



# Joint Strategic Plan

## *2015 Five Year Update*





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# I. Organizational Background

## MID-AMERICA PORT COMMISSION

The Mid-America Port Commission was jointly created by three states: Iowa, Illinois and Missouri. Its formation began in Tri-State Summit task force meetings while exploring regional development opportunities after the 1993 Floods.

### **FORMATION INSTRUMENT:**

Illinois, Iowa and Missouri jointly passed similar legislation enabling the port authority in 1998 and 1999. Each bill identifies that the commission will be jointly governed by appointees from the three states. Appendix A contains the enabling legislation from each state.

The bills are authorization bills, but do not contain funding sources or standing appropriations for the organization. The most specific parts are its powers/duties and governing structure.



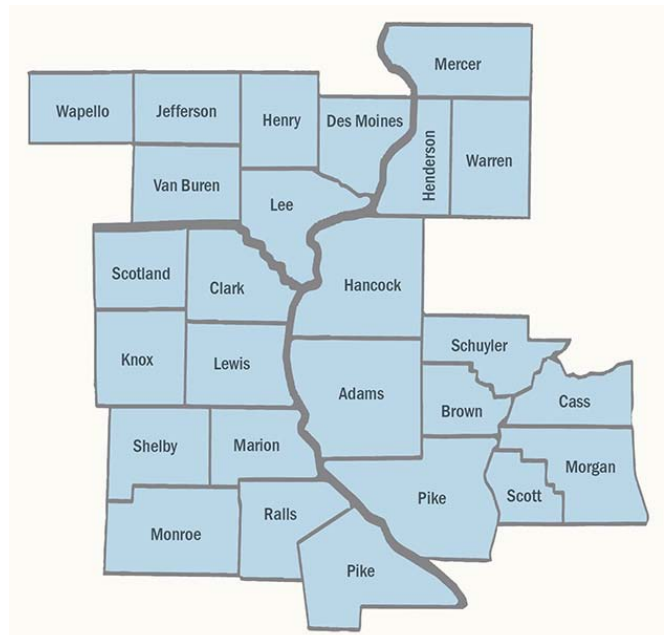
## **POWERS/DUTIES:**

Each state identifies powers/duties of MAPC. Essentially the MAPC is considered a public agency in Illinois and Iowa with the ability to own acquire, purchase, install, lease, construct, own, hold, control or operate ports and associated activity. Missouri doesn't mention whether MAPC is a public agency, but does enumerate its powers, which are consistent with Iowa and Illinois. MAPC is not a political subdivision, it's essentially a public agency.

## **STRUCTURE:**

The MAPC is governed by a nine person board with three commissioners from each state. Two commissioners from each state are appointed by the county board chairs from their respective state and the other is appointed by the Governor of their state. Illinois Commissioners are appointed from the Mid-America Intermodal Authority Port District. Commissioners are allowed to serve two 6-year terms.

There is a separate organization that owns and maintains the land on and around the site chosen by the MAPC, called the *Mid-America Intermodal Authority Port District*. Four members are appointed by the county board chairmen of the 11 Illinois counties in the District which include: Adams, Brown, Cass, Hancock, Henderson, Mercer, Morgan, Pike, Schuyler, Scott, and Warren.

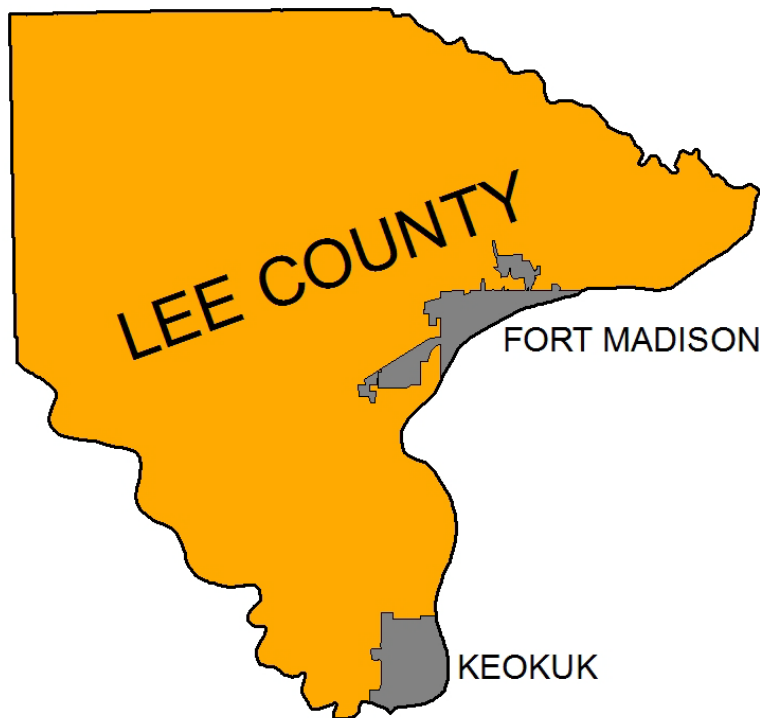


Three board members are appointed by the governor. County appointees are then approved by the governor and gubernatorial appointees are approved by the county board chairmen. Board members serve 5-year terms (unless filling an unexpired term).

