- (4) Bonds issued are full faith and credit bonds; Levy of Tax. (Section 37-29-435)

- (5) For Dormitories and other housing facilities – provides for borrowing from the government. (Section 37-29-107)
- (6) Provision for other community colleges that may be used by Mississippi Gulf Coast Community College. (Sections 37-29-109, -111, -113, -115, -117, -119, -121, and -145)

*1.1.10. Utilize Available Funds to Begin Projects for which Bonds have been Authorized*

The Board can use any available funds for immediate commencement of bond-financed projects and reimburse the source of available funds when bond moneys are received. (Section 37-29-427)

*1.1.11. Sell Surplus, Real and Personal Property*

The Board is authorized to sell surplus, real and personal property. (Section 37-29-419)

*1.1.12. Transport Students*

The Board is authorized to transport students when in the best interest of the District. (Section 37-29-421)

*1.1.13. Adopt an Official Seal*

Should the College Board desire an official seal, see Section 37-29-3.

*1.1.14. Hold Title to Lands, Buildings and Improvements*

Title to lands and buildings are vested in the Board. (Section 37-29-5)

*1.1.15. Hold Title to Land Purchased by Municipalities and Counties*

Title is held by the Board. (Section 37-29-267)

*1.1.16. Execute Oils, Gas and Mineral*

The Board is authorized to execute oil, gas and mineral leases. (Section 37-29-417)

*1.1.17. Lease School Buildings, Equipment and Lands for Agricultural Purposes and for Private Schools*

The Board can lease buildings and equipment to any responsible individual for the purpose of carrying on a private school when there are no funds available for running said institution, and to lease the lands of said institution to some responsible person for agricultural purposes. (Section 37-29-77)



*1.1.18. Request Road District Employees Assistance in Maintenance of College Campus Streets*

The Board must approve such work, if agreed to be performed by the Boards of Supervisors. (Section 37-29-261)

*1.1.19. Participate in Mississippi Vocation-Technical Training Law of 1964*

The Board can participate in subject law. (Sections 37-29-161 through 179)

*1.1.20. Participate in Nurse Training Program*

The Board can participate in the Nurse Training Program. (Section 37-29-201)

*1.1.21. Prohibit Fraternity, Sorority or Secret Societies*

The Board shall prohibit same. (Section 37-29-241)

*1.1.22. Serve as Regional Vocational Education Centers*

The Board may accept and use land, property, etc., for this purpose. (Section 37-31-73)

*1.1.23. Purchase Liability Insurance*

Purchase of liability insurance for the Board is authorized. (Section 37-29-85)

*1.1.24. Purchase Electronic Data Processing Equipment*

The Board may authorize such expenditures subject to approval of Information Technology Specialists. (Section 37-29-263)

## **1.2 Duties**

In addition to the powers listed above, members of the Board of Trustees also possess duties which include:

*1.2.1. Employ and Evaluate the President*

The primary duty of the Board is to insure that a competent President is employed and that the President is continually evaluated as to the job description, as outlined in the President's job description.

#### *1.2.2. Review Administrative Appointments, Removals, and Suspensions*

The President shall inform the Board of Trustees of administrative appointments, removals, or suspensions.

#### *1.2.3. Approve Professional Non-employee Services*

The Board shall approve, on recommendation of the President and after due consideration and agreement, employing services of the College: Attorney, Auditing Firm, Architect, Engineer Consultants and others whose professional services may be required. The above ongoing professional services will be submitted for Request for Proposals and/or Request for Qualifications every 5 years on a schedule as determined by the college administration.

#### *1.2.4. Attend Meetings*

Board members are expected to attend all Board and committee meetings.

#### *1.2.5. Keep Informed*

Members are expected to keep informed on the functions of the College, its purposes and philosophy.

#### *1.2.6. Adopt Bylaws and Changes Thereto*

The Board shall adopt the Bylaws and changes thereto as required by changed circumstances.

#### *1.2.7. Approve College Operating Policies*

The Board shall approve, on recommendation of the President and after due consideration and agreement, College Operating Policies in areas where it is deemed necessary to do so; amend and delete portions or all of individual College Operating Policies based on prevailing conditions. Where College Operating Policies are approved, the Board expects the President and Administration to implement procedures and carry them out as approved.

#### *1.2.8. Approve Operating Expenditures*

The Board shall approve, on recommendation of the President and after due consideration and agreement, all college operational expenditures and insure expenses are kept within the budget.

#### *1.2.9. Approve Salary Schedules*

The Board shall approve, on recommendation of the President and after due consideration and agreement, salary schedules for college employees.

*1.2.10. Approve Long-Range Maintenance Program*

The Board shall approve, on recommendation of the President and after due consideration and agreement, a “far-sighted” program of adequate maintenance of buildings, grounds and equipment to prevent depreciation of College property and obsolescence of equipment.

*1.2.11. Approve Long-Range Building Program*

The Board shall approve, on recommendation of the President and after due consideration and agreement, a long-range building program, which shall include: proper and adequate justifications for new construction, repairs, improvements or additions to College facilities; provisions for financing; and other required items requiring Board approval. No such project may commence without first obtaining Board approval. The only exceptions to this would involve routine maintenance or emergency work performed in response to a disaster. Such emergency work shall be reported to the Board at the next special or regular meeting. Board members shall participate in long-range planning.

*1.2.12. Participate in Due Process*

The Board shall act as final level of administrative appeal in grievance of employees and citizens as outlined in College Operating Policies.

*1.2.13. Request Periodic Reports*

The Board may require reports by the President concerning the conditions, efficiency and needs of the College, and shall:

- (1) Interpret the needs of the community and the requirements of the College; and
- (2) Consult the President regarding recommendations for extensions or adjustment of the educational activities of the College and to amend, approve, or reject these recommendations.

*1.2.14. Participate in Appraisals of College Performance*

The Board shall appraise the effectiveness with which the campuses are achieving the educational purposes of the Board, and shall:

- (1) Require such reports from the President and others, if they deem it necessary, to keep themselves informed of the working conditions of the campuses; and

- (2) Appraise the efficiency of the campuses and their officials in terms of their value to the community.

#### *1.2.15. Represent the Needs of the College Before the Public*

The Board shall inform the public concerning the progress and needs of the College and weigh public opinion as it affects the College.

### 1.3 Membership

The operation and control of the Mississippi Gulf Coast Community College District and the college operated therein shall be vested in a Board of Trustees representing each of the four (4) counties lying within the district. The Board of Trustees shall consist of twenty-three (23) members. Of the said number, Harrison County shall be entitled to eight (8) members, Stone County shall be entitled to three (3) members, George County shall be entitled to three (3) members, and Jackson County shall be entitled to eight (8) members. There shall be one (1) additional member of the Board who shall be selected by the members of the Board of Trustees who shall reside alternatively in Jackson and Harrison Counties, with the initial appointment to be made from Jackson County for a term of five (5) years. (Section 37-29-409)

The members of the Board of Trustees from each county shall be elected by the Board of Supervisors of the County. All shall be appointed for a term of five (5) years each. The College Catalog shall contain a current listing of the Board Members and their respective terms of appointments and representation. (Section 37-29-409)

#### *1.3.1. Appointment of Floating Member*

The Mississippi Code 1972, Annotated, provides for an additional member to alternate between Harrison and Jackson counties every five (5) years beginning in 1989 giving these respective counties a nine (9) member body during that county's years of entitlement. The alternating member shall be selected by the members of the Harrison/Jackson delegation in their respective entitlement periods as follows:

- (1) Two (2) meetings (months) prior to the selection, the Board Chairperson shall appoint the appropriate county delegation as the Selection Committee and name a Committee Chairperson.
- (2) The Committee Chairperson will announce that at the first meeting those wishing to propose a candidate for the position shall provide each committee member with a detailed resume and their rationale for proposing the candidate. This will allow the committee to give the recommendations the attention each deserves prior to voting. Failure to

- provide the information will void the recommendation. Five members, including the Committee Chairperson, shall constitute a quorum.
- (3) At the second meeting, the Committee Chairperson will accept nominations from those candidates previously proposed, allow brief discussion of each, and call for a vote. The Committee Chairperson shall vote only in the case of a tie on the first ballot. The candidate receiving the majority of the votes shall be the new alternating representative to be recommended to the full Board for approval.
  - (4) In the case of a tie vote on the first ballot, the Committee Chairperson shall allow the members nominating the candidates with equal numbers of votes to make a brief case for their candidate and call for a re-vote.
  - (5) The candidate receiving a majority of the votes on the next balloting shall be the new alternating member to be recommended to the full Board for approval.

#### 1.4 Dismissal of a Member

Board of Trustee members, by virtue of the selection process, nature of the office, and term of the office, cannot be removed from office without cause and without due process.

- A. Reasons for Dismissal: A board member may be recommended for dismissal by the Board of Trustees for the following reasons:
  1. Permanent inability to perform official duties;
  2. Violation of the approved, written policies of the Board as contained in the Board of Trustee Bylaws; and/or
  3. Violation of state laws pertinent to the removal of a public official as defined by Section 25-5-1 and Section 25-5-5.
- B. Establishment of Cause: Formal proceedings to remove a board member may commence only when cause has been established. To establish cause, a written complaint must be delivered personally or by registered or certified mail to the Board of Trustees' Chairperson or College President.
- C. Notice of Complaint: The Board Chairperson will communicate the notice of complaint to the board member against whom the complaint has been made. This notice will be in writing and will inform the board member of the process to answer such complaint.
- D. Opportunity to be Heard: The board member against whom a complaint has been made shall have five working days to notify the Board Chairperson of his/her desire to be heard regarding the complaint. Likewise, the complaining party shall receive notice of the fact that the board member has been advised of a date and time for such hearing. Both parties shall be held responsible for presenting facts to

support their position. In addition, Board members subject to this hearing shall have the right to secure legal representation at his or her expense. The hearing will be held before the remaining members of the Board of Trustees at a special-called meeting in Executive Session for the purpose of hearing the facts of the complaint.

- E. Final Action of the Board: The final action of the Board of Trustees shall be taken after the Board of Trustees has determined that a decision can be rendered based on the evidence presented. A decision to recommend dismissal shall be made only by a two thirds vote of the board members present. The decision of the Board to recommend dismissal shall be communicated to the body responsible for appointment of the board member.

## 1.5 Conflict of Interest

Members of the Board of Trustees shall refrain from all activities providing personal gain through official conduct, other than as provided by law. Sections 25-4-101 through -119 provide definitions, rules, penalties, and due process for conflict of interest and improper use of office by a public official.

## Article II. Organization of the Board of Trustees

The Board shall be organized as detailed herein:

- A. The members of the Board shall have governing authority only when the Board is in formal session.
- B. The control over the College by the Board shall be by motion only whereby college operating policies are adopted.

### 2.1 Meetings

#### 2.1.1. *Regular Meetings*

Regular meetings of the Board of the Mississippi Gulf Coast Community College shall be on Wednesday following the third Monday of each calendar month at 10:00 a.m., unless otherwise ordered by the Board. Meetings of the Board shall be open to the public except that executive session may be held for reasons described in Section 2.1.3. (Section 25-41-5) The order of business shall be as follows:

- (1) Call to Order
- (2) Approval of Agenda
- (3) Approval of Minutes
- (4) Bills and Accounts
- (5) Investments and Interest
- (6) Committee Reports and/or College Proposals and Projects
- (7) Unfinished Business
- (8) New Business
- (9) President's Report
- (10) Chairperson's Report
- (11) Adjournment

#### 2.1.2. *Monthly Board Letter*

A monthly Board letter shall be submitted to Board members by the President on Friday at the close of business via electronic media prior to the Board meeting on the following Wednesday. Content of the Board Letter shall be:

- (1) Report on significant events since the last meeting.
- (2) Agenda for the Meeting. Board members may have items placed on the agenda by contacting the Chairperson, in writing, and stating the desire and subject to be entered on the agenda, said communication

to be received by the Chairperson ten days prior to the Board meeting in order to give the Board Executive Committee time to consider if it will be approved to be included on the agenda.

- (3) Explanation of agenda items when needed.
- (4) Copies of committee meeting minutes, with recommendations if available, in time to include in the mailing. (If committee-meeting minutes are mailed, they need not be read at the Board meeting, but may be discussed and voted on.)

### *2.1.3. Closed and Executive Sessions*

All Board meetings are, open to the public except that executive session may be held only for the following purposes if requested by persons involved: (a) transaction of business and discussion of personnel matters of the character, professional competence, physical or mental health of a person holding a specific position; (b) strategy sessions or negotiations with respect to prospective litigation, litigation or issuance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the Board; (c) transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices; (d) investigation proceedings by any public body regarding allegations of misconduct or violation of laws; (e) any body of the Board which is meeting on matters within the jurisdiction of the Board; (f) cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of the Board; (g) the transaction of business and discussion regarding the prospective purchase, sale, or leasing of lands; (h) transaction of business and discussion concerning the preparation of tests for admission; (i) transaction of business and discussions or negotiations regarding the location, relocation, or expansion of business or industry; (j) transaction or business and discussion regarding employment and termination of employees. The exemption provided by this paragraph includes the right to hold closed meetings concerning employees as such exemption relates to their deletion from any budget subject to approval of the Board.

The reason for the executive session shall be declared in open session and entered in the minutes. The procedure to be followed in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed session on determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a motion is made and passed by a three-fifths vote of all members present to enter into executive session. The total vote on the question of entering into an executive session shall be recorded and spread on the minutes.



Any such vote whereby executive session is declared shall be applicable to that particular meeting on that particular day (these provisions are dictated by Sections 25-41-5 and 25-41-7).

When Executive Session is voted on, all business transacted and decisions made in Executive Session of the Board shall be treated in strict confidence and not be divulged to anyone by individual members of the Board, nor by the President. When reconvened in public session, official vote taken in the Executive Session shall be reported and recorded in the official minutes. Procedures for going into Executive Session are found in Paragraph 1.d.2, above. (Section 25-41-7)

#### *2.1.4. Special Meetings*

The Chairperson, in coordination with the President, shall call special meetings. Maximum advance time shall be planned to allow notification of Board members of time, place and purpose of the meeting.

#### *2.1.5. Missed Meetings*

When a Board member misses three (3) or more board or committee meetings without good cause in a calendar year, the appropriate supervisors shall be notified by the Office of the President. If a Board member is unable to attend a Board or committee meeting, the Board member is expected to notify the Office of the President and Board Chairperson.

