

## **MISSISSIPPI WIRELESS COMMUNICATION COMMISSION**

### **Rules and Regulations**

Per Miss. Code § 25-53-171 (3), (4), (4)(f) and (5)(j) the Mississippi Wireless Communication Commission (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                    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 be elected by the members of the WCC and 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 WCC 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.        Vacancy in Office**

###### **a. Vacancy in the Office of Chairperson**

Should a vacancy exist in the office of Chairperson, as determined by a majority of the WCC, the Vice Chairperson shall assume the office of Chairperson and the WCC shall elect a new Vice Chairperson, with both officers to serve for a period of two years. Notwithstanding any provision of these Rules and Regulations to the contrary, a Chairperson who assumes this office prior to the date of the enactment of this subsection shall be eligible to serve a prospective two-year term, if elected by the WCC pursuant to Article I, Section 2.

###### **b. Simultaneous Vacancies in the Offices of Chairperson and Vice Chairperson**

Should the WCC Executive Officer determine that a vacancy exists simultaneously in the offices of Chairperson and Vice Chairperson he/she shall notify the WCC and call for a meeting of the WCC for the purpose of holding an election of officers as soon as practicable, but in no event not less than sixty (60) days from the date the dual vacancy occurs. Any member of the Commission may call the meeting to order, and the Commission may immediately elect a Chairman pro tem to preside during the called session. An election shall be conducted by the WCC to fill simultaneous vacancies in the offices of Chairperson and

Vice Chairperson and those officers elected shall serve a full two-year term, with the right of succession by the Vice Chairperson, as provided in Article I, Section 3.

c. Simultaneous, Temporary Absence of Chairperson and Vice Chairperson

If neither the Chairperson nor Vice Chairperson is present during a meeting, any other member of the Commission may call the meeting to order, and the Commission may immediately elect a Chairman pro tem to preside during that session.

Section 5. Executive Officer.

The WCC Personnel Committee shall interview and make recommendation(s) to the WCC for the position of the Executive Officer. The Executive Officer shall be selected by and 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 Officer 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 Officer 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 Officer by the WCC. The Executive Officer 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 Officer shall be set by the Personnel Committee and approved by the WCC. The Executive Officer 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. In the event the Executive Officer cannot attend a meeting of the WCC, the Executive Officer may delegate this responsibility and shall notify the Chairperson of such delegation.

Section 6. Support Staff.

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

ARTICLE II MEETINGS

Section 1. Regular Meetings.

Regular meetings shall be conducted on the first Thursday of each month beginning at 1:30 p.m., or at such date and time as may be selected and announced in advance by the Chairperson as required by state law, and shall be held in the first floor auditorium of Woolfolk State Office Building, Room 145, or such other location as may be selected and announced in advance by the Chairperson. 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 member of the WCC, as provided in Miss. Code § 25-53-171(2)(a)-(o), opts to send a designee in his/her place, as allowed by this Section, said member shall notify the Chairperson and the WCC Executive Officer of his/her designee via his/her agency letterhead prior to or at 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 to the extent such procedures are not inconsistent with the WCC Rules and Regulations, enabling statutes, or other Mississippi law.

## **ARTICLE III 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 at least five, but in no case more than seven members appointed by the Chairman. No member of the WCC, including the Chairperson or Vice Chairperson, may serve on more than two standing committees. The Executive Officer may not serve on any standing committee. The terms of standing committee members shall be the same as the Chairperson. At the beginning of a Chairperson's term, standing committees will be appointed as described above in this Article. There shall be no prohibition to standing committee members being reappointed to serve additional terms. Ad hoc committees may be appointed by the Chairperson on an as needed basis. The Chairperson shall fill any vacancies that occur on standing committees during his or her term.

## **ARTICLE IV EXPENDITURES**

### Section 1. Approval of Expenditures and Contracts.

Per Miss. Code § 25-53-171 (7)(a) the Mississippi Department of Information Technology Services (ITS) 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 or extensions thereof ("Contracts") upon approval by a majority of the members of the WCC.

a. Approval of Contracts greater than \$250,000. All contracts in excess of \$250,000 lifecycle cost shall be approved in advance by ITS and the WCC and, after full approval, shall require the signatures of the ITS Executive Director and the Chair of the Commission.

b. Approval of Contracts of \$250,000 or Less. All contracts of \$250,000 lifecycle cost or less shall be approved by ITS and the WCC Executive Officer or designee.

c. All WCC Expenditures **shall be approved in advance by ITS** and the WCC Executive Officer or designee and ratified by a majority of the members of the WCC at the following meeting.

## **ARTICLE V PUBLIC RECORDS**

Proposals, books, records, papers, or other documentary materials, regardless of physical form or characteristics, in use, prepared, possessed or retained by the WCC for use in the conduct of its business are public records under Mississippi law and are subject to disclosure to any person making a request thereof, according to the procedures documented below.