# SOUTHEAST IOWA REGIONAL ECONOMIC & PORT AUTHORITY

## FORMATION INSTRUMENT:

The Iowa Legislature approved Chapter 28J in 2005, which enables Port Authorities in Iowa. Lee County, Fort Madison and Keokuk all approved resolutions creating the Southeast Iowa Regional Economic & Port Authority which means the territory comprising the port authority is contained within Lee County, Fort Madison and Keokuk.



## POWERS/DUTIES:

Port Authorities in Iowa have been granted *nearly all the powers of a municipality*, with the exception of independent eminent domain powers and taxing authority.

A complete listing of the powers can be found in Appendix B.

Powers of note:

- Tax exempt (income and property);
- Ability to issue revenue bonds;
- Establish and operate Foreign Trade Zones;
- Same legislative and executive rights granted cities and counties in chapters 331 and 364, respectively, including exercise of police power but excluding power to levy taxes;
- Loan money to persons or governments; guarantee obligations of any person or government;
- Partner with a governmental entity to exercise eminent domain rights (with restrictions);

**STRUCTURE:**

SIREPA is governed by appointed representatives from each political subdivision participating in the port authority. Each subdivision represented appoints directors in an agreed upon manner.

Port authorities can also hire employees, contract or any combination of structures to staff or support the organization.



# II. Development of the Strategic Plan

Beginning in early 2014, SIREPA and MAPC staff and board members jointly attended board meetings of the other organizations. Through shared learning, an opportunity to work together was created, based on the complimentary structures, need for funding and need to share contacts and leads.

In July and August 2014, both organizations' boards approved the concept and premise of a joint strategic plan through a Memorandum of Understanding (MOU) with a planned completion date of December, 2014.

The Southeast Iowa Regional Planning Commission (SEIRPC), worked with the Mid-America Port Commission to create, administer, analyze a survey to both boards. SEIRPC and GREDF also worked cooperatively to draft the strategic plan based on survey inputs.





Both organizations formed sub-committees to guide, review and propose a draft plan to their respective boards. The committee members are:

## MAPC



Mike McLaughlin  
Illinois  
Vice Chair



Dan Wiedemeier  
Iowa  
Board Member



Doug Aeilts  
Missouri  
Past Chair

## SIREPA



Bob Winckler  
Chair



Mike Dunn  
Board Member

Each committee reviewed plan drafts, commented, and eventually presented a draft to their respective organizations.



# III. Shared Vision Statement

Survey input indicated a diverse grouping of thought backgrounds. The question was partially answered by respondents – 8 out of 14 answered the question.

Below is a proposed joint vision statement using input from the survey, and existing organizational information.

*“Grow private investment and jobs in the Tri-State region by improving the movement of products and goods on river, rail and road.”*



# IV. Separate Mission Statements

No input was received for a mission statement change for MAPC. Changes were offered for SIREPA by 2 out of 14 respondents (both of them being SIREPA board members). Primary input was to state how the entity would implement its stated mission.

## Existing Statement:

*“Southeast Iowa Regional Economic & Port Authority exists to create new economic development opportunities in Lee County and Southeast Iowa. SIREPA seeks to encourage growth by removing obstacles to capital investment and lowering fixed costs for private companies in the region.”*

## Suggested Statement:

*“Southeast Iowa Regional Economic & Port Authority exists to create new economic development opportunities in Lee County and Southeast Iowa. SIREPA seeks to encourage growth by removing obstacles to capital investment and lowering fixed costs for private companies in the region by using bonding, financing and ownership abilities.”*



# V. List of Projects

Based on the survey questions, the following is a listing of the projects being undertaken by each entity. The strategic plan will include completing ongoing projects and working to complete desired future projects.

Other survey questions about areas of work will also be included. The plan includes projects in the following categories, based on the Memorandum of Understanding:

1. Infrastructure investment, development and maintenance
2. Targeted areas of ability (purchasing land, owning, operating, contracting, financing, advocacy, communication)
3. Business and industry sectors aligned with freight, logistics and port operations
4. Funding sources for operations and infrastructure.





# MAPC PROJECTS

1. Secure private partners to utilize port facilities
2. Partner with federal, state, local governments and private partners to secure funds for port authority operations and infrastructure development
3. Facilitate the development of other multi-modal ports in the MAPC territory
4. Complete construction at the Mid-America Port at Quincy, Illinois
5. Communicate with multi-modal port partners to advocate, facilitate, develop and fund new multi-modal port facilities and complimentary infrastructure.



