

HARRISON COUNTY UTILITY AUTHORITY  
BOARD MEETING  
October 19, 2017

Be it remembered that a meeting of the Harrison County Utility Authority Board of Directors was held on October 19, 2017, at 9:00 a.m. at the Harrison County Utility Authority Board Room, at 10271 Express Drive in Gulfport, Mississippi. In attendance were:

BOARD AND STAFF:

Supervisor Marlin Ladner, Harrison County (1), Director  
Mayor Chipper McDermott, City of Pass Christian, Director  
Mayor George Bass, City of Long Beach, Director  
Mayor Andrew "Fofa" Gilich, City of Biloxi, Director  
Supervisor Angel Kibler-Middleton, Harrison County (2), Director  
Mayor Billy Hewes, City of Gulfport, Director  
Mr. Al Gombos, representing the City of D'Iberville  
Mr. James Simpson, Wise Carter Attorneys, Esquire  
Mr. Donald Scharr, Executive Director, HCUA  
Mr. John Wilson, O & M Manager, HCUA  
Ms. Patra Roberts, Office Manager, HCUA  
Ms. Julie Christian, Chief Financial Officer, HCUA  
Mr. Alan Lane, Solid Waste Coordinator, HCUA

ABSENT:

AUDIENCE:

Mr. Bruce Newton, Digital Engineering  
Mr. Derrel Wilson, Utility Partners  
Mr. Bobby Knesal, Utility Partners  
Mr. Charlie Dellenger, Seymour Engineering  
Mr. Jon Bierd, Waste Pro  
Ms. Amy Tingley, Waste Pro  
Mr. Steve Bubert, Waste Pro  
Mr. Tommy Thibodeaux, Pelican Waste  
Ms. Jenna Bennett, Team Waste  
Mr. Andrew Densing, Team Waste  
Ms. Brynn Joachim, The Focus Group  
Mr. Keith Wilson, The Biloxi – D'Iberville Press

Letters of designation are attached hereto as exhibit "A".

There being a quorum sufficient to transact business of the Authority, Mayor McDermott called the meeting to order. The following proceedings were had and done.

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**A. Invocation and Pledge of Allegiance**

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**B. Public Comments**

Mayor McDermott opened the floor for public comments. There were no public comments.

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**C. Approval of HCUA Claims Docket dated October 20, 2017**

Mr. Gombos made a motion to approve the October 20, 2017 HCUA Claims Docket, seconded by Mayor Bass. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the claims docket is attached hereto as exhibit "B".

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**D. Approval of Board Meeting Minutes dated October 5, 2017**

Mr. Gombos made a motion to approve the Board Meeting Minutes dated October 5, 2017, seconded by Mayor Gilich. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the minutes is attached hereto as exhibit "C".

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### **E. Approval of Special Board Meeting Minutes dated October 13, 2017**

Mayor Bass made a motion to approve the Special Board Meeting Minutes dated October 13, 2017, seconded by Mayor Gilich. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the minutes is attached hereto as exhibit "D".

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### **F. 1 – Acceptance of Technical Committee Minutes dated September 27, 2017**

There was discussion regarding whether any pollution originated from CDBG funded facilities. Mr. Scharr advised that there has been no pollution as a result of failures at CDBG funded facilities.

Mr. Gombos made a motion to accept the Technical Committee Minutes dated September 27, 2017, seconded by Mayor Gilich. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the minutes is attached hereto as exhibit "E".

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### **F. 2 – Acceptance of Technical Meeting Minutes dated October 11, 2017**

Mr. Gombos made a motion to accept the Technical Committee Minutes dated October 11, 2017, seconded by Mayor Gilich. A roll call vote resulted in the following votes:

Biloxi	voted	aye
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Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the minutes is attached hereto as exhibit "F".

## **G. Financial Report**

Ms. Christian provided a brief overview of the Pre-Audit Financial Report through September 30, 2017.

Mayor Hewes made a motion to accept the Financial Report dated September 30, 2017, seconded by Mr. Gombos. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the financial report is attached hereto as exhibit "G".