#### *2.1.6. Board Members Travel for Meetings*

Board members may be paid for a maximum of 15 meetings per year, with each Board member receiving money and signing a receipt for same. These 15 meetings shall include: 12 monthly Board Meetings, Budget Meeting, and other standing committees as determined by the Board Chairperson. Travel shall be paid for those meetings at the per-mile allowed by law. Where two (2) or more Board members travel in one (1) privately-owned motor vehicle, only one (1) travel expense allowance at the authorized rate per mile shall be allowed for any one (1) trip. In addition, Board members utilizing official college vehicles for travel to meetings will not be eligible for mileage reimbursement. Funds for Trustees payment and travel, including conferences and other travel, shall be included in the annual budget and be subject to audit. (Sections 25-3-41, 37-29-65)

#### *2.1.7. Quorum*

Twelve members shall constitute a quorum. However, the election or rejection of the President shall be effected by a 2/3 majority vote of those Board members present. The date for election or rejection of the President shall be communicated at the Board Meeting preceding the selection.

#### *2.1.8. Time Limit*

The time limits set forth under this section are for the purpose of maintaining an orderly discussion of agenda items should a need for limitation arise. The limits as provided in 2.1.8 will be enforced for all discussion on an agenda item if directed by the Board Chairperson or by 2/3rds vote of the Board. If so enforced no member may speak more than twice to the same question on the same day unless permission is given by two thirds vote of the Board; there is a limit of three (3) minutes for a member's discussion on a particular question and that member cannot speak a second time so long as any member who has not spoken on the question desires the floor. Total discussion on any given question on the same is limited to twenty-five (25) minutes. Extension of the three (3) minute limit and and/or the twenty-five (25) minute total time limit may be granted by a two-thirds vote of the Board. Discussion time is not considered part of the presentation of a college report or budget or of a report by the Board Committee. Discussion time begins at the conclusion of any of these types of presentations.

## **2.2 Officers of the Board**

Officers are elected or appointed as shown below. Elected officers are considered to be executive officers and will meet and act as called by the Chairperson and as provided by these bylaws. Officers, whether elected or appointed, are:

- (1) Chairperson - elected
- (2) First Vice-Chairperson – elected
- (3) Second Vice-Chairperson – elected
- (4) Secretary - elected
- (5) Treasurer - elected
- (6) Parliamentarian - appointed by Chairperson
- (7) Timekeeper - appointed by Chairperson

#### *2.2.1. Nomination and Election of Officers*

The nomination and election of officers takes place from September through December each year. In September each year, the Chairperson shall appoint a Nominating Committee composed of two members from each of the four counties in the district.

A Nominating Committee shall present a name for the offices of Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary, and Treasurer. No name shall be presented until that person shall have been contacted and shall have agreed to serve in the office for which nominated. The Nominating Committee report shall be presented at the October meeting. Nominations from the floor may be received at the October meeting; however, persons so nominated shall be consulted and they shall agree to serve in the office for which nominated before their name shall be accepted into nomination.

In December each year, the election of officers for the Board shall be held. A majority of those present must cast their votes in favor of each elected official. Voting shall be by secret ballot when more than one name is placed in nomination for any office.

#### *2.2.2. Terms of Office*

Terms of office shall be one year. No officer may serve more than two consecutive terms in any particular office.

#### *2.2.3. Duties and Powers of Officers*

Duties and powers of elected and appointed officers are:

(1) The Chairperson of the Board shall:

- A. Preside at all meetings of the Board.
- B. Appoint special committees unless otherwise specifically approved by passage of a motion of the Board.
- C. Vote on all matters at his or her discretion.
- D. Sign all necessary legal instruments approved by the Board including minutes of meetings and contracts.
- E. When necessary, call special meetings of the Board or call special meetings when requested in writing by at least six (6) members of the Board. The meeting shall be held within seven (7) calendar days, excluding holidays, of the request and within one of the counties of Harrison, Stone, Jackson or George.

(2) The Vice-Chairpersons of the Board shall:

- A. In the absence of the Chairperson, the First Vice Chairperson shall have all executive powers of the Chairperson.
- B. In the absence of the Chairperson and the First Vice Chairperson, the Second Vice Chairperson shall have all executive powers of the Chairperson.

- (3) The Secretary to the Board shall:
  - A. In the absence of the Chairperson and Vice Chairpersons, become the presiding officer with full authority.
  - B. Be responsible for making and keeping an accurate record of the minutes of the Board.
  - C. Prepare required reports.
  - D. Sign all necessary legal instruments, warrants, contracts, and minutes of the Board.
- (4) The Treasurer of the Board shall have the sole responsibility for signing of legal documents where such office and such signing is directed by federal, state or local laws.
- (5) The Parliamentarian shall be responsible for insuring that proceedings and operation of the Board meetings shall be in keeping with these rules, and where provisions of Bylaws do not prevail, in keeping with Robert's Rules of Order. The Parliamentarian shall have no vote on Board matters. In the absence of the College Attorney, the Chairperson shall appoint a temporary Parliamentarian.
- (6) The Timekeeper shall insure that time limits on debate as provided for previously are adhered to. The Chairperson shall appoint the First Vice Chairperson to act as timekeeper. Should the First Vice Chairperson not be present, the Second Vice Chairperson or another Board member shall be appointed.

## 2.3 Operating Rules of the Board

In addition to the law, Board operation shall be consistent with the rules contained in these Bylaws. In addition, college operation shall be consistent with the law and Board-developed College Operating Policies. In conduct of Board operations, Robert's Rules of Order shall prevail where specific Board rules do not provide specific procedural instructions.

The Board shall generally transact business in the Committee of the Whole. Therefore, there shall be no Standing Committees.

### 2.3.1. *Committees*

The Chairperson may appoint temporary committees as deemed necessary or upon the request of the majority of members present at any legal meeting. Such committees shall be "ad hoc" in nature and shall enjoy such executive authority as shall be specifically granted to them by the Board.

When appointed, specific tasks shall be given to the committee by the Chairperson. When the assigned specific tasks are completed, and the written report is submitted to the Board, and is acted upon, or when the appointing Chairperson goes out of office, the committee shall be terminated. Reappointment of all committees shall be at the discretion of the newly-elected Chairperson of the Board.

Meetings of committees shall be called by the Chairperson thereof. A quorum of appointed members must be present to conduct official business. The committee shall approve the agenda. Rules for development and approval of the agenda shall follow the concepts of Board rules as developed for the Board. Written reports shall be prepared and presented to the Board with recommendations relative to specific tasks assigned.

Other members of the Board shall be invited to attend committee meetings as observers, but shall have no official voice or vote on issues discussed. In addition, the Chairperson of the Board shall be an ex-officio member of all committees, with the exception of the Nominating Committee, with the privilege of casting a vote. In conduct of committee operations, Robert's Rules of Order shall prevail where Board rules do not provide specific procedural instructions.

#### *2.3.2. Actions of the Board*

The Majority action of the Board on a given issue becomes the policy of the entire Board until such time as the question is again raised at a Board meeting for further consideration. The Board members pledge themselves individually and as a group to support the action of the Board unless opposition is directed to be officially recorded in the minutes.

#### *2.3.3 Minutes*

Minutes shall be kept of all meetings of the Board, whether in open or executive session, showing the members present and absent, the person presiding, the date, time and place of the meeting; and accurate recording of any final actions taken at such meeting, to include all motions whether carried or lost, the name of the person making and the name of the person seconding the motion and a record, by individual member, of any votes taken. (The Chairperson will call for those in favor of each motion, then those opposed to the motion, depending on which list of names is recorded. It shall be the responsibility of the individual Board member on each vote to vote affirmatively (for) or negatively (against) the motion. Silence will be assumed to be a vote with the majority unless the member on each motion requests to be recorded as abstaining.) This provision holds true whether in open or executive session; and any other information that the Board requests be included or reflected in the minutes. Minutes will be submitted to Board members by the President on Friday at the close of business via electronic media. Minutes of

special meetings, where time does not permit writing and reproduction in sufficient time to be mailed, will be distributed at the next monthly meeting. Motions made but withdrawn shall not be recorded. Personal comments, superfluous adjectives and opinions will be excluded. (Section 25-41-11)

#### *2.3.4. Controversial Issues*

Issues that are highly controversial where decisions cannot be immediately reached shall be tabled by a majority vote of the Board or referred to a committee for consideration.

#### *2.3.5. Derogatory Information*

Board members having information that might be detrimental to the College shall transmit same to the Chairperson who, in turn, shall transmit same to the President so that immediate action can be taken and/or reported in the Board meeting.

#### *2.3.6. Complaints*

The Board considers all College business at formal meetings of the Board. No individual Board member should attempt to resolve a complaint lodged by an individual or an organization within the community. When complaints are received from any source, individual Board members should express concern to the complaint and take the complaint to the Chairperson who, in turn, shall transmit it to the President.

#### *2.3.7. Discipline*

Since the Board holds the President responsible for the discipline of the College, the Board will not consider individual complaints or recommendations until first presented to the President in writing. The President shall present to the Board said complaint along with a recommendation concerning said matter.

#### *2.3.8. Applications*

Individual members of the Board will not consider applications as individuals, but will refer applicants to the President.

#### *2.3.9 Requests for Information*

Information concerning the affairs of the College is public information and anything other than those items which are prohibited by concern for individual privacy will be made available upon request and appointment through the President's Office.

Requests from the general public for information requiring detailed study or research will be made to the President of the College and may be referred to the Board of Trustees along with a recommendation from the President as to the disposition of the request.

When extensive costs are to be involved in performing detailed studies or research, an estimated cost of providing the information will be provided. The person making the request will be charged actual cost of obtaining, compiling and presenting it.

It is recognized that members of the Board of Trustees may have a need to know certain facts relative to the operation of the College to continually evaluate actions of the President; that individual members of the Board of Trustees are allowed to review such information from the files of the College as they may reasonably deem necessary to the performance of their duties; and that each individual Board member must treat information they received as information received in confidence to the end that the rights of all individuals who may be involved are respected and the best interests of the College are served by assuring those dealing with the College in matters which require their submission of confidential personal information that their confidentiality will be respected. Accordingly, information will be made available for review by the following steps:

First, a request shall be made through the Chairperson of the Board to the Office of the President, who will arrange for the member to meet with the person responsible for the requested information at the earliest convenience of both parties;

Second, information will be given orally or the Board member may look at the records and ask questions of the person in charge; and

Third, the Board member shall hold information that is personal in nature, or that is protected by privacy of records, in strict confidence.

Should copies of information be requested, the request for copies shall be addressed to the Chairperson in writing, who shall rule on whether to provide the board member, the copies or to take the matter to the Board as a whole, the matter will be entered on an agenda and the question put to a vote of the entire Board of Trustees. A majority vote will determine whether copies are made available only for review and questions.



With regard to applications for employment, Board members may review all applications and other documentation related to the President's recommendation, should it be deemed necessary. The same procedures outlined above shall be followed. It is incumbent on the reviewing Board member(s) to insure the rights of privacy of others. Violation of this right of privacy could very well give rise to individual liability.

When so ordered by the Board to provide information that is of a personal nature or that might invade the privacy of others, the President, or designated representative, is thereby relieved of any liability arising from the disclosure there from.

Information required by the governmental agencies and associations with which the College is affiliated will be provided as necessary within the constraints of the law.

The President of the College shall be the general manager of all fiscal and administrative affairs of the district with full authority to select, direct, employ and discharge any and all employees other than teachers. Only teachers recommended by the President and approved by the Board shall be employed. (Section 37-29-407)

#### *2.3.10 Naming of Buildings*

Upon approval by the board, buildings shall be named as follows:

- (1) For the counties of Harrison, Stone, Jackson and George.
- (2) For the Presidents of the College. Specifically one of the buildings constructed during a President's term of office shall be named for that President. The Presidents who have not had construction completed during their term of office may have any remaining unnamed buildings named for them.
- (3) Founders of the College.
- (4) For the Chairpersons or former Chairpersons of the Board of Trustees not having any remaining or newly constructed buildings named for them.
- (5) For officers or former officers of the Board of Trustees and such others as the Board may determine.
- (6) For their functional use or alphabetically.



- (7) For significant donors to the institution, at the recommendation of the Foundation Board, the Board of Trustees, and the President.

#### *2.3.11. Bids*

All bids shall be approved or disapproved by the Board in accordance with published College Operating Procedures (Section 31-7-13). Persons who have complaints and/or make accusations about the awarding of bids, contracts, or the purchasing methods employed by the Board and its administrative agents are invited to place their complaints and/or accusations in writing and submit them to the President who, in turn, will make them known to the Board or a Board committee, who will study these said complaints and/or accusations, grant the interested parties a hearing and study all of the records and information that can be collected relating to this problem. A final decision of the Board will exhaust administrative proceedings.

#### *2.3.12. Board Members Travel*

Board members may travel to college or trustee functions as schedules and budgets allow, with each Board member being allotted \$2,400 annually. If a Board member opts not to travel, his/her allocation may be transferred back into the Board travel budget and may be used for other Board travel. Trustees will be expected to give a report to the full Board regarding information gained during conferences, workshops or meetings. (Sections 25-1-83 and 25-3-41)

### **Article III. Amendment of the Bylaws**

Any part of the Board Bylaws or College Operating Policies may be altered or amended at any regular meeting by a majority vote of the Board, provided that notice of the proposed action shall have been given at the last meeting; the action was properly placed on the agenda, shall have been read into the minutes and voted for affirmatively and shall have been placed on the agenda for the second consecutive meeting and voted on affirmatively the second time. Effective date of such changes shall be the date of the second affirmative vote on the action. Exception to the rule may be made by a two-thirds vote of the members present at the meeting of the Board.

#### Appendix A.     Job Descriptions

A.1     President

A.2     College Attorney

#### Appendix B.     Guidelines for Specialized Areas

B.1     Guidelines for Private Financial Management Audit

B.2     Guidelines for College Architect and Engineers

B.3     Guidelines for College Consultants

B.4     Guidelines for College Insurance Coverage

#### Appendix C.     State of Mississippi Statutes Related to Community Colleges



# BYLAWS OF THE BOARD OF TRUSTEES

---

## **Appendix A:**

# **Job Descriptions**

---

# Job Descriptions

---

## THE PRESIDENT OF THE COLLEGE

### General Statement of the Function

The President shall be the Executive head of the College. The procedure for selecting the College President will be followed in two steps: Step One – The exhaustive and non-discriminatory search will be restricted to the advertisement for applications from within the College for the best-qualified person. If no applicant is chosen in Step One, then the Board will proceed to Step Two. Step Two – The exhaustive and non-discriminatory search will be extended to the advertisement for applications nation-wide by the Board of Trustees for the best-qualified person. Once selected, the President shall be offered a contract for a minimum of one year and a maximum of four years. By Statute, the contract may not exceed four years.

Re-election of the President, once employed, shall be at the regular January meeting of the Board of Trustees before the expiration of the contract on June 30, or at the end of the fiscal year of the contract termination year. Salary and other remuneration shall be voted on annually at the Board meeting.