# SIREPA PROJECTS

1. Decide how to work with studied economic development sites in Lee County
2. Prepare to work with future economic development and multi-modal port projects by creating scenarios for financing, owning, leasing or other arrangements
3. Develop one or more economic development sites in Lee County or southeast Iowa
4. Collaborate with MAPC to:
  - a) Develop multi-modal port sites
  - b) Fund operations and new infrastructure
5. Partner with federal, state, local governments and private partners to secure funds for operations and developing economic development or multi-modal port sites
6. Communicate with regional, national and international partners on abilities and ways to work with SIREPA.

# VI. Action Plans

## MAPC PROJECTS

### 1. Secure private partners to utilize port facilities

#### ACTIONS:

- Meet with individual ports and identify types of intermodal freight opportunities they are interested in developing
- Determine methods to assist ports determine feasibility of serving identified markets and prioritizing
- Assist in developing a marketing plan and determining ways of supporting the marketing effort.

### 2. Partner with federal, state, local governments and private partners to secure funds for port authority operations and infrastructure development

#### ACTIONS:

- Work with ports within MAPC boundaries to obtain assistance with administrative funding from local, state and federal resources, both public and private.
- Assist in identifying and obtaining funding, both public and private, for intermodal infrastructure development.

### 3. Facilitate the development of other multi-modal ports in the MAPC territory

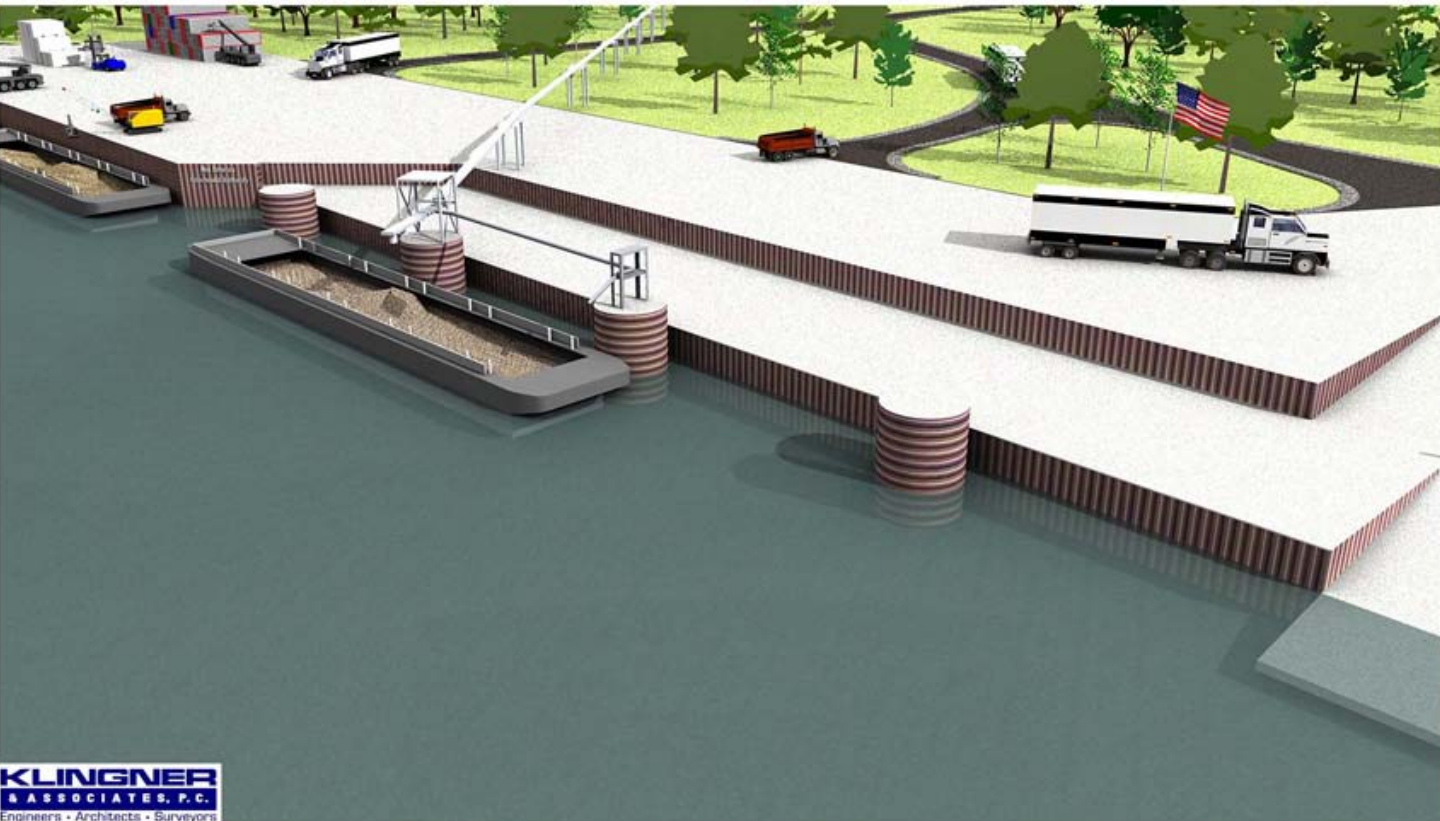
#### ACTIONS:

- Assist in identifying needed intermodal facilities within the MAPC region.
- Determine action necessary to complete the project and develop a plan to facilitate the project.