## **H. 2 a – Wastewater O & M Contract – Utility Partners**

Mr. Scharr stated he will present the Board with a schedule for completing a draft RFP for technical committee review. He anticipates having it ready for technical committee review sometime in the first quarter of 2018.

Supervisor Ladner made a motion to exercise the one-year option to extend the Wastewater O & M Contract with Utility Partners, seconded by Mr. Gombos. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye

Pass Christian                      voted                      aye

The motion passed. A copy of the memorandum is attached hereto as exhibit "H".

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**H. 2 b – Identify Pollution Sources related to all HCUA Facilities**

Mr. Scharr recommended the board authorize him to develop a scope of work to present to the technical committee for initial review by the December 8, 2017 technical meeting. He stated he anticipates having the scope ready to present to the board in January 2018.

Mr. Gombos made a motion to authorize Mr. Scharr to develop a scope of work to Identify Pollution Sources Related to all HCUA Facilities, seconded by Mayor Bass. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

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**H. 2 c. S-22 Interceptor – Installation of Auxiliary Generator at Bayshore Lift Station**

Mr. Gombos requested the installation of a permanent auxiliary generator at the Bayshore Lift Station. Mr. Gombos stated the City of D'Iberville will cover the costs of the installation.

Mr. Gombos made a motion authorize the installation of an Auxiliary Generator at the Bayshore Lift Station, seconded by Supervisor Ladner. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

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## **H. 2 d – North D'Iberville Interceptor Project – Effective Odor Control System**

Mr. Gombos requested authorization for a complete and effective odor control system. He requested the funding for this be taken from the remaining FEMA loan forgiveness fund.

Supervisor Ladner expressed his opposition to the use of any remaining FEMA loan forgiveness funds that were supposed to be left for other member agencies use.

Mr. Scharr recommended he report back to the board with a scope of work, a cost estimate, and a report on how the FEMA money has been spent to date and the remaining balance.

Mr. Gombos made a motion to authorize Mr. Scharr to develop a scope of work, a cost estimate, and a report on how the FEMA money has been spent to date and the remaining balance to be presented to the Board, seconded by Mayor Gilich. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

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## **H. 2 e – Biloxi/D'Iberville Old Hwy 67 Pump Station Project – Meter Installation at City Limits near Hwy 67 and the Tchoutacabouffa River**

Mr. Gombos requested to have a flow meter installed at the city limits near Hwy 67 and the Tchoutacabouffa River to accurately measure the flow coming in to the City of D'Iberville.

Mr. Gombos stated the cost of the installation will be paid by the City of D'Iberville.

Mr. Gombos made a motion to approve Biloxi/D'Iberville Old Hwy 67 Pump Station Project – Meter Installation at City Limits near Hwy 67 and the



Tchoutacabouffa River, seconded by Supervisor Ladner. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

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### **Non-Agenda Discussion**

Supervisor Middleton asked for a status update on the S-14 project.

Mr. Newton provided a brief S-14 project update.

- 70% percent of the silt fence has been installed. It is expected to be complete next week.
- Fill material needs to be hauled in.
- Sinkholes around some manholes have been identified.

Mr. Newton recommended having Bill Knesal from Knesal Engineering provide a more detailed report at next board meeting.

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### **H. 2 f 1 – Waste Pro – Cart Removal Update**

Mr. Scharr provided the board with the daily cart collection reported being provided by Waste Pro's contractor.

Through October 17, 2017 Waste Pro has collected approximately 21,000 of the 50,000 carts. It was noted that the contractor is leaving wheels and axles at the roadside in some instances.

Mr. Scharr stated he still has not received a list of dumpsters and roll-offs that need to be collected. Mr. Scharr stated there is still a lack of communication from Waste Pro. He also noted that Waste Pro has increased their daily collection rate. Waste Pro's average collection rate is 1,400 carts per day.

Mr. Bubert confirmed that Waste Pro has increased their collection rate as promised. He confirmed that he has failed to provide the dumpster/roll-off list to Mr. Scharr.