### Statutory Responsibilities

The President shall:

1. Serve the Board of Trustees as its Executive Officer in implementing the statutes of the state and policies and actions of the board. (Section 37-29-405)
2. Recommend to the Board of Trustees all Faculty members to be employed. (Section 37-29-407)
3. Remove or suspend any member of the Faculty subject to the approval of the Board of Trustees. (Section 37-29-407)
4. Select, direct, employ and discharge any and all employees other than Faculty members. (Section 37-29-407)
5. Supervise and be responsible for the preparation, adoption and amendment of programs, curricula and courses of study. (Section 37-29-407)
6. Establish and enforce rules and discipline for the governing of employees and students, subject to approval of the Board of Trustees. (Section 37-29-407)
7. Be responsible for the safety, care and use of all college property. (Section 37-29-407)
8. Control and direct the classification and promotion of students.

## Job Descriptions

---

9. Appoint a College Purchasing Agent as prescribed by law, and insure compliance with all laws, rules and regulations, and the approved budget of the college. (Section 37-29-407)
10. Comply with all statutes as prescribed by law.

### Other Responsibilities

The President shall:

1. Provide creative and professional leadership of the Board of Trustees and all college employees.
2. Recommend to the Board of Trustees qualified individuals or firms for architectural, consultative services and attorney.
3. Remove or suspend professional non-employee individuals or firms subject to approval by the Board of Trustees.
4. The President, by direction of the Board will prepare and present an annual budget to the Board for approval. (Section 37-29-415)
5. With the assistance of the staff, arrange for the payment of all regular claims against the college, disbursement of funds, signing of check and receiving of all moneys, in accordance with statutory requirements.
6. Assist the Board of Trustees in reaching sound judgments and establishing policies by placing before them; helpful facts, information, reports and results of investigations and by giving them advice on technical matters when needed.
7. Delegate to the staff, the authority necessary to carry out the functions of the College. Final authority and responsibility will rest with the President subject to the Board of Trustees.
8. The President shall attend all Board meetings and represent the College with such assistance as may be needed. On motion by a member of the Board of Trustees, the Board may by a majority vote of the members present and voting exclude the President from an executive session.

# Job Descriptions

---

## COLLEGE ATTORNEY

### General Statement of Function:

The Board recognizes the need and its duty to retain legal counsel for the college in an effort to comply with the constitution, statutes, and general laws of the United States and the State of Mississippi. The College Attorney should be conveniently available to the Board and the administration to give and/or obtain legal opinions as required for the college, and he or she has no responsibility to individual Board members or administrators. Advice to administrators between Board meetings requires approval of the President. The administration faces daily legal problems in areas of bidding, contracts, purchases, realty, due process for students and faculty, discipline, possible discriminatory practices, torts (liability) and changing trends in various areas. Experience reveals that most of the attorney's time is utilized by the administration in an effort to resolve legal questions prior to Board meetings and short of litigation, and during litigation he or she works almost exclusively with administrators.

### Duties, Responsibilities, and Compensation:

A. The College Attorney's duties shall be to:

1. Furnish legal advice and services to the President and Board of Trustees of Mississippi Gulf Coast Community College.
2. Be fully informed on the laws that refer to the governance and management of Mississippi Gulf Coast Community College and attempt to learn of proposed changes to these laws in order to keep the President and the Board of Trustees fully informed of the potential effect these proposals could have on the operation of the college.
3. Provide legal interpretations and advice at all meetings of the Board of Trustees and serve as Parliamentarian at these meetings, with full authority to the Board to act in the interest of orderly conduct or preservation of the rights and privileges of all proper participants.
4. Advise the President and the Board of Trustees on legal matters, including opinions of the Attorney General, prepare legal documents for the college, assist in the obtaining of outside legal assistance when needed and approved by a majority of Board officers, serve as legal coordinator for litigation resulting from the pursuit of duties involved with the governance and operation of the college by the Board or an administrator, interpret legal questions relating to purchases and make regular reports to the President and/or Board of Trustees concerning legal assignments.
5. Be available to Board of Trustees through its Chairperson and the President on day-to-day basis and give opinions about simple problems informally.
6. Examine routine documents.
7. Prepare simple resolutions.

[3.A.]

## Job Descriptions

---

8. Draw up or review minor contracts for such positions as President, Administrators, Architects, Real Estate Consultants, etc.
  9. Handle questions in conformance with code for such items as charge backs, etc.
  10. Advise about changes in the law and administrative procedures.
  11. Suggest how to avoid legal disputes.
  12. Check leases.
  13. Provide normal advice on specialized areas, as condemnation, labor negotiations, elections, etc.
  14. Provide representation on litigation.
  15. Provide representation before administrative agencies.
  16. Provide representation on Property or land acquisitions including condemnations.
  17. Provide representation on Building construction matters.
  18. Provide representation on Boundary changes matters.
  19. Provide representation on Taxation and finance including tax anticipation warrants, bond issues and referendums.
  20. Provide representation on Labor negotiations and disputes.
  21. Provide representation on relations with students and faculty.
  22. Provide representation on elections and election disputes.
  23. Prepare legal opinions.
  24. Obtain opinions from the Attorney General as requested by the Board in session, the Chairperson thereof, or the President.
- B. The College Attorney shall be compensated as follows:
1. The College Attorney shall be paid an hourly rate in the amount of \$200.00 per hour for all legal services, the costs incurred in connection with said services, and travel expense incurred in connection with said services.
  2. The College Attorney shall be paid a monthly retainer of \$1,000.00 per month as payment towards any fees and costs incurred by the College and said retainer will be credited against any charges referred to in Paragraph B, Subsection 1, set forth herein above.

## Job Descriptions

---

- 3. Billing should not accumulate more than semiannually.
- C. A review of performance may be done each year to determine whether service is desired the following year.





# BYLAWS OF THE BOARD OF TRUSTEES

---

## **Appendix B: Guidelines for Specialized Areas**

---

# Guidelines for Specialized Areas

---

## **GUIDELINES FOR PRIVATE FINANCIAL MANAGEMENT AUDIT**

1. Private audits of the institution were authorized by Section 7-7-211 (J). Successful private audit endeavors involve close working relationships, cooperation and coordination between four entities in the College; the Board of Trustees, the Audit Committee, the President and the Finance Function being audited.
2. The process begins with a recommendation from the President to the Board Chairperson relative to a private management audit. The Chairperson either appoints or calls on the Audit Committee Chairperson to become involved.
3. Functions of the Audit Committee are to:
  - a. Meet on the call of the Chairperson to review recommendations of the President to consider whether or not a private audit is needed.
  - b. If needed, to review these guidelines as a reminder of procedures that need to be followed.
  - c. Recommend additional procedures, if needed.
  - d. Review and make recommendations whether to accept or reject the President's recommendations relative to the private audit.
  - e. Recommend a pro-forma contract clearly defining the scope of the audit and delineating responsibility of all involved.
  - f. If the audit is begun, the committee shall make itself available to the auditor as required for an initial visit (where rules, specifications, etc., for the audit are reviewed to insure that all parties (Committee, President, Finance Officers, and Auditors) agree on rules and procedures to be followed during the audit); for necessary interim meetings where problems, successes, and status reports will be given; for the interim and final report meetings where audit recommendations, administration comments and committee member's comments and questions of both the auditor and administration. Should follow-up meetings be required, they would be called by the President or Chairperson of the committee or the Board.
  - g. Insure that auditors and the administration understand that auditors have complete freedom of communications with all parties under audit.
  - h. Insure that the auditor is free of pressure from both the administration and the Board.
  - i. Meet with the auditor without management's pressure from both the committee and the administration.
  - j. Act for the protection of the College (the Board and Administration) and become sufficiently aware of any problems and be prepared to explain them to the full Board.
  - k. Insure that adequate preparation is completed for each meeting. This includes getting information to members in time to insure good attendance, providing time for advance study of any materials necessary to be understood before meeting, etc.

## Guidelines for Specialized Areas

---

- l. Insure independence and objectivity of the audit.
  - m. Make final recommendations on audit matters to the Board for approval.
- 4. Functions of the President are to:
  - a. Cooperate with the Audit Committee and the auditor to insure independence and objectivity of the audit.
  - b. Assist the Audit Committee by:
    - (1) Recommending specifications for the Audit.
    - (2) Sending out proposals therefore, as required.
    - (3) Recommending the audit firm.
    - (4) Providing all materials, files and other information to the auditors as required and answering all questions.
    - (5) Providing management responses to audits.
    - (6) Recommending action on audits.
    - (7) Following up as required.
- 5. Functions of the finance officers and other persons audited are to be free and open with auditors, cooperate and provide requested material/information and assist in carrying out tasks assigned to the President.
- 6. Summary. An audit properly conceived, conducted, reported, received and understood, is an excellent management tool for the College. Freedom of communication, openness in relationships of involved persons and objectivity of all persons concerned will insure excellence of the auditing process. A pro-forma contract should be prepared.

# Guidelines for Specialized Areas

---

## **GUIDELINES FOR COLLEGE ARCHITECT AND ENGINEERS**

1. Providing the best possible architectural and engineering services is essential to college operations. A close working relationship is essential with and between the Board of Trustees, the Building Committee, the President and the College Architect or College Engineer.
2. The process of selecting an architect and engineer, starting a new building, making changes to an existing structure or insuring proper operation of air conditioning/heating and other equipment, begins with a recommendation from the President. To employ the services of an architect or engineer, the Board Chairperson will call on the Building Committee or the full Board to consider the recommendation.
3. Functions of the Building Committee on a request from the President on architectural services are:
  - a. Meet on call of the Chairperson to review the recommendation.
  - b. Review these guidelines as a reminder of procedures that need to be followed.
  - c. Recommend additional procedures, if necessary.
  - d. Accept or reject the President's recommendation.
  - e. Recommend a contract that provides adequately for: schematic design, design development, construction documents, construction contract administration and such other additional services as may be needed on the project at hand. All contracts shall have a specific requirement that Architects will PERSONALLY visit the site frequently and report on progress. Compensation will be determined by each individual project and will be based on proper AIA fee schedules.
4. When the President's request pertains to contractual engineering services, paragraphs 3a and 3d will be followed.
  - a. The contract with the engineer will provide for the following: Full and proper name of the engineering firm licensed to do business in Mississippi, beginning and ending date for the contract, a detailed maintenance schedule identifying what equipment, by location, will be serviced and precisely what will be done under the contract, and describe terms of doing work outside the contract, whether costs will include labor and parts or labor only, management fees, if any, and compensation terms.
  - b. The committee will make final recommendations on the engineering service to the Board for approval.
5. Functions of the President are to:
  - a. Cooperate with the Building Committee and make recommendations for action.

## Guidelines for Specialized Areas

---

- b. Assist the Building Committee by:
  - (1) Recommending specifications, details and information on architectural and engineering services needed.
  - (2) Recommending the best-qualified persons or firms known.
  - (3) Providing materials as needed.
  - (4) Recommending final action.
- 6. Summary. Insuring that the most qualified architectural and engineering services are available to the College is a most important function. Best judgment must be used in recommending these services.

# Guidelines for Specialized Areas

---

## **GUIDELINES FOR COLLEGE CONSULTANTS**

1. Providing the best possible consultant services to the College is essential to the College operations. A close working relationship with and between the Board of Trustees, the Board Officers, and the consultant firms/persons providing the service is essential.
2. The process of selecting consultants begins with a recommendation from the President to employ the services of a consultant. The Board Chairperson will call on the Board-elected officers or the full Board to consider the recommendation.
3. Functions of the Board Officers when meeting for this purpose are to:
  - a. Meet on call of the Chairperson to review the recommendation.
  - b. Review these guidelines as a reminder of procedures to be followed.
  - c. Recommend additional procedures, if necessary.
  - d. Evaluate and accept or reject the President's recommendation.
  - e. Recommend a contract for the consultant that provides, at least, for: proper legal identification of the consultant, a detailed description of the job to be performed (to include what the consultant will do vs. what the College will do) as is feasible; who will provide necessary input information (who will do typing), college facilities and/or personnel to be used, etc.; terms of compensation; any specific assignments to and for the consultant; and, any other specific items that may be needed for the assigned job.
4. Functions of the President are to:
  - a. Assist the Board Officers by:
    - (1) Recommending specifications, details and information on the consulting job to be performed.
    - (2) Recommending the best-qualified person or firms known.
    - (3) Providing materials, as needed.
    - (4) Recommending final action.
5. Summary. When consultant services are needed, the best-qualified person/firm must be employed. Best judgment must be used in recommending these services.

# Guidelines for Specialized Areas

---

## **GUIDELINES FOR COLLEGE INSURANCE COVERAGE**

1. Providing maximum affordable insurance for college property is a necessity. A successful insurance program for the College requires close working relationships with and between the Board of Trustees, the Insurance Committee and the President.
2. The process begins with a recommendation from the President to initiate, change or cancel insurance on college facilities or equipment. The Board Chairperson may either appoint an Insurance Committee, call on the full Board, or call on the existing Insurance Committee to consider the problem.
3. Functions of the Insurance Committee are to:
  - a. Meet on call on the Chairperson to review recommendations of the President on insurance matters.
  - b. Review these guidelines as a reminder of procedures to be followed.
  - c. Recommend additional procedures, if needed.
  - d. Review and make recommendations whether to accept or reject the President's recommendation on the insurance matter(s) at hand.
  - e. Recommend the contents of a pro-forma contract between the College and the selected and recommended agency that will include, at minimum, the following: continue an adequate insurance program within financial constraints; provide for an equitable and lawful distribution of commission; insurer that each participating company be a major company licensed to do business in Mississippi; that the term of insurance be the most cost effective for the College.
  - f. Meet with the agency representative and the administration as - required.
  - g. Act for the protection of the College (the Board and Administration) and become sufficiently aware of insurance problems and be prepared to explain them to the full Board.
  - h. Insured that adequate preparation is performed for each meeting. This includes providing information to members in time to insure good attendance, providing time for advance study of any materials necessary to be understood before the meeting.
  - i. Make final recommendations on insurance matters to the Board for approval.
4. Functions of the President are to:
  - a. Cooperate with the Insurance Committee and make recommendations for action.
  - b. Assist the Insurance Committee by:
    - (1) Recommending specifications on individual policies and companies/policies.

## Guidelines for Specialized Areas

---

- (2) Recommending policies/companies.
  - (3) Providing materials as needed.
  - (4) Recommending final action.
5. Summary. Insurance matters of the College are of great financial impact. Best judgment of all concerned persons must be used in recommending and approving insurance actions.