#### 4. Complete construction at the Mid-America Port at Quincy, IL

##### ACTIONS:

- Determine action necessary to move the project forward.
- Determine action needed to facilitate the project and work with the MAIAPD to complete the project.



#### 5. Communicate with multi-modal port partners to advocate, facilitate, develop and fund new multi-modal port facilities and complimentary infrastructure.

##### ACTIONS:

- Develop a means of communicating between all ports in the MAPC region on a regular basis.
- Develop a means for intermodal freight users within our market area and ports to communicate on a regular basis and adjust to changing needs and new opportunities.



# SIREPA PROJECTS

1. Decide how to work with studied economic development sites in Lee County

## ACTIONS:

- Identify alternatives to work with landowners and/or market the sites Independently. *(October, 2015)*
- Compare alternatives and choose the preferred alternative. *(November, 2015)*
- Implement preferred alternative. *(November, 2015).*

## PERFORMANCE:

- Facilitate development of one site by January, 2020.
- Evaluate progress three months and one year after preferred alternative chosen and decide to continue project or re-evaluate and change direction.



2. Prepare to work with future economic development and multi-modal port projects by creating scenarios for financing, owning, leasing or other arrangements

### ACTIONS:

- Create two scenarios each for: financing multi-modal port-site individually and in a partnership, owning and leasing land and improvements; owning and operating land, improvements or infrastructure. *(September, 2015)*
- React to each scenario by writing process steps, procedures and decision points. *(October, 2015)*
- Identify steps with no clear answer or direction, and seek answers from outside entities or partners. *(November, 2015)*
- If necessary, develop policy exercises to hone in on how SIREPA could or would work in a given scenario. *(December, 2015)*

### PERFORMANCE:

- The end product of discussions and scenarios should be a toolkit for the board to use at their disposal when working with new projects, or to more completely describe how to work with partners.
- Annually evaluate toolkit for relevance and degree of preparation for current conditions. *(each December)*



3. Develop one or more economic development or multi-modal port sites in Lee County or Southeast Iowa

ACTIONS:

- Actively communicate with economic development partners, governments, and private business on how SIREPA can benefit projects and to garner knowledge of new projects. *(ongoing)*
- Be prepared for projects with scenario planning.

PERFORMANCE:

- A new site will be developed or assisted within five years. *(January, 2020)*
- Evaluate annually communication efforts, results and make adjustments as needed to effectively communicate with outside partners. *(each December)*
- Evaluate annually if preparation for projects is up to date and utilizing available resources, or to determine if conditions have changed in any way to affect preparation. *(each December)*



4. Collaborate with MAPC to develop multi-modal port sites and fund operations and new infrastructure.

#### ACTIONS:

- Communicate regularly with MAPC on board meetings, partner meetings and other relevant information. *(Immediately)*
- Involve MAPC in regular SIREPA board meetings and discussions. *(Immediately)*
- Meet jointly with MAPC and federal, state, local or private partners to develop funding and potential projects. *(Prepare plan June – July, 2015)*

#### PERFORMANCE:

- A new site, project or infrastructure project will be jointly developed with MAPC in five years. *(by January, 2020)*
- MAPC will have intimate knowledge of SIREPA activities, discussions and plans.
- Annual evaluation of activities and results. *(each December)*





5. Partner with federal, state, local governments and private partners to secure funds for operations and developing economic development or multi-modal port sites:

ACTIONS:

- Identify what exactly we need money for and describe investment
- Impacts, such as operational and infrastructure needs. *(August, 2015)*
- Increase expertise on various funding sources for economic development sites, multi-modal port infrastructure, etc. *(Funding list September, 2015)*
- Ensure SIREPA is relevant in state or federal conversations for infrastructure investment in multi-modal ports or related infrastructure *(ongoing, coordinate with joint MAPC meetings)*

PERFORMANCE:

- Annually evaluate the relevancy to funding partners – Has a meeting been held with them, what are their plans, and are they aware of the plans for SIREPA? *(each December)*
- Annually update funding needs documents. *(each December)*
- Annually track meetings, contacts and conversations with funding partners.







# Appendix A.

## **INTERSTATE COMPACTS (45 ILCS 165/) Mid-America Port Commission Agreement Act.**

(45 ILCS 165/1)

Sec. 1. Short title. This Act may be cited as the Mid-America Port Commission Agreement Act.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/5)

Sec. 5. Agreement. The State of Illinois ratifies and approves the Mid-America Port Commission Agreement and enters into that Agreement with Missouri and Iowa in substantially the following form:

### AGREEMENT

This agreement shall be known as and may be cited as the "Mid-America Port Commission Agreement". This agreement allows for the states of Illinois and Iowa to join the effort of the state of Missouri for developing the Mid-America Port Commission.