### Section 1. Submission of Requests

All requests for information under the Public Records Act and other submissions under this Article must be submitted in writing to:

#### **Executive Officer**

Mississippi Wireless Communication Commission  
412 East Woodrow Wilson Avenue, Mail Stop 6601 Jackson, MS 39216-1405  
RE: PUBLIC RECORDS REQUEST

Please Note: No verbal or telephone requests can be accepted. Because payment must be submitted with the request, email requests cannot be accepted.

Requests for Standard Documents, as identified on the Schedule of Fees in Section 5, must be accompanied by payment in the amount specified on the Schedule of Fees.

For any Special Request (i.e. any request for information not included in the list of Standard Documents), the request must be accompanied by payment in the amount of \$60 to cover the first hour of staff time involved in evaluation and research of the request. This payment is nonrefundable and is applied toward the total actual cost of filling the public records request.

### Section 2. Timetable for Processing

“Working Days” as used herein means Monday through Friday but excludes State recognized holidays mandated by Mississippi Code Annotated, Section 3-3-7, other holidays identified in holiday proclamations

published or distributed by the Mississippi Secretary of State, and any other day the offices of state agencies are officially closed for business.

Within seven (7) Working Days of receipt of the request, the WCC will do one or more of the following:

- i. Make the records available for inspection or copying.
- ii. If Standard Documents are requested and full payment is received in accordance with the attached Schedule of Fees, send the copies to the requestor.
- iii. Acknowledge the receipt of the Special Request and accompanying Special Request fee of \$60, and provide a reasonable estimate of the time and cost that will be required to make the records available; for records that do not fall under the provisions of Mississippi Code Annotated Section 25-61-9 regarding Third Party Information notification requirements, the WCC will provide a written explanation if the records cannot be produced within the seven Working Day period.
- iv. Provide notice of missing or incomplete payment to the requestor. Requests not accompanied by the appropriate payment will be closed within ten (10) Working Days of the date of the WCC's notification to the requestor, if payment is not received.
- v. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone, with written follow-up. The WCC may revise the estimate of when records will be available.
- vi. Deny the request, with documentation to the requestor as to the reason for denial.

### Section 3. Third Party Information

The WCC receives certain information from Third Parties that may be confidential. In compliance with Mississippi Code Annotated Section 25-61-9(1), trade secrets or confidential commercial or financial information is not released until notice has been given to the party submitting the information. When the WCC receives a request to release Third Party Information, the owner of this information is notified of the name and address of the party requesting the information and the nature of the information requested. The requestor also receives a copy of this notification. The Third Party is given twenty-one (21) days from the date the Third Party is given notice by the WCC to either obtain a court order protecting the information as confidential or submit to the WCC a copy of the chancery court filed petition seeking protective order.

If a court order or filed petition is delivered to the WCC by this deadline, the WCC will notify the requestor that the information is protected and cannot be furnished. If a court order is not obtained nor a filed petition for protective order submitted, then WCC shall release all information not protected to the requestor once the deadline has passed and payment for the information has been received from the requestor.

### Section 4. Assessment of Costs to Requestor

Payment for information requested must be made in advance and must be sufficient to cover the actual costs for the WCC and/or the customer agency/institution to furnish the information. Such costs include, but are not limited to, staff and/or counsel time to evaluate and research the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.

Payment must be in the form of a certified check, money order, or corporate check made payable to the WCC for the amount specified. No cash or personal checks can be accepted. Should the actual cost of producing the requested information exceed the estimate provided, the requestor will be notified of the additional amount due before the WCC provides the information.

#### Section 5. Schedule of Fees

<b>Standard Documents:</b>	
Printed Copy of RFPs	\$25, plus actual cost of reproducing any oversized diagrams or other special
Copy of RFPs on CD in Microsoft Word format	\$25 for Word document; any oversized diagrams or other special attachments will be reproduced on paper or
Paper copy of a project contract, excluding confidential exhibits	\$25
<b>Special Requests and Variable Costs:</b>	
Evaluation & research payment (Due with the submission of Public Records requests for special requests and is applied toward the actual cost of filling the Public Records request)	\$60
Fees for fulfilling Special Requests, based on the expense categories below:	Quoted individually upon receipt of written request and \$60 evaluation and research payment
In-house photocopies	\$0.20 per page (paper/copier fee); actual cost for color copies
CD (with .doc, .xls, or .pdf files of requested information)	\$5.00 per CD (media fee)
Postage, UPS, Federal Express*	Actual Cost
Staff time	Actual staff time required to provide
Computer processing	Actual Cost
Temporary agency personnel*	Actual Cost
Reproduction cost by outside print	Actual Cost
Attorney time	<b>Actual Cost</b>

**\*The WCC may request that payments for outside services be made by the requestor directly to the company or person providing the services.**

43897130.v1  
45540453.v2