# BYLAWS OF THE BOARD OF TRUSTEES

---

## **Appendix C:**

## **Mississippi Code 1972**

## **Annotated and**

## **Amended**

---

# Mississippi Code 1972, Annotated & Amended

---

## **§ 7-7-211. Powers and duties of department.**

(j) In any instances in which the State Auditor is or shall be authorized or required to examine or audit, whether preaudit or postaudit, any books, ledgers, accounts or other records of the affairs of any public hospital owned or owned and operated by one or more political subdivisions or parts thereof or any combination thereof, or any school district, including activity funds thereof, it shall be sufficient compliance therewith, in the discretion of the State Auditor, that such examination or audit be made from the report of any audit or other examination certified by a certified public accountant and prepared by or under the supervision of such certified public accountant. Such audits shall be made in accordance with generally accepted standards of auditing, with the use of an audit program prepared by the State Auditor, and final reports of such audits shall conform to the format prescribed by the State Auditor. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day. The expense of such certified reports shall be borne by the respective hospital, or any available school district funds other than minimum program funds, subject to examination or audit. The State Auditor shall not be bound by such certified reports and may, in his or their discretion, conduct such examination or audit from the books, ledgers, accounts or other records involved as may be appropriate and authorized by law;

Sources: Codes, 1942, § 3877-05; Laws, 1948, ch. 202, § 5; Laws, 1952, ch. 176, § 5; Laws, 1960, ch. 375; Laws, 1968, ch. 496, § 1, ch. 497, § 1; Laws, 1979, ch. 512, § 2; Laws, 1982, ch. 466, § 2; Laws, 1984, ch. 450; Laws, 1985, ch. 455, § 2; Laws, 1986, ch. 488, § 3; Laws, 1989, ch. 427, § 1; Laws, 1989, ch. 459, § 1; Laws, 1989, ch. 532, § 33; Laws, 1994, ch. 332, § 1; Laws, 1995, ch. 336, § 1; Laws, 1997, ch. 609, § 6; Laws, 2003, ch. 316, § 1; Laws, 2004, ch. 461, § 1; Laws, 2004, ch. 562, § 1, eff from and after July 1, 2004.

## **§ 25-1-83. Attending conventions, associations, or meetings.**

It is further provided that no funds appropriated by the legislature or received by any agency, department, or institution from any source whatever shall be used in defraying the expenses of any state employee, other than an officer or department head, in attending a convention, association, or meeting, unless such employee be duly authorized by prior approval in writing of the departmental head or officer in charge of such department, agency, or institution in strict accord with Sections 25-1-79 and 25-1-81. Each department, agency, or institution in its annual report to the legislature shall separately show each association, convention, or meeting attended by any of its employees, the purposes thereof, the names of the employees attending, and the total cost to the state of such convention, association, or meeting.

**Sources:** Codes, 1942, § 4061-06; Laws, 1950, ch. 448, § 6; Laws, 1970, ch. 470, § 1, eff from and after July 1, 1970.

## **§ 25-3-41. Traveling expenses of state officers and employees; travel services by commercial travel agency.**

(1) When any officer or employee of the State of Mississippi, or any department, agency or institution thereof, after first being duly authorized, is required to travel in the performance of his official duties,

[1.C.]

## Mississippi Code 1972, Annotated & Amended

---

the officer or employee shall receive as expenses for each mile actually and necessarily traveled, when the travel is done by a privately-owned automobile or other privately-owned motor vehicle, the mileage reimbursement rate allowable to federal employees for the use of a privately-owned vehicle while on official travel.

(2) When any officer or employee of any county or municipality, or of any agency, board or commission thereof, after first being duly authorized, is required to travel in the performance of his official duties, the officer or employee shall receive as expenses Twenty Cents (20/C) for each mile actually and necessarily traveled, when the travel is done by a privately-owned motor vehicle; provided, however, that the governing authorities of a county or municipality may, in their discretion, authorize an increase in the mileage reimbursement of officers and employees of the county or municipality, or of any agency, board or commission thereof, in an amount not to exceed the mileage reimbursement rate authorized for officers and employees of the State of Mississippi in subsection (1) of this section.

(3) Where two (2) or more officers or employees travel in one (1) privately-owned motor vehicle, only one (1) travel expense allowance at the authorized rate per mile shall be allowed for any one (1) trip. When the travel is done by means of a public carrier or other means not involving a privately-owned motor vehicle, then the officer or employee shall receive as travel expense the actual fare or other expenses incurred in such travel.

(4) In addition to the foregoing, a public officer or employee shall be reimbursed for other actual expenses such as meals, lodging and other necessary expenses incurred in the course of the travel, subject to limitations placed on meals for intrastate and interstate official travel by the Department of Finance and Administration, provided, that the Legislative Budget Office shall place any limitations for expenditures made on matters under the jurisdiction of the Legislature. The Department of Finance and Administration shall set a maximum daily expenditure annually for such meals and shall notify officers and employees of changes to these allowances immediately upon approval of the changes. Travel by airline shall be at the tourist rate unless that space was unavailable. The officer or employee shall certify that tourist accommodations were not available if travel is performed in first-class airline accommodations. Itemized expense accounts shall be submitted by those officers or employees in such number as the department, agency or institution may require; but in any case one (1) copy shall be furnished by state departments, agencies or institutions to the Department of Finance and Administration for preaudit or postaudit. The Department of Finance and Administration shall promulgate and adopt reasonable rules and regulations which it deems necessary and requisite to effectuate economies for all expenses authorized and paid pursuant to this section. Requisitions shall be made on the State Fiscal Officer who shall issue his warrant on the State Treasurer. Provided, however, that the provisions of this section shall not include agencies financed entirely by federal funds and audited by federal auditors.

(5) Any officer or employee of a county or municipality, or any department, board or commission thereof, who is required to travel in the performance of his official duties, may receive funds before the travel, in the discretion of the administrative head of the county or municipal department, board or commission involved, for the purpose of paying necessary expenses incurred during the travel. Upon return from the travel, the officer or employee shall provide receipts of transportation, lodging, meals,

## Mississippi Code 1972, Annotated & Amended

---

fees and any other expenses incurred during the travel. Any portion of the funds advanced which is not expended during the travel shall be returned by the officer or employee. The Department of Audit shall adopt rules and regulations regarding advance payment of travel expenses and submission of receipts to ensure proper control and strict accountability for those payments and expenses.

(6) No state or federal funds received from any source by any arm or agency of the state shall be expended in traveling outside of the continental limits of the United States until the governing body or head of the agency makes a finding and determination that the travel would be extremely beneficial to the state agency and obtains a written concurrence thereof from the Governor, or his designee, and the Department of Finance and Administration. However, employees of state institutions of higher learning may expend funds for travel outside of the continental limits of the United States upon a written finding by the president or head of the institution that the travel would be extremely beneficial to the institution.

(7) Where any officer or employee of the State of Mississippi, or any department, agency or institution thereof, or of any county or municipality, or of any agency, board or commission thereof, is authorized to receive travel reimbursement under any other provision of law, the reimbursement may be paid under the provisions of this section or the other section, but not under both.

(8) When the Governor, Lieutenant Governor or Speaker of the House of Representatives appoints a person to a board, commission or other position that requires confirmation by the Senate, the person may receive reimbursement for mileage and other actual expenses incurred in the performance of official duties before the appointment is confirmed by the Senate, as reimbursement for those expenses is authorized under this section.

(9) (a) The Department of Finance and Administration may contract with one or more commercial travel agencies, after receiving competitive bids or proposals therefor, for that travel agency or agencies to provide necessary travel services for state officers and employees. Municipal and county officers and municipal and county employees may also participate in the state travel agency contract and utilize these travel services for official municipal or county travel. However, the administrative head of each state institution of higher learning may, in his discretion, contract with a commercial travel agency to provide necessary travel services for all academic officials and staff of the university in lieu of participation in the state travel agency contract. Any such decision by a university to contract with a separate travel agency shall be approved by the Board of Trustees of State Institutions of Higher Learning and the Executive Director of the Department of Finance and Administration.

(b) Before executing a contract with one or more travel agencies, the Department of Finance and Administration shall advertise for competitive bids or proposals once a week for two (2) consecutive weeks in a regular newspaper having a general circulation throughout the State of Mississippi. If the department determines that it should not contract with any of the bidders initially submitting proposals, the department may reject all those bids, advertise as provided in this paragraph and receive new proposals before executing the contract or contracts. The contract or contracts may be for a period not greater than three (3) years, with an option for the travel agency or agencies to renew the contract or contracts on a one-year basis on the same terms as the original contract or contracts, for a maximum of two (2) renewals. After the travel agency or agencies have renewed the contract twice or

## Mississippi Code 1972, Annotated & Amended

---

have declined to renew the contract for the maximum number of times, the Department of Finance and Administration shall advertise for bids in the manner required by this paragraph and execute a new contract or contracts.

(c) Whenever any state officer or employee travels in the performance of his official duties by airline or other public carrier, he may have his travel arrangements handled by that travel agency or agencies. The amount paid for airline transportation for any state officer or employee, whether the travel was arranged by that travel agency or agencies or was arranged otherwise, shall not exceed the amount specified in the state contract established by the Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management, unless prior approval is obtained from the office.

Sources: Codes, 1942, § 4061-01; Laws, 1950, ch. 448, § 1; Laws, 1958, ch. 335; Laws, 1962, ch. 491; Laws, 1970, ch. 400, § 1; Laws, 1974, ch. 303; Laws, 1978, ch. 487, § 1(1); Laws, 1980, ch. 502; Laws, 1984, ch. 488, § 169; Laws, 1985, ch. 455, § 5; Laws, 1986, ch. 500, § 2; Laws, 1990, ch. 320, § 1; Laws, 1994, ch. 612, § 1; Laws, 1998, ch. 571, § 1; Laws, 2000, ch. 581, § 1; Laws, 2001, ch. 440, § 1; Laws, 2002, ch. 630, § 1; Laws, 2005, ch. 310, § 1; Laws, 2006, ch. 425, § 1; Laws, 2006, ch. 537, § 4, eff from and after July 1, 2006.

### **§ 25-4-101. Declaration of public policy.**

The legislature declares that elective and public office and employment is a public trust and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of this trust and which will not reflect unfavorably upon the state and local governments.

Sources: Laws, 1983, ch. 469, § 1, eff from and after July 1, 1983.

### **§ 25-5-1. Removals from office.**

If any public officer, state, district, county or municipal, shall be convicted or enter a plea of guilty or nolo contendere in any court of this state or any other state or in any federal court of any felony other than manslaughter or any violation of the United States Internal Revenue Code, of corruption in office or peculation therein, or of gambling or dealing in futures with money coming to his hands by virtue of his office, any court of this state, in addition to such other punishment as may be prescribed, shall adjudge the defendant removed from office; and the office of the defendant shall thereby become vacant. If any such officer be found by inquest to be of unsound mind during the term for which he was elected or appointed, or shall be removed from office by the judgment of a court of competent jurisdiction or otherwise lawfully, his office shall thereby be vacated; and in any such case the vacancy shall be filled as provided by law.

When any such officer is found guilty of a crime which is a felony under the laws of this state or which is punishable by imprisonment for one (1) year or more, other than manslaughter or any violation of the United States Internal Revenue Code, in a federal court or a court of competent jurisdiction of any other state, the Attorney General of the State of Mississippi shall promptly enter a motion for removal

## Mississippi Code 1972, Annotated & Amended

---

from office in the circuit court of Hinds County in the case of a state officer, and in the circuit court of the county of residence in the case of a district, county or municipal officer. The court, or the judge in vacation, shall, upon notice and a proper hearing, issue an order removing such person from office and the vacancy shall be filled as provided by law.

Sources: Codes, Hutchinson's 1848, ch. 18, art 5 (3); 1857, ch. 4, art 24, ch. 6, art 198; 1871, §§ 321, 392; 1880, §§ 152, 417; 1892, § 3069; 1906, § 3477; Hemingway's 1917, § 2815; 1930, § 2907; 1942, § 4053; Laws, 1979, ch. 508, § 17; Laws, 2008, ch. 458, § 1, eff from and after July 1, 2008.

### **§ 25-5-5. Causes for removal.**

The reasons or causes for removal from office shall be:

Knowingly or willfully failing, neglecting, or refusing to perform any of the duties required of such officer by law.

Sources: Codes, 1942, § 4054-01; Laws, 1956, ch. 188, § 1, eff from and after passage (approved January 20, 1956).

### **§ 25-41-5. Official meetings of public bodies to be public and open; provisions for teleconference and video meetings.**

(1) All official meetings of any public body, unless otherwise provided in this chapter or in the Constitutions of the United States of America or the State of Mississippi, are declared to be public meetings and shall be open to the public at all times unless declared an executive session as provided in Section 25-41-7.

(2) A public body may conduct any meeting through teleconference or video means. A quorum of a public body as prescribed by law may be at different locations for the purpose of conducting a meeting through teleconference or video means provided participation is available to the general public.

(3) (a) Notice of any meetings held pursuant to subsection (2) of this section shall be provided at least five (5) days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify the locations for the meeting. All locations for the meeting shall be made accessible to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. Any interruption in the teleconference or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

(b) Five-day notice shall not be required for teleconference or video meetings continued to address an emergency as provided in subsection (5) of this section or to conclude the agenda of a teleconference or video meeting of the public body for which the proper notice has been given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment.

(4) An agenda and materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to

## Mississippi Code 1972, Annotated & Amended

---

all locations where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by teleconference or video means shall be recorded as required by Section 25-41-11. Votes taken during any meeting conducted through teleconference or video means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if a teleconference medium is used, or an audio/visual recording, if the meeting is held by video means. The recording shall be preserved by the public body for a period of three (3) years following the date of the meeting and shall be available to the public.

(5) A public body may meet by teleconference or video means as often as needed if an emergency exists and the public body is unable to meet in regular session. Public bodies conducting emergency meetings through teleconference or video means shall comply with the provisions of subsection (4) of this section requiring minutes, recordation and preservation of the audio or audio/visual recording of the meeting. The nature of the emergency shall be stated in the minutes.

Sources: Laws, 1975, ch. 481, § 3; Laws, 2003, ch. 496, § 2; Laws, 2006, ch. 596, § 2; Laws, 2007, ch. 591, § 1, eff from and after July 1, 2007.

### **§ 25-41-7. Executive sessions.**

(1) Any public body may enter into executive session for the transaction of public business; provided, however, all meetings of any such public body shall commence as an open meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.

(2) The procedure to be followed by any public body in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection (1) hereof, has been taken on the issue.

(3) An executive session shall be limited to matters allowed to be exempted from open meetings by subsection (4) of this section. The reason for holding such an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.

(4) A public body may hold an executive session pursuant to this section for one or more of the following reasons:

(a) Transaction of business and discussion of personnel matters relating to the job performance, character, professional competence, or physical or mental health of a person holding a specific position.



## Mississippi Code 1972, Annotated & Amended

---

(b) Strategy sessions or negotiations with respect to prospective litigation, litigation or issuance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the public body.

(c) Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

(d) Investigative proceedings by any public body regarding allegations of misconduct or violation of law.

(e) Any body of the Legislature which is meeting on matters within the jurisdiction of such body.

