Mississippi Wireless Communication Commission

Rules and Regulations

Per Miss. Code § 25-53-171 (3), (4), (4)(f) and (5)(j) the WCC, in conjunction with the Department of Information Technology Services, shall have the sole authority to promulgate rules and regulations governing the operations of the wireless communications system and shall be vested with all legal authority necessary and proper to perform this function, to establish policies, procedures and standards which shall be incorporated into a comprehensive management plan for the operation of the statewide communications system, and to exercise any power necessary to carry out the intent of the statute.

ARTICLE I. OFFICE

Section 1. Office.
The office of the WCC shall be located on the premises of the Mississippi Emergency Management Agency.

ARTICLE II. OFFICERS AND PERSONNEL

Section 1. Officers.
The officers of the WCC shall be a Chairperson and a Vice Chairperson.

Section 2. Chairperson.
The Chairperson shall serve a two year term. The Chairperson shall preside at all meetings of the WCC; co-sign all contracts, deeds and other instruments made by the WCC when required by federal or state regulations; and perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the WCC from time to time.

Section 3. Vice Chairperson.
The Vice Chairperson shall be elected by the members of the Commission and shall move into the position of Chairperson at the end of his/her term as Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence, incapacity, or inability of the Chairperson to act.

Section 4. Executive Manager.
The WCC personnel committee shall interview and select the Executive Manager to serve at the will and pleasure of the WCC. This individual may not concurrently serve as a member of the WCC representing one of those agencies listed in Miss. Code § 25-53-171. The Executive Manager shall be responsible to the members of the WCC and, subject to the policies and directions of the WCC, shall exercise control over the administration of the WCC and the execution of WCC policies. The Executive Manager shall co-sign all contracts and other documents approved by the WCC unless federal or state regulations require otherwise; appoint, remove, discipline, and supervise the WCC's personnel; supply the WCC with such information and recommendations as necessary or as may be requested by the WCC; authorize and certify payrolls, requisitions and other documents relating to the financial affairs of the WCC; and perform such other duties as may from time to time be prescribed for the Executive Manager by the WCC. The Executive Manager may delegate such administrative duties and authority as are consistent with these by-laws and such other rules and regulations as may from time to time be approved by the WCC. The salary of the Executive Manager shall be set by the personnel committee. The Executive Manager shall attend all meetings of the WCC, maintain a full and thorough record of all proceedings of the WCC, and keep all official records of the WCC.

Section 5. Support Staff.
The Personnel Committee shall have the authority to approve or deny all requests of additional staff as petitioned by the Executive Manager. Once the position is approved, the Executive Manager will have the authority to interview, hire and set salary for the individual positions pursuant to the rules and regulations of the State Personnel Board.

ARTICLE III. MEETINGS

Section 1. Regular Meetings.
Regular meetings shall be conducted on the first Thursday of each month beginning at 1:30 p.m. and shall be held in the first floor auditorium of Mississippi Department of Transportation. Public notice shall be provided for each meeting as required by state law.

Section 2. Special Meetings.
Special meetings may be called at any time by the Chairperson or by the majority of members of the WCC by delivering personally, by mail or by e-mail, written notice to each member of the WCC at least 24 hours before the time of such meeting as specified in the notice. Said notice shall specify the time and place of said meeting and the business to be transacted. No other business shall be considered at such meetings.

Section 3. Public Meetings.
All regular and special meetings of the WCC shall be open to the public except for such executive sessions.

Section 4. Quorum.
A majority of the members of the WCC shall constitute a quorum for the transaction of business, but a smaller number may recess from time to time until a quorum is obtained.

Section 5. Voting.
Voting on all matters shall be by voice vote or by roll call, and the ayes and nays shall be entered in the minutes of the meeting. All actions shall require a majority vote of the members present provided a quorum is present. The Chairperson will have a vote on any measure before the WCC. The Chairperson may not make or second motions.

Section 6. Designees.
If a WCC committee member outlined in Miss. Code § 25-53-171(2)(a)-(o) opts to send a designee in his/her place, as allowed by Miss. Code § 25-53-171(2)(a)-(o), said member shall notify the Chairperson and the WCC Executive Manager of his/her designee via his/her agency letterhead prior to the meeting. Such letter of designation shall remain on file and considered the official appointment of his/her designee as long as that commission member remains a member of the WCC.

Section 7. Rules and Order.
The WCC shall follow Robert's Rules of Order as previously adopted.