### PORT COMMISSION

There is created a Mid-America Port Commission to be governed by a nine-member port commission. The governors of Missouri, Illinois and Iowa shall appoint one member to the port commission in accordance with the laws of the respective state. Each state shall also be represented by two members elected through the county governance in the geographical jurisdiction of the port commission. The port commission members shall hold office for a period of six years. The port commission members shall elect a chairperson of the port commission after all the members are selected. The position of chairperson shall rotate among the Missouri, Iowa and Illinois members for two-year periods. A member of the port commission shall not serve more than two terms.

### POWERS OF COMMISSION

The port commission shall have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control or operate ports, harbors, waterways, channels, wharves, piers, docks, quays, elevators, tipples, compresses, bulk loading and unloading facilities, warehouses, dry docks, marine support railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges or any other facilities required or incidental to the construction, outfitting, dry docking or repair of ships or

vessels, or water, air, or rail terminals, or roadways or approaches thereto, or other structures or facilities necessary for the convenient use of the same in the aid of commerce, including the dredging, deepening, extending, widening, or enlarging of any ports, harbors, rivers, channels, or waterways, the damming of inland waterways, the establishment of a water basin, the acquisition and development of industrial sites, or the reclaiming of submerged lands.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/10)

Sec. 10. Jurisdiction. Adams, Brown, Cass, Hancock, Pike, Schuyler, Henderson, Warren, Morgan, Mercer, and Scott Counties in Illinois and any additional counties that may be added to the Mid-America Intermodal Authority Port District are included in the jurisdiction of the Mid-America Port Commission. Any territory that is disconnected from the Mid-America Intermodal Authority Port District shall cease to be under the jurisdiction of the Mid-America Port Commission.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/15)

Sec. 15. Powers.

(a) Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this State may be exercised and enjoyed jointly with the Mid-America Port Commission according to the powers delegated to the commission pursuant to this Act.

(b) A public agency of this State may enter into a letter of understanding with the Commission to advance the purposes of the Commission.

(c) The Mid-America Port Commission shall exercise no control over the operation of port districts established by any other law of this State, except by voluntary agreement between the port district and the Commission.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/20)

Sec. 20. Appointment of commissioners; vacancy.

(a) Within 90 days after the effective date of this Act, the Governor shall appoint one commissioner to the Mid-America Port Commission created by agreement between Illinois, Missouri, and Iowa. This commissioner must be appointed from among those members of the Mid-America Intermodal Authority Port District Board that were appointed by the Governor.

(b) Within 90 days after the effective date of this Act, the Mid-America Intermodal Authority Port District Board, from its members, shall appoint 2 commissioners to the Mid-America Port Commission.

(c) Commissioners must be members of the Mid-America Intermodal Authority Port District Board. If a commissioner ceases to be a member of the Mid-America Intermodal Authority Port District Board, there shall be vacancy in the office of commissioner.

(d) A vacancy in the office of commissioner shall be filled by appointment of the Governor, in the case of a

vacancy in the office of commissioner appointed by the Governor, or by the Mid-America Intermodal Authority Port District Board, in the case of a vacancy in the office of commissioner appointed by the Mid-America Intermodal Authority Port District Board.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/25)

Sec. 25. Term of office. Each commissioner shall be appointed to serve a term of 6 years. At the expiration of the term of the commissioner appointed by the Governor, the Governor shall appoint a successor who shall hold office for 6 years. At the expiration of the term of a commissioner appointed by the Mid-America Intermodal Authority Port District Board, the Mid-America Intermodal Authority Port District Board shall appoint a successor who shall hold office for 6 years. Each commissioner shall hold office until his successor has been appointed.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/27)

Sec. 27. Commissioners; compensation. The commissioners shall serve without compensation but shall be entitled to be reimbursed for their necessary expenses incurred in the performance of their duties.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/30)

Sec. 30. Consent and approval of agreement by Congress. The Mid-America Port Commission has the power to apply to the Congress of the United States for its consent and approval of the agreement. In the absence of the consent of Congress and until the consent of Congress has been secured, the agreement shall be binding on the State of Illinois in all respects permitted by the law for the states of Illinois, Missouri, and Iowa without the consent of Congress to cooperate, for the purposes enumerated in and in the manner provided in the agreement.

(Source: P.A. 91-566, eff. 8-14-99.)

(45 ILCS 165/900)

Sec. 900. (Amendatory provisions; text omitted).

(Source: P.A. 91-566, eff. 8-14-99; text omitted.)

(45 ILCS 165/99)

Sec. 99. Effective date. This Act takes effect upon becoming law.

(Source: P.A. 91-566, eff. 8-14-99.)

## CHAPTER 28K

## MID-AMERICA PORT COMMISSION

Referred to in [§28J.15](#)

	SUBCHAPTER I	28K.3	Jurisdiction.
	MID-AMERICA PORT COMMISSION AGREEMENT	28K.4	Authority.
28K.1	Mid-America port commission agreement.	28K.5	County election of port commission members.
	SUBCHAPTER II		
	MID-AMERICA PORT COMMISSION ACT		
28K.2	Citation.		