(f) Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of such public body.

(g) Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.

(h) Discussions between a school board and individual students who attend a school within the jurisdiction of such school board or the parents or teachers of such students regarding problems of such students or their parents or teachers.

(i) Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.

(j) Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or an industry.

(k) Transaction of business and discussions regarding employment or job performance of a person in a specific position or termination of an employee holding a specific position. The exemption provided by this paragraph includes the right to enter into executive session concerning a line item in a budget which might affect the termination of an employee or employees. All other budget items shall be considered in open meetings and final budgetary adoption shall not be taken in executive session.

(l) Discussions regarding material or data exempt from the Mississippi Public Records Act of 1983 pursuant to Section 25-11-121.

(5) The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes of such public body.

(6) Any such vote whereby an executive session is declared shall be applicable only to that particular meeting on that particular day.

Sources: Laws, 1975, ch. 481, § 4; Laws, 1981, ch. 456, § 1; Laws, 1990, ch. 541, § 1; Laws, 2007, ch. 305, § 2, eff from and after passage (approved Mar. 7, 2007.)



# Mississippi Code 1972, Annotated & Amended

---

## **§ 25-41-11. Minutes.**

(1) Minutes shall be kept of all meetings of a public body, whether in open or executive session, showing the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection during regular business hours.

(2) Minutes of a meeting conducted by teleconference or video means shall comply with the requirements of Section 25-41-5.

(3) Minutes of legislative committee meetings shall consist of a written record of attendance and final actions taken at such meetings.

Sources: Laws, 1975, ch. 481, § 6; Laws, 1981, ch. 456, § 2; Laws, 2003, ch. 496, § 3, eff from and after July 1, 2003.

## **§ 37-29-3. Official seal.**

Each junior college shall have an official seal to be impressed upon all instruments of the junior college requiring seal. Said seal may be in the form of a circle. Said seal shall imprint the name and location of the college and the words "Official Seal."

Sources: Codes, 1942, § 6475-17; Laws, 1950, ch. 369, § 17.

## **§ 37-29-5. Title to lands; buildings and improvements.**

Title to lands may be acquired and buildings and other improvements may be erected thereon for the use and benefit of junior colleges. Title to all such property hereafter acquired shall be vested in the board of trustees and the trustees' successors in office.

Any board of supervisors or board of trustees of any municipal separate school district which presently holds title to the lands, buildings, and improvements of a junior college may convey title to same to the board of trustees and their successors in office of such junior college pursuant to a resolution of such board of supervisors or board of trustees of a municipal separate school district, duly adopted and spread on the minutes of said board of supervisors.

Sources: Codes, 1942, § 6475-08; Laws, 1950, ch. 369, § 8.

## **§ 37-29-65. Selection of trustees; terms; compensation.**

(6) The board of supervisors shall elect the requisite number of discreet persons of good moral character, sufficient education and experience, and of proven interest in public education, who are qualified electors of the county, as trustees of the junior college; and annually thereafter the board of supervisors in like manner shall fill vacancies. All trustees so appointed shall be listed in the minutes of the board of supervisors and their appointment shall be certified by the chancery clerk to the president of the junior college.

## Mississippi Code 1972, Annotated & Amended

---

(7) Each junior college trustee may be paid, out of junior college funds, a per diem as authorized in Section 25-3-69, Mississippi Code of 1972, per meeting of said board and, in addition thereto, the mileage authorized under Section 25-3-41, Mississippi Code of 1972, per mile in coming to and returning from said meeting, calculated upon the customary and normally traveled route from the home of such trustee to the campus of said junior college. Such allowance of per diem and mileage shall not, however, be allowed for more than fifteen (15) meetings for any one (1) fiscal year and shall only be paid for meetings actually attended by such trustees.

Sources: Codes, 1942, § 6475-05; Laws, 1950, ch. 369, § 5; Laws, 1958, ch. 298; Laws, 1960, ch. 308, § 1; Laws, 1964, ch. 402, § 1; Laws, 1971, ch. 386, § 1; Laws, 1972, ch. 409, § 1; Laws, 1975, ch. 376; Laws, 1980, ch. 547; Laws, 1988, ch. 467; Laws, 1989, ch. 575, § 1; Laws, 1990, ch. 471, § 1; Laws, 1990, 1st Ex Sess, ch. 50, § 1; Laws, 1992, ch. 307, § 1; Laws, 1995, ch. 605, § 13, eff from and after July 1, 1995.

### **§ 37-29-73. Board may execute oil, gas and mineral leases; terms; limits.**

The board of trustees is authorized to execute oil, gas and mineral leases on any of the property owned by the board of trustees of the district, but such leases shall not extend for a term beyond five years unless oil, gas or other minerals shall be in production under said leases at the expiration of said period. The terms and conditions of said lease, within the limitations above set out, shall be for the determination and within the discretion of the board of trustees.

Sources: Codes, 1942, § 6475-59; Laws, § 1964, ch. 398, § 9, eff from and after July 1, 1964.

### **§ 37-29-77. Lease of school buildings, equipment and lands.**

The board of trustees of any junior college is hereby authorized to lease the buildings and equipment thereof to any responsible individual for the purpose of carrying on a private school when there are no funds available for running said institution, and to lease the lands of said institution to some responsible person for agricultural purposes. Said leases shall not extend for any greater length of time than a period of three years from date of granting said lease.

Sources: Codes, 1942, § 6484; Laws, 1932, ch. 106.

### **§ 37-29-83. Repealed.**

Repealed by Laws 1990, ch. 518, § 17, eff from and after October 1, 1993.

[Laws, 1973, ch. 477, § 1; Repealed, 1984, ch. 495, § 36, and 1984, 1st Ex Sess, ch. 8, § 3; Reenacted and amended, 1985, ch. 474, § 42; 1986, ch. 438, § 15; 1987, ch. 483, § 20; 1988, ch. 442, § 17; 1989, ch. 537, § 16; 1990, ch. 518, § 17; 1991, ch. 618, § 16; 1992, ch. 491 § 17]

### **§ 37-29-85. Liability insurance to cover official actions of board members.**

The board of trustees of any public junior college district is hereby authorized to purchase liability insurance to cover the official actions of its board members and the official actions of employees of such public junior college district. Such coverage shall be in an amount judged by the board to be

## Mississippi Code 1972, Annotated & Amended

---

adequate. The costs of such insurance shall be paid out of the public junior college district's general maintenance fund.

Sources: Laws, 1981, ch. 510, § 1; Laws, 1982, ch. 459; Laws, 1985, ch. 474, § 48; Laws, 1986, ch. 438, § 16; Laws, 1987, ch. 483, § 21; Laws, 1988, ch. 442, § 18; Laws, 1989, ch. 537, § 17; Laws, 1990, ch. 518, § 18; Laws, 1991, ch. 618, § 17; Laws, 1992, ch. 491, § 18, eff from and after passage (approved May 12, 1992).

### **§ 37-29-107. Issuance of bonds for dormitories and other housing facilities.**

Subject to the approval of the State Board for Community and Junior Colleges, the boards of trustees of junior college districts are hereby authorized and empowered to contract with and borrow money from the United States of America, or any department, instrumentality, agency or agencies thereof, as may be designated or created to make loans or grants, or from private lenders, for the purpose of acquiring land for, and erecting, repairing, remodeling, maintaining, adding to, extending, improving, equipping or acquiring dormitories with or without dining facilities, dwellings or apartments to be located at or near the campuses of such junior colleges, for the use of students, faculty members or officers or employees thereof. The said boards are hereby authorized to supervise the contracting for and the construction and equipping of all facilities constructed and financed hereunder.

Sources: Codes, 1942, § 6477-01; Laws, 1962, ch. 353, § 1; Laws, 1986, ch. 434, § 7, eff from and after July 1, 1986 (became law on April 4, 1986, without Governor's signature).

### **§ 37-29-109. Resolution authorizing issuance of bonds; bond provisions; sale.**

The loans authorized by Section 37-29-107 and Sections 37-29-401 through 37-29-437, shall be evidenced by bonds, which shall be authorized by resolution of the boards of trustees. Each such resolution shall describe the land to be acquired, if any, and the said dormitories, dwellings or apartments to be erected, repaired, remodeled, maintained, added to, extended, improved, equipped, or acquired, together with the equipment therefor. A majority vote of all of the members of such boards, respectively, shall be necessary to the adoption of any such resolution. All votes cast on such resolutions shall be by ye and nay vote, duly recorded on the minutes of the proceedings of such boards, respectively.

Such bonds may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding twenty-five (25) years from the respective dates thereof, may mature in such amount or amounts, may bear interest at such rate or rates, not exceeding that allowed in Section 75-17-101, Mississippi Code of 1972, payable semiannually, may be in such forms, either coupon or registered, may carry such registration privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, and may be subject to such terms of redemption, with or without premium, all as such resolution or other resolutions may provide.

All such bonds shall be sold at public sale pursuant to such notice as such boards shall prescribe by resolution. All such bonds shall be fully negotiable within the meaning and for the purposes of the Uniform Commercial Code. Incidental costs in connection with the issuance of said bonds, the printing

## Mississippi Code 1972, Annotated & Amended

---

thereof, costs of validation proceedings if required by bond resolution, including attorney's fees and other costs directly attributable to the issuance of said bonds, either in one or more series or at one (1) time or various times, may be paid out of the proceeds of the sale of said bonds. In agreements or commitments by or between the boards of trustees and private lenders and/or the U. S. Department of Housing and Urban Development or its successor to make loans or grants in which bonds are to be issued under the provisions of this section, and in which part or all of the principal and/or interest on said bonds is to be paid or guaranteed by the U. S. Department of Housing and Urban Development or its successor, said bonds shall mature at such time or times, not to exceed (40) years, as shall be prescribed in the resolution of the board of trustees authorizing their issuance and shall bear a net interest rate not in excess of that allowed in Section 75-17-101, Mississippi Code of 1972.

Notwithstanding any other provision of law, in any resolution authorizing the issuance of bonds hereunder, including refunding bonds, the boards of trustees, may provide for the initial issuance of one or more bonds (hereinafter sometimes collectively called "bond"), may make such provision for installment payments of the principal amount of any such bond as they may consider desirable, and may provide for the making of any such bond registerable as to principal or as to both principal and interest and, where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bond. Such boards may further make provision in any such resolution for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registerable as to principal or as to principal and interest.

Sources: Codes, 1942, §§ 6477-02, 6477-03; Laws, 1962, ch. 353, §§ 2, 3; Laws, 1969, Ex Sess, ch. 28, § 1; Laws, 1981, ch. 462, § 7; Laws, 1981, 1st Ex Sess, ch. 10; Laws, 1982, ch. 434, § 13; Laws, 1983, ch. 541, § 18, eff from and after passage (approved April 25, 1983).

### **§ 37-29-111. When bonds may be refunded.**

Bonds issued under the provisions of Section 37-29-109, may be refunded, in whole or in part, in any of the following circumstances, to wit:

- (a) When any such bonds by their terms become due and payable and there are not sufficient sums in the fund established for their payment to pay such bonds and the interest thereon;
- (b) When any such bonds are by their terms callable for payment and redemption in advance of their date of maturity and shall have been duly called for payment and redemption;
- (c) When any such bonds are voluntarily surrendered by the holder or holders thereof in exchange for refunding bonds; and
- (d) When, in connection with the issuance of any additional bonds under the provisions of Section 37-29-109 for the purpose of financing any additional construction authorized under the provisions of Section 37-29-107, any such board shall determine to combine such new issue of bonds with any issue or issues of bonds of the same board then outstanding, for the purpose of unifying such indebtedness and utilizing the income and revenues derived from all projects or facilities operated by

## Mississippi Code 1972, Annotated & Amended

---

such board to the payment of such indebtedness, and such board shall determine that such outstanding bonds are by their terms then callable for redemption or are obtainable by and through the voluntary surrender thereof by the holder or holders thereof.

Sources: Codes, 1942, § 6477-04; Laws, 1962, ch. 353, § 4, eff from and after passage (approved May 21, 1962).

### **§ 37-29-113. Refunding bonds.**

For the purpose of refunding any bonds issued under the provisions of Section 37-29-109, including refunding bonds, any board of trustees may make and issue refunding bonds in such amount as may be necessary to pay off and redeem the bonds to be refunded together with unpaid and past due interest thereon and any premium which may be due under the terms of such outstanding bonds, together also with the cost of issuing such refunding bonds. Said board may sell the same in like manner as provided for the initial issuance of bonds. With the proceeds of any such refunding bonds such board shall pay off, redeem and cancel such old bonds and interest coupons as may have matured, or such bonds as may have been called for payment and redemption together with the past due interest and premium, if any, due thereon; such bonds may be issued and delivered in exchange for a like par value amount of bonds to refund which the refunding bonds were issued. No refunding bonds issued hereunder shall be payable in more than twenty-five (25) years from the date thereof, nor shall any such refunding bonds bear interest at a rate in excess of that allowed in Section 75-17-101, Mississippi Code of 1972, payable semiannually. All such refunding bonds shall be payable from the same source or sources as were pledged to the payment of the bonds refunded thereby and, in the discretion of such board of trustees, may be payable from any other source or sources which may be pledged to the payment of revenue bonds issued hereunder. Bonds of two (2) or more outstanding issues of the same board may be refunded in a single issue of refunding bonds.

Sources: Codes, 1942, § 6477-05; Laws, 1962, ch. 353, § 5; Laws, 1981, ch. 462, § 8; Laws, 1982, ch. 434, § 14; Laws, 1983, ch. 541, § 19, eff from and after passage (approved April 25, 1983).