ARTICLE IV. COMMITTEE STRUCTURE

Section 1. Committees and Appointments.
The following standing committees will be appointed: Personnel Committee, Interoperability/Governance Committee and Procurement Committee. Each standing committee will consist of five members, with two members being appointed by the Chairperson, two members being appointed by the Vice Chairperson and one member being appointed by the representative of the Mississippi Department of Information Technology Services. No member of the WCC, including the Chairperson or Vice Chairperson may serve on more than two committees. The Executive Manager may not serve on any standing committee. Ad hoc committees may be appointed by the Chairperson on an as needed basis.

ARTICLE V. EXPENDITURES

Section 1. Approval of Contracts.
Per Miss. Code § 25-53-171 (7)(a) the Mississippi Department of Information Technology Services shall administer expenditures approved jointly by the WCC and the Mississippi Department of Information Technology Services. Further the WCC, in conjunction with Mississippi Department of Information Technology Services, may enter into contracts upon approval by a majority of the members of the WCC.

STATE OF MISSISSIPPI
WIRELESS COMMUNICATION COMMISSION

July 11, 2008

VIA HAND DELIVERY

Thomas H. Riley, III
Assistant Secretary of State for Business Services
P. O. Box 136
Jackson, MS 39205-0136

Re: Proposed Rules of the Mississippi Wireless Communication Commission

Dear Mr. Riley:

Enclosed are the Rules and Regulations of the Mississippi Wireless Communication Commission (WCC), proposed for adoption at the regularly scheduled meeting of the WCC held on July 10, 2008. These agency rules are proposed for final adoption pursuant to the authority of Miss. Code Ann. § 25-43-2.104 and Miss. Code Ann. § 25-53-171(4).

Pursuant to the Secretary of State's Administrative Rules, Part I, Chapter 5, Sect. 108, enclosed you will find the following:

- A cover memo detailing specific statutory authority for the publication of the Rules and Notice of Proposed Rule Adoption in the Mississippi Administrative Bulletin; and

- Notice of Proposed Rule Adoption- SOS APA Form OO1, along with proposed Rules and Regulations (attached).

As required by the Secretary of State's Administrative Rules, Part I, Chapter 5, Sect. 102 the Rules are submitted to you on paper and via email containing the text of the Rules in Microsoft Word and PDF.

Thank you for your consideration of these matters. If you have any questions or concerns, please contact me.

Sincerely,

Bill Roach

Bill Roach
Executive Project Officer

412 EAST WOODROW WILSON AVENUE, MAIL CODE 6601 • JACKSON, MISSISSIPPI 39216
TELEPHONE: 601/359-5333 • FAX: 601/359-5362 • www.wcc.ms.gov

cc: Christopher B. Epps, Chair
Wireless Communication Commission (w/enc.)

David L. Litchliter, Executive Director
Mississippi Department of Information Technology Services (w/enc.)

MEMORANDUM

TO: Thomas H. Riley, III
Assistant Secretary of State for Business Services

FROM: Bill Roach, Executive Project Officer
Mississippi Wireless Communication Commission

SUBJECT: Proposed Adoption of Rules and Regulations for the Mississippi Wireless Communication Commission

DATE: July 11, 2008

Attached are the proposed Rules and Regulations of the Mississippi Wireless Communication Commission (WCC), proposed for adoption at the regularly scheduled meeting of the WCC open to the public and held on July 10, 2008. These agency rules are proposed for final adoption pursuant to the authority of Miss. Code Ann. § 25-53-171(4).

This cover memorandum is intended to assist interested parties in understanding the filing of these proposed Rules. The Rules consist of a single document, divided into five Articles, as follows:

1. Article I Office
2. Article II Officers and Personnel
3. Article III Meetings
4. Article IV Committee Structure
5. Article V Expenditures.

Article I describes the physical location of the office of the WCC. Article II lists the titles and describes the functions of officers and personnel. The third article, Article III, sets out the anticipated regular meeting schedule and special meetings of the WCC. Article IV lists the committees that are expected to be appointed to conduct the business of the Commission. The final article, Article V, states that the Mississippi Department of Information Technology Services shall administer expenditures of the WCC.

Pursuant to the authority of Miss. Code Ann. § 25-43-3.107(1) the WCC anticipates that a rule incorporating the provisions of the Mississippi Public Records Act of 1983, Miss. Code Ann. § 25-61-1, *et seq.*, may be adopted by the WCC and included within these rules, with the exception that pursuant to Miss. Code Ann. § 25-61-5(1) the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the WCC shall be provided for within fourteen (14) working days after a written request for a public record is made.

These proposed Rules are issued pursuant to Miss. Code Ann. § 25-43-2.104. Written comments should be addressed to:

Bill Roach
Executive Project Officer
Mississippi Wireless Communication Commission
301 N. Lamar St., Suite 508
Jackson, MS 39201

Or by email to:

Bill.Roach@its.state.ms.us