## SUBCHAPTER I

## MID-AMERICA PORT COMMISSION AGREEMENT

**28K.1 Mid-America port commission agreement.**

The mid-America port commission agreement is entered into and enacted into law with the state of Illinois and the state of Missouri if those states legally join the agreement, in the form substantially as follows:

1. *Agreement.* This agreement shall be known as and may be cited as the “*Mid-America Port Commission Agreement*”. This agreement allows for the states of Missouri and Illinois to join the effort of the state of Iowa for developing the mid-America port commission.

2. *Port commission.* There is created a mid-America port commission to be governed by a nine-member port commission. The governors of Iowa, Illinois, and Missouri shall appoint one member to the port commission in accordance with the laws of the respective state. Each state shall also be represented by two members elected through the county governance in the geographical jurisdiction of the port commission. The port commission members shall hold office for a period of six years. The port commission members shall elect a chairperson of the port commission after all the members are selected. The position of chairperson shall rotate among the Iowa, Illinois, and Missouri members for two-year periods. A member of the port commission shall not serve more than two terms.

3. *Powers of commission.* The port commission shall have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control, or operate ports, harbors, waterways, channels, wharves, piers, docks, quays, elevators, tipples, compresses, bulk loading and unloading facilities, warehouses, dry docks, marine support railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges, or any other facilities required or incidental to the construction, outfitting, dry docking, or repair of ships or vessels, or water, air, or rail terminals, or roadways or approaches thereto, or other structures or facilities necessary for the convenient use of the same in the aid of commerce, including the dredging, deepening, extending, widening, or enlarging of any ports, harbors, rivers, channels, or waterways, the damming of inland waterways, the establishment of a water basin, the acquisition and development of industrial sites, or the reclaiming of submerged lands.

98 Acts, ch 1092, §1; 2008 Acts, ch 1032, §201

SUBCHAPTER II  
MID-AMERICA PORT COMMISSION ACT

**28K.2 Citation.**

**This subchapter** shall be known and may be cited as the “*Mid-America Port Commission Act*”.

98 Acts, ch 1092, §2

**28K.3 Jurisdiction.**

The Iowa counties which shall be included in the jurisdiction of the mid-America port commission agreement are Jefferson, Van Buren, Wapello, Lee, Henry, and Des Moines counties.

98 Acts, ch 1092, §3; 99 Acts, ch 27, §1

**28K.4 Authority.**

Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with the mid-America port commission according to the powers delegated to the commission under **this chapter**.

A public agency of this state may enter into a **chapter 28E** agreement with the commission to advance the purposes of the commission.

98 Acts, ch 1092, §4

**28K.5 County election of port commission members.**

The chairpersons of the Jefferson, Van Buren, Wapello, Lee, Henry, and Des Moines county boards of supervisors shall jointly elect two members to serve on the port commission.

98 Acts, ch 1092, §5; 99 Acts, ch 27, §2



# Missouri Revised Statutes

Chapter 68  
Port Authorities

←68.070

## Section 68.100.1

68.105→

August 28, 2014

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### Mid-America port commission agreement, commission, powers, duties.

68.100. The general assembly of the state of Missouri hereby ratifies an agreement on behalf of the state of Missouri with the states of Illinois and Iowa if those states legally join the agreement, in the form substantially as follows: AGREEMENT

This agreement shall be known as and may be cited as the "Mid-America Port Commission Agreement". This agreement allows for the states of Illinois and Iowa to join the effort of the state of Missouri for developing the Mid-America port commission. PORT COMMISSION

There is created a Mid-America port commission to be governed by a nine-member port commission. The governors of Missouri, Illinois and Iowa shall appoint one member to the port commission in accordance with the laws of the respective state. Each state shall also be represented by two members elected through the county governance in the geographical jurisdiction of the port commission. The port commission members shall hold office for a period of six years. The port commission members shall elect a chairperson of the port commission after all the members are selected. The position of chairperson shall rotate among the Missouri, Iowa and Illinois members for two-year periods. A member of the port commission shall not serve more than two terms. POWERS OF COMMISSION

The port commission shall have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control or operate ports, harbors, waterways, channels, wharves, piers, docks, quays, elevators, tipples, compresses, bulk loading and unloading facilities, warehouses, dry docks, marine support railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges or any other facilities required or incidental to the construction, outfitting, dry docking or repair of ships or vessels, or water, air, or rail terminals, or roadways or approaches thereto, or other structures or facilities necessary for the convenient use of the same in the aid of commerce, including the dredging, deepening, extending, widening, or enlarging of any ports, harbors, rivers, channels, or waterways, the damming of inland waterways, the establishment of a water basin, the acquisition and development of industrial sites, or the reclaiming of submerged lands.

(L. 1998 H.B. 1791 § 1)



# Missouri Revised Statutes

Chapter 68  
Port Authorities

[←68.100](#)

## Section 68.105.1

[68.110→](#)

August 28, 2014

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### Mid-America port commission act.