### **§ 37-29-115. Securing payment of bonds.**

The boards of trustees, in the issuance of bonds under the provisions of Section 37-29-109, in order to secure the payment of such bonds and the interest thereon, shall have power by resolution:

(a) To fix and maintain (1) fees, rentals and other charges to be paid by students, faculty members, or officers or employees using or being served by any dormitories, dwellings or apartments erected, repaired, remodeled, maintained, added to, extended, improved or acquired under the authority of Section 37-29-107; (2) fees, rentals and other charges to be paid by students, faculty members, or officers or employees using or being served by any other dormitories, dwellings or apartments or other projects or facilities at any junior college for which bonds are issued under the provisions of Section 37-29-109, which fees, rentals and other charges shall be the same as those applicable to the dormitories, dwellings or apartments referred to under (1) above; in fixing such fees, rentals and other charges, there may be allowed reasonable differentials based on the condition, type, location and relative convenience of the dormitories, dwellings or apartments or other projects or facilities in

## Mississippi Code 1972, Annotated & Amended

---

question, but such differentials shall be uniform as to all students, faculty members, officers or employees similarly accommodated;

(b) To provide that bonds issued under the provisions of Section 37-29-109 shall be secured by a first lien on, and shall be payable from, all or any part of the income and revenues derived from fees, rentals and other charges to be paid by students, faculty members, officers or employees using or being served by any dormitories, dwellings or apartments, or other projects or facilities operated at such junior colleges, respectively, and erected, repaired, remodeled, maintained, added to, extended, improved or acquired under the authority of Section 37-29-107 or any other law, or otherwise, and not then currently pledged;

(c) To pledge and assign to or in trust for the benefit of the holder or holders of any bond or bonds, coupon or coupons issued under the provisions of Section 37-29-109, an amount of the income and revenues derived from such fees, rentals and other charges to be paid by students, faculty members, officers or employees, using or being served by any dormitories, dwellings or apartments, or other projects or facilities operated at such junior colleges, and erected, repaired, remodeled, maintained, added to, extended, improved or acquired under the authority of Section 37-29-107 or any other law, or otherwise, and not then currently pledged, which rentals, fees and charges imposed and pledged shall be sufficient to pay when due the bonds issued under the provisions of Section 37-29-109 and interest thereon, to create and maintain a reasonable reserve therefor, and to operate and maintain the project constructed under the terms of Section 37-29-107, including insurance thereon, and to create and at all times maintain an adequate reserve for contingencies and for major repairs and replacements;

(d) To covenant with or for the benefit of the holder or holders of any bond or bonds, coupon or coupons issued under the provisions of Section 37-29-109 to erect, repair, remodel, maintain, add to, extend, improve or acquire any dormitories, dwellings or apartments, and, so long as any such bonds or coupons shall remain outstanding and unpaid, to fix, maintain and collect fees, rentals or other charges from students, faculty members, officers or employees using or being served by any such facilities erected, repaired, remodeled, maintained, added to, extended, improved, or acquired under the authority of Section 37-29-107 or any other law, or otherwise, which fees, rentals or other charges shall be sufficient to pay when due any bond or bonds, coupon or coupons, issued under the provisions of Section 37-29-109, and create and maintain a reasonable reserve therefor, and to pay the cost of operation and maintenance of such facilities, including insurance thereon, and to create and at all times maintain an adequate reserve for contingencies and for major repairs and replacements;

(e) To make and enforce and to agree to make and enforce parietal rules that shall insure the use of any such dormitory, dwelling or apartment, by students, faculty members, officers or employees of such junior college to the maximum extent to which such facilities are capable of serving same, so long as such rules are not in conflict with existing covenants;

(f) To covenant that as long as any bonds or coupons issued under the provisions of section 37-29-109 shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined by the resolution issuing such bonds, (1) voluntarily create, or cause to be created, any



## Mississippi Code 1972, Annotated & Amended

---

debt, lien, pledge, assignment, encumbrance, or other charge having priority to or being on a parity with the lien of the bonds so issued upon any of the income and revenues derived from fees, rentals and other charges to be paid by students, faculty members, officers or employees using or being served by any dormitories, dwellings or apartments operated at any such junior college and erected, repaired, remodeled, maintained, added to, extended, improved or acquired under the authority of section 37-29-107 or any other law, or otherwise, or (2) convey or otherwise alienate any such dormitories, dwellings or apartments, or the real estate upon which the same shall be located, except at a price sufficient to pay all the bonds then outstanding and interest thereon payable from the revenues of such facilities, and then only in accordance with any agreements with the holder or holders of such bonds, or (3) mortgage or otherwise voluntarily create, or cause to be created, any encumbrance on any such dormitory, dwelling or apartment, or the real estate upon which it shall be located;

(g) To covenant as to the proceedings by which the terms of any contract with a holder or holders of such bonds may be amended or rescinded, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given;

(h) To vest in the holder or holders of any specified amount of percentage of bonds the right to apply to any court of competent jurisdiction for and to have granted the appointment of a receiver or receivers of the income and revenues pledged to or for the benefit of the holder or holders of any such bonds, which receiver or receivers may have and be granted such powers and duties as are usually granted under the laws of the State of Mississippi to a receiver or receivers appointed in connection with the foreclosure of a mortgage made by a private corporation.

Sources: Codes, 1942, § 6477-06; Laws, 1962, ch. 353, § 6, eff from and after passage (approved May 21, 1962).

### **§ 37-29-117. Actions or proceedings by bondholders.**

The holder of any bond or any interest coupon issued under the provisions of Sections 37-29-107 through 37-29-115 may, by suit, action, mandamus or other proceedings at law or in equity, enforce and compel performance by the appropriate official or officials of the said boards of trustees of any or all acts and duties to be performed by such boards or such officials under the provisions of said sections and under the resolution authorizing the issuance of such bond or interest coupon. If there be any default in the payment of the interest on and principal of any of such bonds, any court having jurisdiction in the proper action may, upon petition of the holder of any such bonds, appoint a receiver to administer and operate the facilities, the revenues of which were pledged to the payment of such bonds, with power to fix and collect fees, rentals and other charges sufficient to provide for the payment of all bonds outstanding, to the payment of which the revenues of such facilities were pledged and to pay the expenses of operating and maintaining such facilities and to apply the revenues thereof in conformity with the provisions of said sections and of the resolution authorizing the issuance of such bonds.

Sources: Codes, 1942, § 6477-07; Laws, 1962, ch. 353, § 7, eff from and after passage (approved May 21, 1962).

## Mississippi Code 1972, Annotated & Amended

---

### **§ 37-29-119. Full faith and credit of state not pledged to payment of bonds.**

It shall be understood that the full faith and credit of the State of Mississippi is not pledged to the payment of such bonds as are issued under the provisions of Sections 37-29-107 through 37-29-115, and that such bonds are payable solely from the sources provided by law.

Sources: Codes, 1942, § 6477-01; Laws, 1962, ch. 353, § 1, eff from and after its passage (approved May 21, 1962).

### **§ 37-29-121. Junior college district may borrow not to exceed \$50,000 for housing facilities.**

Any junior college district, supported in whole or in part by tax levies of one or more counties, may borrow not exceeding fifty thousand dollars (\$50,000.00), for the purpose of receiving, transporting, erecting on the ground of said institution, and equipping and furnishing any prefabricated houses, or other materials, or appliances, fixtures, machines, furnishings or equipment, obtained by grant or otherwise from the United States of America or any department or agency thereof, or from any other source, where the same may be acquired for the use of the institution, any student personnel, or faculty members.

Sources: Codes, 1942, § 6466-01; Laws, 1946, ch. 366, § 1.

### **§ 37-29-125. Board of trustees to fix and collect fees, rents and charges; disposition of monies.**

The board of trustees of any such junior college district borrowing money pursuant to the authority granted in Section 37-29-121, is hereby authorized and empowered to fix, maintain and collect fees, rentals and other charges to be paid by students, faculty members and others using, housed in or being served by any building or other housing facility erected or established under the terms and provisions of said section. All such fees, rentals and other charges shall likewise be paid into the debt retirement fund specified in Section 37-29-123, and shall be pledged for the prompt repayment of any and all indebtedness, whether of principal or interest, incurred under the provisions of said section. Nothing in Sections 37-29-121 through 37-29-127 shall be construed to authorize the levying or imposition of any taxes in excess of the limits and amounts which are now or may hereafter be provided by law.

Sources: Codes, 1942, § 6466-03; Laws, 1946, ch. 366, § 3.

### **§ 37-29-143. Receipt and expenditure of tax revenues; surety bonds by persons handling district funds.**

(1) On or before the thirtieth day of each month, the board of supervisors of each county belonging to a junior college district and levying taxes pursuant to subsection (1) of Section 37-29-141, for the support and maintenance thereof shall transmit or have the chancery clerk transmit its warrant or warrants constituting all of the revenues received from taxation for the prior month for said purposes to the chief executive officer or president of its respective junior college district. All such county warrants evidencing a county's annual income from its authorized tax levy shall be forthwith deposited in one or more banking institutions and public depositories previously selected by the board of trustees of the junior college district and spread upon its official minutes. The board of trustees shall,



## Mississippi Code 1972, Annotated & Amended

---

by appropriate orders spread upon its minutes, authorize its chief executive officer or president to expend such funds for lawful purposes only and in accordance with its annual budget previously adopted.

The board of trustees may require its designated employees, including its president, and fiscal agents to enter into and file with the president of the college a surety bond to insure the faithful performance of the public duties of each officer or agent who is authorized to receive and expend the funds of the district. Such bond may be of such denomination and conditions as the board of trustees may deem necessary and requisite, and the premium thereon shall be paid from the funds of the district.

(2) All funds derived from such taxes as are provided for in subsection (2) of Section 37-29-141, shall be paid into the county depository of the county in which the junior college is located, upon receipt warrants of the chancery clerk of said county. Such funds shall be paid out of the depository in the manner prescribed by order of the board of trustees of the junior college for purposes provided by statute.

Sources: Codes, 1942, §§ 6475-11, 6475-63; Laws, 1950, ch. 369, § 11; Laws, 1964, ch. 398, § 13; Laws, 1980, ch. 428, § 9, eff from and after passage (approved April 30, 1980).

### **§ 37-29-145. Taxes shall be levied until previously issued bonds retired.**

In the event any county shall have outstanding bonds or other indebtedness which were sold or levied for the support and maintenance of a public junior college which was in operation as of July 1, 1964, and such county becomes a part of a legally constituted junior college district as provided in section 37-29-31, the board of supervisors of such county shall continue to levy taxes upon such county until such bonds or other indebtedness shall be fully paid according to the terms thereof.

Sources: Codes, 1942, § 6475-64; Laws, 1964, ch. 398, § 14, eff from and after July 1, 1964.

### **§ 37-29-161. Short title.**

Sections 37-29-161 to 37-29-173 may be cited as the "Mississippi Junior College Vocational and Technical Training Law of 1964."

Sources: Codes, 1942, § 6475-31; Laws, 1964, ch. 401, § 1, eff from and after its passage (approved March 26, 1964).

### **§ 37-29-163. Declaration of intent.**

It is hereby declared to be the intent of the legislature that those funds appropriated to the state building commission for the junior college vocational and technical training fund shall be expended to expand immediately and improve existing programs, to institute new programs and to provide adequate equipment and facilities for existing and new programs for vocational and technical training individually or collectively within the public junior colleges of the state. The legislature further declares its intent to be that the presently existing physical facilities of the junior colleges shall be utilized in the development and implementation of such vocational and technical training programs where possible.

## Mississippi Code 1972, Annotated & Amended

---

Sources: Codes, 1942, § 6475-33; Laws, 1964, ch. 401, § 3, eff from and after its passage (approved March 26, 1964).

### **§ 37-29-165. Junior college vocational and technical training fund; expenditures from fund.**

There is hereby created within the state building commission a fund for the stimulation of the vocational and technical training programs of the junior colleges of the State of Mississippi. All sums of money received by the state building commission to carry out the provisions of the Mississippi Junior College Vocational and Technical Training Law of 1964 shall be maintained in the state treasury and shall constitute a fund to be known as the "junior college vocational and technical training fund". All expenditures therefrom shall be authorized by the State Building Commission in the manner set forth in Section 37-29-171. Such expenditures shall be paid therefrom by the state treasurer on warrants issued by the auditor of public accounts. Said auditor shall issue his warrant upon requisition signed by the chairman and secretary of said commission.

Sources: Codes, 1942, § 6475-32; Laws, 1964, ch. 401, § 2, eff from and after its passage (approved March 26, 1964).

### **§ 37-29-167. Applications for benefits; local matching funds; district board of trustees authorized to receive gifts.**

Any state public junior college desiring any benefit available under the provisions of the Mississippi Junior College Vocational and Technical Training Law of 1964 shall make application in triplicate therefor to the junior college commission, and submit the same in the form and manner as said commission may direct.

The board of trustees of the junior college district is required and it is empowered to allocate local matching funds on at least a fifty-fifty basis to supplement state funds, and the commission shall determine the rules and conditions appertaining to same.

The board of trustees is authorized to receive all grants, scholarships or donations in carrying out the provisions of said law.

Sources: Codes, 1942, § 6475-34; Laws, 1964, ch. 401, § 4, eff from and after its passage (approved March 26, 1964).

### **§ 37-29-169. Allocation of funds; review of application; certificate of necessity; disposition of application.**

The formula for allocating funds to the state's public junior colleges in support of the purposes set forth in Section 37-29-163 shall be determined by the State Board for Community and Junior Colleges based upon need for the program set forth in the application.

Said board shall furnish a copy of the application to the Governor's Office of General Services and a copy to the Board of Economic Development. The Board of Economic Development shall review each application, and if said board finds and determines there exists a need for said training programs,

## Mississippi Code 1972, Annotated & Amended

---

facilities and equipment, it shall issue a certificate of necessity to the State Board for Community and Junior Colleges, which certificate of necessity shall be a prerequisite for approval.

The State Board for Community and Junior Colleges shall consider each application with reference to adequacy of the past, present and prospective use of the instruction, personnel, curriculum, equipment, budget, operation, facilities, grants, scholarships, tuition, maintenance and other similar administrative and technical data as relates to each junior college. The said board shall, by resolution or order, approve or disapprove the application.

Sources: Codes, 1942, § 6475-35; Laws, 1964, ch. 401, § 5; Laws, 1986, ch. 434, § 8, eff from and after July 1, 1986 (became law on April 4, 1986, without Governor's signature).

### **§ 37-29-171. Approval of expenditures.**

No expenditures shall be made under the provisions of the Mississippi Junior College Vocational and Technical Training Law of 1964 for the construction of new buildings, renovation or expansion of existing buildings, the purchase of any new or used instructional equipment, machinery and instructional facilities, or for any other purpose under the provisions of said law until approval of the state building commission is obtained by resolution duly entered upon its minutes.

Sources: Codes, 1942, § 6475-36; Laws, 1964, ch. 401, § 6, eff from and after its passage (approved March 26, 1964).

### **§ 37-29-173. Use of local and supporting funds.**

Local funds made available to the junior colleges or supporting funds allocated in support of the Mississippi Junior College Vocational and Technical Training Law of 1964, or both, may be used to supplement any other funds that may now be, or that may hereafter become, available for the purposes of carrying out the intent of said law. In no event, however, shall any expenditures be made under the provisions of said law unless the amount of local funds involved shall be equal to or exceed the amount of state funds made available for the projects or programs involved.

Sources: Codes, 1942, § 6475-37; Laws, 1964, ch. 401, § 7, eff from and after its passage (approved March 26, 1964).

### **§ 37-29-175. Lease of facilities for industrial training of students.**

If a junior college now or hereafter establishes facilities for the industrial training of students and it appears to the board of trustees of the junior college district that the training of students will be facilitated by the continuous operation of such facilities, the trustees are authorized to lease to individual firms or corporations such facilities or a part thereof upon such terms and conditions as the trustees may approve, provided that all students desirous of securing training of the kind offered by the lessee shall be given a reasonable opportunity therefor.