68.105. Sections [68.100](#) to [68.120](#) shall be known and may be cited as the "Mid-America Port Commission Act".

(L. 1998 H.B. 1791 § 2)

# Missouri Revised Statutes

Chapter 68  
Port Authorities

[←68.105](#)

## Section 68.110.1

[68.115→](#)

August 28, 2014

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### Counties included (Scotland, Knox, Shelby, Clark, Ralls, Monroe, Lewis, Pike and Marion).

68.110. Any county of the third classification with a population greater than four thousand four hundred but less than five thousand, any county of the third classification greater than six thousand nine hundred but less than seven thousand, any county of the third classification with a population greater than seven thousand five hundred but less than seven thousand six hundred, any county of the third classification with a population greater than eight thousand four hundred seventy but less than eight thousand five hundred fifty, any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred, any county of the third classification with a population greater than ten thousand but less than ten thousand five hundred, any county of the third classification with a population greater than fifteen thousand six hundred but less than sixteen thousand, and any county of the third classification with a population greater than twenty-seven thousand six hundred but less than twenty-eight thousand shall be included in the jurisdiction of the Mid-America port commission agreement.

(L. 1998 H.B. 1791 § 3)

# Missouri Revised Statutes

Chapter 68  
Port Authorities

[←68.110](#)

## Section 68.115.1

[68.120→](#)

August 28, 2014

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### **Powers of commission.**

68.115. 1. Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with the Mid-America port commission according to the powers delegated to the commission pursuant to sections [68.100](#) to [68.120](#).

2. A public agency of this state may enter into a letter of understanding with the commission to advance the\* purposes of the commission.

3. The Mid-America port commission shall exercise no control over the operation of port authorities established pursuant to sections [68.010](#) to [68.070](#), except by voluntary agreement between said port authority and the commission.

(L. 1998 H.B. 1791 § 4)

\*Word "to" appears in original rolls.

# Missouri Revised Statutes

Chapter 68  
Port Authorities

[←68.115](#)

## Section 68.120.1

[68.200→](#)

August 28, 2014

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### **County commissioners to elect two members.**

68.120. The county commissions of the counties included in the jurisdiction of the Mid-America port commission pursuant to section [68.110](#) shall jointly elect two members to serve on the port commission.

(L. 1998 H.B. 1791 § 5)

# Appendix B.

## CHAPTER 28J

### PORT AUTHORITIES

Referred to in [§12.30](#)

#### **28J.2 Creation and powers of port authority.**

1. Two or more political subdivisions may create a port authority under [this chapter](#) by resolution. If a proposal to create a port authority receives a favorable majority of the members of the elected legislative body of each of the political subdivisions, the port authority is created at the time provided in the resolution. The jurisdiction of a port authority includes the territory described in [section 28J.8](#).

2. A port authority created pursuant to [this section](#) may sue and be sued, complain, and defend in its name and has the powers and jurisdiction enumerated in [this chapter](#).

3. At the time a port authority is created pursuant to [this section](#), the political subdivisions comprising the port authority may restrict the powers granted the port authority pursuant

to [this chapter](#) by specifically adopting such restrictions in the resolution creating the port authority.

4. The political subdivisions comprising the port authority whose powers have been restricted pursuant to [subsection 3](#) may at any time adopt a resolution to grant additional powers to the port authority, so long as the additional powers do not exceed the powers permitted under [this chapter](#).

2005 Acts, ch 150, §90; 2006 Acts, ch 1010, §16

Referred to in [§28J.1](#), [§28J.5](#), [§28J.11](#), [§28J.15](#), [§427.1\(34\)](#)

#### **28J.9 Powers of port authority.**

A port authority may exercise all of the following powers:

1. Adopt bylaws for the regulation of the port authority's affairs and the conduct of the port authority's business.

2. Adopt an official seal.

3. Maintain a principal office and branch offices within the port authority's jurisdiction.

4. Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease, lease with an option to purchase, convey interests in real or personal property, and operate any property of the port authority in connection with transportation, recreational, governmental operations, or cultural activities in furtherance of an authorized purpose.

5. Straighthen, deepen, and improve any channel, river, stream, or other watercourse or way which may be necessary or proper in the development of the facilities of the port authority.

6. Make available the use or services of any facility of the port authority to any person or governmental agency.

7. Issue bonds or pledge orders pursuant to the requirements and limitations in [section 28J.21](#).

8. Issue port authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in [section 28J.21](#), for the purpose of providing funds to pay the costs of any facility or facilities of the port authority or parts thereof.

9. Apply to the proper authorities of the United States for the right to establish, operate, and maintain foreign trade zones and establish, operate, and maintain foreign trade zones and to acquire, exchange, sell, lease to or from, lease with an option to purchase, or operate facilities, land, or property in accordance with the federal Foreign Trade Zones Act, 19 U.S.C. §81a – 81u.

10. Enjoy and possess the same legislative and executive rights, privileges, and powers

granted cities under [chapter 364](#) and counties under [chapter 331](#), including the exercise of police power but excluding the power to levy taxes.