Sources: Codes, 1930, § 6676; Laws, 1942, § 6456; Laws, 1924, ch. 283; Laws, 1930, ch. 278; Laws, 1936, 2nd Ex Sess, ch. 11; Laws, 1968, ch. 405, § 1, eff from and after July 1, 1968.

# Mississippi Code 1972, Annotated & Amended

---

## **§ 37-29-177. Specialized programs in vocational and vocational-technical education shall be available to out-of-district students.**

Specialized programs in vocational and vocational-technical education which are not available to students in their home districts, but which are offered in other districts, shall be available to such students on a non-out-of-district fee basis.

Sources: Codes, 1942, § 6475-25; Laws, 1962, ch. 352, § 5, eff from and after its passage (approved May 26, 1962).

## **§ 37-29-179. Repealed.**

Repealed by Laws, 1986, ch. 434, § 17, eff from and after July 1, 1986 (became law on April 4, 1986, without Governor's signature).

[Codes, 1942, § 6475-26; Laws, 1962, ch. 352, § 6]

## **§ 37-29-201. Hospitals, counties and municipalities may support nurse training programs.**

The official boards of the various public supported hospitals of the State of Mississippi that conduct a nurses training program in connection with said hospitals are hereby empowered to contribute to a public supported junior college wherein said hospital is located in said junior college district for the support and maintenance of a nurses training program at said junior college. The board of supervisors of any county wherein there is a public hospital supported in whole or in part at county expense is hereby authorized and empowered to contribute to a nurses training program carried on and conducted thereat when said junior college district encompasses the county wherein the supervisors so contribute. The governing board of any municipality in this state that supports in whole or in part a hospital is hereby authorized and empowered to contribute to such a nurses training program at the public supported junior college wherein the municipality is located within the junior college district.

Any public supported junior college operating or conducting a nurses training program is hereby authorized and empowered to accept donations from private hospitals or any other persons, firms or corporations for the support of a nurses training program.

Sources: Codes, 1942, § 6475-41; Laws, 1964, ch. 437, eff from and after passage (approved June 5, 1964).

## **§ 37-29-233. Diplomas.**

When a student has successfully completed the course prescribed for the freshman and sophomore years, any junior college which has been properly accredited may issue a diploma to such student, bearing the title of AN ASSOCIATE OF ARTS, AN ASSOCIATE OF AGRICULTURE, or any other appropriate title as testimonial of the completion of two years of college work.

Sources: Codes, 1930, § 6696; Laws, 1942, § 6475-09; Laws, 1928, ch. 303; Laws, 1930, ch. 278; Laws, 1950, ch. 369, § 9.

## Mississippi Code 1972, Annotated & Amended

---

### **§ 37-29-239. Junior college fraternity, sorority or secret society; unlawful for pupils to join, belong to, or participate in activities.**

It shall be unlawful for any pupil attending the public junior colleges of this state to become a member of or to belong to or participate in the activities of any junior college fraternity, sorority, or secret society as defined in Section 37-29-235.

Sources: Codes, 1942, § 6486-01; Laws, 1946, ch. 427, §§ 1-7; Laws, 1962, ch. 358.

### **§ 37-29-241. Junior college fraternity, sorority or secret society; duties of district boards of trustees.**

All boards of trustees of public junior college districts shall prohibit fraternities, sororities, or secret societies in all junior colleges under their respective jurisdiction. It shall be the duty of said boards of trustees to suspend or expel from said junior colleges under their control, any pupil or pupils who shall be or remain a member of, or shall join or promise to join, or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged to become a member of, any such public junior college fraternity, sorority or secret society, as defined in Section 37-29-235.

Sources: Codes, 1942, § 6486-01; Laws, 1946, ch. 427, §§ 1-7; Laws, 1962, ch. 358.

### **§ 37-29-261. Board of supervisors may permit county road department employees or road district employees to assist in maintenance of campus streets.**

The board of supervisors of any county which levies a tax for the support of a junior college district may, in its discretion, permit county road department employees or road district employees, if any, to operate county-owned equipment and machinery to assist in the maintenance of the public property on such junior college campus.

The board of trustees of the junior college district affected and the board of supervisors may agree as to the terms and conditions under which such public property may be worked and supplies or materials may be furnished.

Sources: Codes, 1942, § 6475-71; Laws, 1968, ch. 389, § 1; Laws, 1983, ch. 308; Laws, 1985, ch. 311; Laws, 1988 Ex Sess, ch. 14, § 32, eff from and after October 1, 1989.

### **§ 37-29-263. Defraying costs of providing electronic data processing equipment.**

Any other provision of law to the contrary notwithstanding, the various junior colleges of the state are authorized to defray the cost of providing electronic data processing equipment out of any available funds acquired from taxes levied within the junior college district, whether designated for capital expenditures or operating costs, whether such equipment is acquired by purchase, lease or under any other form of contract. However, no such funds shall be expended unless the acquisition of such equipment has been approved by the central data processing authority.

# Mississippi Code 1972, Annotated & Amended

---

Sources: Codes, 1942, § 6486-11; Laws, 1971, ch. 444, § 1, eff from and after passage (approved March 25, 1971).

## **§ 37-29-267. Municipalities and counties may purchase land and buildings for junior college.**

Any municipality, county or counties, acting alone or jointly with other counties or municipalities, which have organized or shall hereafter organize a junior college under the provisions of Sections 37-29-1 through 37-29-273, shall be authorized to purchase lands or buildings for such college for cash or upon the installment plan. The deferred balance shall not bear interest in excess of that allowed for tax anticipation notes in Section 75-17-105, Mississippi Code of 1972, and any deferred balance may be secured by a vendor's lien or by promissory notes and a deed of trust to be executed by the designated representative of the trustees of the junior college district. Title to such property shall be taken in the name of the trustees of such junior college district and their successors in office.

The board of supervisors of such county or counties, or in the case of a multiple county district the county or location acting alone or with one or more of the other counties, and the mayor and board of aldermen or other governing authority of such municipalities, are hereby authorized to levy annually a sufficient ad valorem tax to pay the down payment or yearly installments provided in the deed or deed of trust, or may use the three (3) mills provided in subsection (2) of Section 37-29-141, allowed for enlargement and improvements.

At the time of the purchase of said lands or buildings there shall be entered on the minutes of the board of supervisors of each county or board of aldermen or other governing authority of each municipality participating, an order specifying the amount to be paid for such property and providing for the annual installments, and obligating the governing authorities of such county, counties, or municipalities to levy annually a sufficient ad valorem tax to pay such installment. The funds collected by such tax levy shall be paid into the hands of the county superintendent of the county in which such junior college is located, and disbursed by him as said installments become due.

In the event there is, at the time of the purchase of said property, an indebtedness due secured by a lien on such property, then the board of trustees of such junior college district shall have the authority to assume such indebtedness and pay same as a part of the purchase price of said property.

The junior college district shall have the privilege of prepaying all or a portion of the deferred balance at any time without penalty, and for this purpose may use any appropriate available funds.

Unneeded land or buildings or facilities located on property so acquired may be leased, or the buildings may be sold and removed.

By the authority given in this section for the home county of a junior college district to purchase land for junior college purposes, such indebtedness incurred or funds expended cannot become a binding obligation on other counties in the junior college district unless the boards of supervisors of such counties expressly consent thereto.

# Mississippi Code 1972, Annotated & Amended

---

Sources: Codes, 1942, § 6482; Laws, 1936, ch. 259; Laws, 1964, ch. 403; Laws, 1981, ch. 462, § 9; Laws, 1982 ch. 434, § 15; Laws, 1983, ch. 541, § 20, eff from and after passage (approved April 25, 1983).

## **§ 37-29-401. Mississippi Gulf Coast Junior College District created.**

There is hereby created a junior college district comprised of the territory lying within Harrison, Stone, George and Jackson Counties and having boundaries coinciding with the external boundaries thereof.

The name of the said junior college district shall be the Mississippi Gulf Coast Junior College District of Mississippi and the said district shall be and the same is hereby constituted a legal political governmental subdivision and a body corporate.

Sources: Laws, 1962, ch. 381, §§ 1, 2.

## **§ 37-29-403. Transfer of property to junior college district.**

All of the property belonging to the board of trustees of Perkinston Junior College and all of the property belonging to either or all of the counties prior to and as of May 10, 1962, cooperating in the Perkinston Junior College or the agricultural high school-junior college located at Perkinston, Mississippi and utilized or held for the present or future use and benefit of said junior college and/or agricultural high school-junior college shall be and the same is hereby transferred to and vested in the Mississippi Gulf Coast Junior College District.

Sources: Laws, 1962, ch. 381, § 3.

## **§ 37-29-405. President.**

The Mississippi Gulf Coast Junior College District shall be under the executive direction of a president elected by the board of trustees of said district.

Sources: Laws, 1962, ch. 381, § 7.

## **§ 37-29-407. Powers of president.**

The president of the junior college shall have the power to recommend to the trustees all teachers to be employed and he may remove or suspend any member of the faculty subject to the approval of the trustees. He shall be the general manager of all fiscal and administrative affairs of the district with full authority to select, direct, employ and discharge any and all employees other than teachers.

The president shall have the authority, subject to the provisions of Sections 37-29-401 through 37-29-437 and the approval of the trustees, to arrange and survey courses of study, fix schedules, and establish and enforce rules and discipline for the governing of teachers and students. He shall be the general custodian of the property of the district.

Sources: Laws, 1962, ch. 381, § 8.



# Mississippi Code 1972, Annotated & Amended

---

## **§ 37-29-409. Selection of trustees; terms.**

The operation and control of the Mississippi Gulf Coast Junior College District and the college or colleges operated therein shall be vested in a board of trustees representing each of the four (4) counties lying within the district. The board of trustees shall consist of twenty-three (23) members. Of the said number Harrison County shall be entitled to eight (8) members, Stone County shall be entitled to three (3) members, George County shall be entitled to three (3) members and Jackson County shall be entitled to eight (8) members. In no event in the future shall any of the counties have more than the number hereinabove established. The members of the board of trustees from each county shall be elected by the board of supervisors of the county. Except as hereinafter specified the term of office of each trustee shall be five (5) years. The members of the board of trustees serving on July 1, 1989, shall continue to serve until their terms expire. All shall be appointed for a term of five (5) years each. There shall be one (1) additional member of the board who shall be selected by the members of the board of trustees who shall reside alternatively in Jackson and Harrison Counties, with the initial appointment to be made from Jackson County for a term of five (5) years.

Sources: Laws, 1962, ch. 381, § 4; Laws, 1989, ch. 575, § 2, eff from and after July 1, 1989.

## **§ 37-29-411. General powers and duties of trustees.**

The Board of Trustees of the Mississippi Gulf Coast Junior College District shall have the powers to do all things necessary to the successful operation of the said district and the college or colleges or attendance centers located therein.

The several colleges of the said district shall be under the direction of the board of trustees and the president and under the local supervision of a dean. The board of trustees shall, by resolution or order, provide for the government, maintenance and operation of each of the colleges within the district.

The said junior college district shall have all the powers of other junior college districts or junior colleges in the State of Mississippi and the delineation and enumeration of the powers and purposes set out in Sections 37-29-401 through 37-29-437 shall be deemed to be supplemental and additional and shall not be construed to restrict the powers of the governing authorities of the district or of any college located therein so as to deny to the said district and the colleges therein the rights, privileges and powers enjoyed by other junior colleges and junior college districts in the State of Mississippi.

The said junior college district shall remain subject to the jurisdiction and control of the State Board for Community and Junior Colleges as now established or as the same may be hereafter changed by law, and shall be subject to all rules and regulations and all statutory limitations which are now in effect or may hereafter be imposed, except as the same may be in direct conflict with the provisions of Sections 37-29-401 through 37-29-437.

Sources: Laws, 1962, ch. 381, §§ 5, 7, 14; Laws, 1968, ch. 390, § 1; Laws, 1986, ch. 434, § 9, eff from and after July 1, 1986 (became law on April 4, 1986, without Governor's signature).



# Mississippi Code 1972, Annotated & Amended

---

## **§ 37-29-413. Junior college attendance centers.**

The Mississippi Gulf Coast Junior College District is hereby authorized and empowered to operate junior college attendance centers at Perkinston, Mississippi, in the vicinity of Gulfport and Biloxi and in the vicinity of Pascagoula and Moss Point and at such other places within the district, subject to the approval of the State Board for Community and Junior Colleges, as the board of trustees shall determine to be in the best interest of the district.

Sources: Laws, 1962, ch. 381, § 7; Laws, 1986, ch. 434, § 10, eff from and after July 1, 1986 (became law on April 4, 1986, without Governor's signature).

## **§ 37-29-415. Preparation of budget.**

The board of trustees of the Mississippi Gulf Coast Junior College District shall, on or before the fifteenth day of June each year, prepare and file the annual budget of the district. The said budget shall contain a detailed estimate of the revenues and expenses anticipated for the ensuing year for general operation and maintenance and shall set forth the reasonable requirements for anticipated needs for capital outlays for land, buildings, initial equipment for new buildings and major repairs, a reasonable accumulation for such purposes being hereby expressly authorized. Funds derived from the levy for capital outlay shall be kept in a separate account and expended for capital outlay purposes only.

Sources: Laws, 1962, ch. 381, § 5; Laws, 1968, ch. 390, § 1.

## **§ 37-29-417. Execution of oil, gas and mineral leases.**

The trustees of the Mississippi Gulf Coast Junior College District are authorized to execute oil, gas and mineral leases on any of the property of the district but such leases shall not extend for a term beyond five years unless oil, gas or other minerals shall be in production under said leases at the expiration of said period. The terms and conditions of said lease, within the limitations above set out, shall be for the determination and within the discretion of the trustees.

Sources: Laws, 1962, ch. 381, § 12.

## **§ 37-29-419. Sales of surplus real and personal property.**

When any land or other property owned by the Mississippi Gulf Coast Junior College District shall cease to be used or needed by the district, the same may be sold by the board of trustees upon sealed bids after three weeks' advertisement in a newspaper in the county where the said property is located. Personal property having a value determined by the board of less than five hundred dollars (\$500.00) may be sold without such advertisement; however, in such event notice shall be posted in at least three public places in the county where such property is situated or where it is to be sold, giving notice of the time and place of such sale, and such property shall be sold to the highest and best bidder for cash. Such notice shall be posted for ten days before the sale.

Sources: Laws, 1962, ch. 381, § 13.

# Mississippi Code 1972, Annotated & Amended

---

## **§ 37-29-421. Transportation of pupils.**

The Mississippi Gulf Coast Junior College District is charged with the responsibility for providing pre-professional courses, liberal arts, technical, vocational, and adult education courses and shall undertake to provide the same as conveniently as is possible to the residents of the district and to this end the board of trustees is authorized and empowered to transport such students as, in its discretion, should be transported in the best interest of the district.