11. Maintain such funds as it considers necessary and adhere to the public funds investment standards of [chapter 12B](#), as applicable.

12. Direct port authority agents or employees, after at least five days' written notice, to enter upon lands within the port authority's jurisdiction to make surveys and examinations preliminary to location and construction of works for the port authority, without liability of the port authority or its agents or employees except for actual damages.

13. Promote, advertise, and publicize the port authority and its facilities, and provide information to shippers and other commercial interests.

14. Adopt bylaws, not in conflict with state or federal law, necessary or incidental to the performance of the duties of and the execution of the powers of the port authority under [this chapter](#).

15. Do any of the following in regard to interests in real or personal property, including machinery, equipment, plants, factories, offices, and other structures and facilities related to or in furtherance of any authorized purpose as the board in its sole discretion may determine:

a. Loan money to any person or governmental agency for the acquisition, construction, furnishing, or equipping of the property.

b. Acquire, construct, maintain, repair, furnish, or equip the property.

c. Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental agency.

d. Guarantee the obligations of any person or governmental agency.

e. Accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

16. Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board shall specify the consideration and terms for the sale, lease, or conveyance of other interests in real and personal property. A determination made by the board under [this subsection](#) shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

17. Enter into an agreement with a political subdivision comprising the port authority for the political subdivision to exercise its right of eminent domain pursuant to [chapters 6A](#) and [6B](#) on behalf of the port authority. However, a condemnation exercised on behalf of a port authority pursuant to [this subsection](#) shall not take or disturb property or a facility belonging to a governmental agency, utility company, or common carrier, which property or facility is necessary and convenient in the operation of the governmental agency, utility company, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of the governmental agency, utility company, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that both of the following apply:

a. If a restoration or duplication proposed to be made under [this subsection](#) involves a relocation of the property or facility, the new facility and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the utility company or common carrier to compete in its original area of operation.

b. If a restoration or duplication made under [this subsection](#) involves a relocation of the property or facility, the port authority shall acquire no interest or right in or to the appropriated property or facility, until the relocated property or facility is available for use and until marketable title thereto has been transferred to the utility company or common carrier.

18. a. Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of and the execution of powers of the port authority under [this chapter](#).

b. Except as provided in paragraph "c", when the cost of a contract for the construction of a building, structure, or other improvement undertaken by a port authority involves an



expenditure exceeding the competitive bid threshold in [section 26.3](#), or as established in [section 314.1B](#), and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder. Every contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, and signed by an authorized officer of the port authority and by the contractor.

c. The board of directors may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building or structure or other improvement under any of the following circumstances:

(1) A real and present emergency exists that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(2) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(3) The contract is for any energy conservation measure as defined in [section 7D.34](#).

(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(5) A single bid is received by the port authority after complying with the provisions of paragraph "b".

d. (1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in paragraph "c", subparagraph (2), the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the person making the proposal considered to be the most advantageous to the port authority.

(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in paragraph "c", subparagraph (4), construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

e. A purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental agency that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, related to or in furtherance of economic development and the provision of adequate housing, shall be made in such manner and subject to such terms and conditions as may be determined in the board's discretion. This paragraph applies to all contracts that are subject to [this section](#), notwithstanding any other provision of law that might otherwise apply, including a requirement of notice, competitive bidding or selection, or for the provision of security. However, this paragraph shall not apply to a contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this paragraph, any revenues derived by the port authority under a lease or other agreement that, by its terms, contemplates the use of amounts payable under the agreement either to pay the costs of the improvement that is the subject of the contract or to secure obligations of the port authority issued to finance costs of such improvement, are excluded from general revenues.

19. Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and any other consultants and independent contractors as are necessary in the port authority's judgment to carry out [this chapter](#), and fix the compensation thereof. All expenses thereof shall be payable from any available funds of the port authority or from funds appropriated for that purpose by the political subdivisions comprising the port authority.

20. Receive and accept from a governmental agency grants and loans for the construction

of a port authority facility, for research and development with respect to a port authority facility, or any other authorized purpose, and receive and accept aid or contributions from any source of moneys, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants, loans, aid, or contributions are made.

21. Engage in research and development with respect to a port authority facility.

22. Purchase fire and extended coverage and liability insurance for a port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under a resolution authorizing port authority revenue bonds, pledge orders, or in any trust agreement securing the same.

23. Charge, alter, and collect rental fees and other charges for the use or services of a port authority facility as provided in [section 28J.16](#).

24. Perform all acts necessary or proper to carry out the powers expressly granted in [this chapter](#).

2005 Acts, ch 150, §97; 2006 Acts, ch 1017, §17, 42, 43

#### **28J.10 Participation of private enterprise.**

The port authority shall foster and encourage the participation of private enterprise in the development of the port authority facilities to the fullest extent practicable in the interest of limiting the necessity of construction and operation of the facilities by the port authority.

2005 Acts, ch 150, §98