Sources: Laws, 1962, ch. 381, § 9.

## **§ 37-29-423. Fees and tuition.**

The Mississippi Gulf Coast Junior College District, in the discretion of the board of trustees, may charge fees and tuitions in accordance with Section 37-103-25.

Sources: Laws, 1962, ch. 381, § 11; Laws, 2003, ch. 364, § 3, eff from and after July 1, 2003.

## **§ 37-29-425. Borrowing in anticipation of taxes.**

The board of trustees of the Mississippi Gulf Coast Junior College District may borrow money in anticipation of taxes not to exceed fifty percent (50%) of the previous year's ad valorem tax receipts for the purpose of paying any expenses authorized by law for the operation, maintenance and support of the colleges. The loan shall be evidenced by note or notes bearing the signature of the president and of the secretary of the board of trustees and the seal of the college shall be thereon impressed. Said notes shall mature not later than the first day of April next thereafter and the same shall not bear interest in excess of that allowed in Section 75-17-105, Mississippi Code of 1972.

Sources: Laws, 1962, ch. 381, § 10; Laws, 1981, ch. 533, § 1; Laws, 1982, ch. 434, § 16; Laws, 1983, ch. 541, § 21, eff from and after passage (approved April 25, 1983).

## **§ 37-29-427. Utilization of available funds for commencement of projects for which bonds have been authorized.**

In the event that bonds shall have been authorized for projects determined by the board of trustees of the Mississippi Gulf Coast Junior College District and such bonds validated, the board of trustees is authorized to utilize any available funds for the immediate commencement of such project and to reimburse the funds from which any such expenditures are made from the proceeds of the bonds when the same are received.

Sources: Laws, 1962, ch. 381, § 10.

## **§ 37-29-429. Issuance of bonds; authorized purposes; resolution of board of trustees; election pursuant to board's request.**

When the board of trustees of the Mississippi Gulf Coast Junior College District shall determine that it is necessary to procure additional funds by issuance of bonds for the purpose of making capital outlays for the construction and equipping of buildings, athletic fields, other structures, and related facilities, or for making repairs or providing funds for use in conjunction with funds provided by or

## Mississippi Code 1972, Annotated & Amended

---

available from any governmental, public or private source by loan, donation, matching program or grant, it may adopt a resolution declaring the necessity for said funds, that the same are unavailable from other sources and declare the purpose for which said funds are required and to be expended which purposes may, in addition to the foregoing, include any and all of the purposes for which school district bonds may be issued. In its said resolution the board of trustees shall determine and adjudge that the said bonds when issued will not result in the imposition on the property of the district of an indebtedness of more than five percent of the assessed valuation of the taxable property in the junior college district for junior college purposes, according to the latest completed assessment for taxation, shall specify the maximum amount in which said bonds may be issued, give the general proposed schedule of maturities and the details with respect to said bonds. In all matters where not otherwise herein provided the said bonds shall conform to the provisions of law governing school district bonds. Upon request of the board of trustees the clerk of the chancery court of each county shall furnish his certificate showing the totals of the latest completed assessment for taxation of all taxable property of the county, including motor vehicles.

Said resolution may call upon the boards of supervisors of the several counties to require an election to be called to determine whether or not the said bonds shall be issued or it may, in the discretion of said board of trustees, determine to issue the said bonds unless protest shall be filed and an election called pursuant thereto as set out in Section 37-29-431. In the event that the board of trustees shall determine to cause an election to be called as above mentioned, the election shall be held and the results thereof ascertained and given effect in the manner as is set out in Section 37-29-431 and provided for in cases where an election is called upon the petition of twenty percent of the qualified electors of the county.

Prior to its resolution determining to issue said bonds or call an election thereon, the board of trustees of the junior college district shall inform the board of supervisors of each of the counties of its proposal and may be required, by the board of supervisors of any county, to cause to be made a survey, by one or more impartial experts, of the building needs of the district, setting out the same in the order of priority. If such a survey has been conducted within the past twenty-four months a new one shall not be required but the board of supervisors for the several counties shall be furnished with copies of the survey.

Sources: Laws, 1962, ch. 381, § 6.

### **§ 37-29-431. Issuance of bonds, procedure where board of trustees elects itself not to cause an election to be held.**

If the board of trustees of the Mississippi Gulf Coast Junior College District shall not elect itself to cause an election to be held, it shall immediately upon the adoption of the resolution mentioned in Section 37-29-429 certify the same to the boards of supervisors of each county and immediately cause notice of the proposed issuance of said bonds to be published once a week for three (3) consecutive weeks in each of the four (4) counties of the district in a newspaper having general circulation therein. Said notice shall state that the determination to issue said bonds has been made by the board of trustees and the same will be issued unless, within thirty (30) days after the first publication of said notice, a petition signed by at least ten percent (10%) or twenty-five hundred

## Mississippi Code 1972, Annotated & Amended

---

(2500), whichever is less, of the qualified electors of the county shall be filed with the board of supervisors of the county protesting against the issuance of said bonds and seeking an election with respect thereto. If no protest be filed, the clerk of the board of supervisors shall immediately so certify to the secretary of the board of trustees of the junior college district and the said bonds may be then issued as proposed.

If ten percent (10%) or twenty-five hundred (2500), whichever is less, of the qualified electors of any of the counties shall file their protest with the clerk of the board of supervisors of the county demanding an election on the issuance of said bonds, the board of supervisors shall promptly meet and consider said petition. If the said board shall find the petition to be sufficient, it shall enter an order directing the election commission of said county to cause an election to be held in the said county, fixing the date therefor in the order, to determine whether or not bonds shall be issued for the purposes set out in the resolution of the board of trustees and in the maximum amount therein provided. It shall thereupon become the duty of the election commissioners of the county to hold said election on the date fixed by the board of supervisors. Said election shall be held as nearly as is practicable in accordance with the laws governing general elections, and three (3) weeks notice of said election shall be given by publication in a newspaper having general circulation in the county. The ballot used shall substantially describe the bond issue proposal and electors shall be permitted to vote for the bond issue or against the bond issue.

Within three (3) days, Sundays and legal holidays excluded, after the holding of said election, the election commissioners shall certify to the board of trustees of the junior college district and to the board of supervisors of the county the result of said election. If after all of the elections have been held in the counties where the same have been called and the results thereof duly certified, the board of trustees shall determine that the majority of the qualified electors voting in any two (2) counties of the district, one (1) of which shall border on the Gulf of Mexico, shall have voted for the said bond issue, then the said bonds may be issued; otherwise the said bonds shall not be issued as proposed.

If an election on the issuance of the bonds shall have been called in any county and it shall appear that no elections are being called in other counties or in a sufficient number of counties to result in an effective election, then the board of supervisors of the county having called the election may give notice of the cancellation thereof at any time prior to the actual date of said election.

Sources: Laws, 1962, ch. 381, § 6; Laws, 1980, ch. 554, eff from and after July 1, 1980.

### **§ 37-29-433. Issuance of bonds; validation and sale.**

If it shall be determined to proceed with the issuance of the said bonds the same may be validated and sold as other bonds of the county or counties except that the sale shall be made by the board of trustees of the Mississippi Gulf Coast Junior College District and the validation proceedings may be held before the chancery court of any county of the district. Notice of the validation herein shall, however, be published as provided by law in each of the counties of the district.

Sources: Laws, 1962, ch. 381, § 6.

# Mississippi Code 1972, Annotated & Amended

---

## **§ 37-29-435. Bonds issued are full faith and credit bonds of District; levy of tax.**

All bonds issued by authority of Sections 37-29-401 through 37-29-437 shall be full faith and credit bonds of the Mississippi Gulf Coast Junior College District. It shall be the duty of the board of trustees to request and the county board of supervisors to levy annually a tax on all of the taxable property of each county in the district sufficient to meet the principal and interest falling due on said bonds during the year for which said taxes are levied.

Sources: Laws, 1962, ch. 381, § 6.

## **§ 37-29-437. Taxation.**

After the budget shall have been prepared as is provided for in Section 37-29-415, the board of trustees of the Mississippi Gulf Coast Junior College District shall certify the same in writing to the boards of supervisors of the several counties and shall certify to the said boards of supervisors the number of mills of ad valorem taxation required to make provisions for the revenue required in said budget. It shall thereupon become the duty of the board of supervisors of each of the four counties to levy the taxes in the number of mills specified by the board of trustees. The tax levy for maintenance and operation of the district shall not exceed four mills nor shall the levy for capital outlay, including purchase of lands, construction and equipment of buildings and structures, making of major repairs, and for the retirement of bonds, exceed three mills.

Promptly upon having certified the requirements of the district to the several boards of supervisors the board of trustees of the district shall cause publication of notice to be made in each county in a newspaper published or having general circulation therein giving notice of the filing of the request for the levy aforesaid. Said notice shall be published at least one time and within ten days after the certification of the request for such levy to the boards of supervisors. The said notice shall provide that the said levy requested will be made in each county unless a petition signed by twenty percent of the qualified electors of the district shall be filed with the secretary of the board of trustees of the said district within thirty days from the date of the first publication protesting against the said levy and demanding an election thereon. In the event of the filing of such a petition, it shall be the duty of the secretary forthwith to call a special meeting of the board of trustees of the district setting forth the fact of the filing of such petition in the notice of the call and the said board shall promptly meet and consider the said petition. If it shall find that the same does in fact protest against the said levies and is in fact signed by at least twenty percent of the qualified electors of the said district, it shall then so certify to the boards of supervisors of the several counties. As early as possible but not later than fifteen days after the receipt of such notice, it shall be the duty of the board of supervisors of each county to enter an order directing the election commissioners of the county to proceed to hold an election in all of the voting precincts of said county to determine whether or not the levy shall be made as requested by the board of trustees of the district.

The said election shall be held within thirty days from the date of the said order of the board of supervisors requesting that the same be called and notice thereof shall be published once a week for three weeks during the period between the order directing the election commissioners to hold the same and the actual date thereof.

## Mississippi Code 1972, Annotated & Amended

---

The election shall be held in accordance with the laws governing general elections as nearly as is practicable and the election commissioners of each county shall, promptly after the holding of said election, certify to the secretary of the board of trustees of the district the result thereof in each county, certifying also the number of qualified electors in each county on the date of the holding of said election. The board of trustees of the district shall promptly meet and consider the several certificates of the election commissioners and shall determine the result of said election in the district. If it shall be determined that a majority of the qualified electors of the district have voted against the levy requested, the same shall not be made but the board of supervisors in each county shall continue in effect the levy made for the preceding fiscal year. If it be determined that a majority of the qualified electors has not voted against said levy, it shall be the duty of the board of supervisors of each county to make the levy as requested. In any event, the levy for full faith and credit bonds outstanding as obligations of the county before May 10, 1962, for capital outlays and improvements for Perkinston Junior College and/or bonds subsequently issued shall be continued in effect in accordance with the obligations undertaken in the issuance of said bonds. All of such bond levies, however, as are reasonably required to meet the annual maturities and interest on outstanding bonds shall be considered a part of the three mill maximum above provided for capital outlays, buildings, purchase of land and other similar items hereinbefore mentioned.

Sources: Laws, 1962, ch. 381, § 5; Laws, 1968, ch. 390, § 1.

### **§ 37-31-73. Agreements for establishment of center; terms of agreement; board of trustees; fiscal agent.**

The various school districts, counties, municipalities and community/junior college districts of this state are hereby authorized to enter into agreements between such school districts and between such school districts and any of the boards of supervisors of any county, the governing authorities of any municipality, or the boards of trustees of any community/junior college district providing for the construction or operation of regional vocational education centers. Any such agreement shall be subject to the approval of the State Board of Education. Any such agreement will designate the fiscal agent, among other provisions, provide for the method of financing the construction and operation of such facilities, the manner in which such facilities are to be controlled, operated and staffed, and the basis upon which students are to be admitted thereto and transportation provided for students in attendance therein. Any such agreement or any subsequent modification thereof shall be spread at large upon the minutes of each party thereto after having been duly adopted by the governing authorities of each party.

Such agreements may provide for the establishment of regional vocational education advisory councils to serve in an advisory capacity to such regional vocational education centers, to be made up of representatives of the board of trustees of school districts or community/junior college districts which may be parties thereto. Said regional vocational education advisory councils of the parties to such agreement will operate at the will of the fiscal agent for the regional vocational education center. The fiscal agent shall have all powers designated to it in the agreement by the parties to the agreement, except for the power to request or require the levy of taxes or the power to issue or require the issuance of any bonds, notes or other evidences of indebtedness, or to call for an election on the question of the issuance thereof.



## Mississippi Code 1972, Annotated & Amended

---

Sources: Codes, 1942, § 6502-02; Laws, 1972, ch. 337, § 2; Laws, 1982, ch. 493, § 16; Laws, 1992, ch. 482, § 7; Laws, 1996, ch. 534, § 3, eff from and after July 1, 1996.

### **§ 37-103-25. Tuition and fees for attending state-supported institutions of higher learning and junior colleges; waiver of out-of-state tuition for nonresidents who were born in Mississippi and are veterans of the Armed Forces.**

(1) The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community colleges and junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community colleges and junior colleges of the State of Mississippi.

(2) Except as otherwise provided in this subsection, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established under subsection (1) of this section if:

(a) The nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor's father or mother, or both;

(b) The nonresident student is a veteran who served in the Armed Forces of the United States;

(c) The nonresident student is domiciled in Mississippi no later than six (6) months after the nonresident student's separation from service, as evidenced by a Report of Separation from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community or junior college; or

(d) The nonresident student is an evacuee of an area affected by Hurricane Katrina or Hurricane Rita. This waiver shall be applicable to the 2005-2006 school year only.

Sources: Codes, 1942, § 6800-12; Laws, 1962, ch. 355, § 2; Laws, 2003, ch. 364, § 1; Laws, 2005, 5th Ex Sess, ch. 13, § 1, eff from and after Aug. 28, 2005.

### **§ 75-17-105. Maximum interest rate on tax anticipation notes.**

Unless otherwise provided by law, tax anticipation notes and reappraisal notes issued by the State of Mississippi or a county, municipality or political subdivision thereof and described in Sections 19-9-27, 19-13-17, 21-33-325, 21-33-325.1, 27-39-325, 37-29-101, 37-29-267, 37-29-425, 37-41-93, 37-59-37, 37-59-39, 37-59-41, 51-7-15, 51-7-27, 51-29-5 and 51-31-73, Mississippi Code of 1972, shall bear interest at a rate not to exceed eleven percent (11%) per annum.

SOURCES: Laws, 1983, ch. 541, § 3; Laws, 1984, ch. 506, § 14; Laws, 1985, ch. 384; Laws, 1985, ch. 477, § 18; Laws, 2009, ch. 485, § 3, eff from and after passage (approved Apr. 6, 2009.)