Ms. Diana Pavolini, a Harrison County resident, expressed comments to the board regarding repeated missed garbage pickups under the new solid waste contract. She stated her garbage was not collected until she contacted Supervisor Ladner's office.

There was a discussion regarding developing a plan to collect garbage carts left over from other previous contracts.

**Mayor Hewes exited the meeting.**

Mr. Scharr recommended the board allow him to collaborate with the two current contractors to develop a plan for collecting the carts. The plan will be presented at the November 3, 2017 board meeting.

No action taken. A copy of the daily cart count report is attached hereto as exhibit "I".

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**Executive Session**

Mayor Bass made a motion to enter Closed Session, seconded by Supervisor Middleton. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. The Board entered Closed Session.

Mr. Simpson stated the need to discuss multiple litigation items and a personnel matter.

Mr. Gombos made a motion to enter Executive Session, seconded by Mayor Bass. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. The Board entered Executive Session.



Mr. Gombos made a motion to exit Executive Session and return to Open Session, seconded by Supervisor Middleton. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. The Board returned to Open Session.

There was no action taken during Executive Session.

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### **Amended Agenda Item**

Mr. Simpson requested the rules be suspended to add an item for consideration – Modification of HCUA Personnel Policy II-20 regarding Vacation and Retirement Leave.

Supervisor Ladner made a motion to amend the agenda, seconded by Mr. Gombos. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. The agenda was amended.

Mr. Simpson recommended the Board consider amending HCUA Personnel Policy II-20 Vacation and Retirement Leave to add a sentence under paragraph 7 that reads, "Departing employees shall be credited or compensated for up to such 30 days of accumulated leave at the highest rate of compensation paid to such employee during his/her employment with the Authority."

Mr. Gombos made a motion to amend HCUA Personnel Policy II -20 Vacation and Retirement Leave as recommended by Mr. Simpson, seconded by Supervisor Ladner. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye

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Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

Mr. Simpson requested board action to authorize him to send a letter regarding vacating an easement, as discussed in Executive Session.

Mayor Bass made a motion to authorize Mr. Simpson to send a letter regarding vacating an easement, as discussed in Executive Session. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

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## **H. 2 f 2 – Waste Pro – Performance Evaluation (May – August 2017) and Consideration of Invoice – August 2017**

Mr. Scharr recommended Waste Pro's August 2017 invoice be paid, less the assessment of fines for 908 failures. The total amount of the fine is \$454,000.

Mr. Simpson requested the documentation of the 908 failures be included into the minute record.

Mr. Gombos made a motion to approve the payment of Waste Pro's August invoice, less the amount of \$454,000 for the assessment of fines and enter the documentation of the 908 failures into the minute record, seconded by Mayor Bass. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the recommendation is attached hereto as exhibit "J".

Ms. Amy Tingley, Waste Pro Attorney, addressed the board regarding the issuance of fines. Ms. Tingley stated:

- HCUA is legally obligated to pay the August invoice per contract requirements.
- HCUA has no contractual ability to set off amounts from invoices due.
- Today is the last day that the invoice can be paid under MS Code.
- If fines are to be assessed, they should be invoiced to Waste Pro.
- HCUA has the burden to prove the fines.
- Waste Pro has never had a quantified number until Mr. Scharr stated it today.
- Waste Pro has been denied due process because they have not been given notice nor an opportunity to be heard.

**Mayor Bass exited the meeting.**

Mr. Simpson stated that most of Ms. Tingley's comments are arguments for court. He also stated the reversal of the fine last year was a result of an effort to work with Waste Pro and give them another opportunity. He stated HCUA has provided Waste Pro with these occurrences and asked for a response. Waste Pro choose to ignore the notices and provided no response.

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Mr. Scharr requested the board authorize him to move forward with the personnel action as discussed in Executive Session.

Supervisor Middleton made a motion authorize Mr. Scharr to fill the vacant position of Utility Technician, seconded by Mr. Gombos. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	absent
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed.

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**G. Executive Director's Report**

There was no Executive Director's Report.



## H. Executive Session

Please see above.

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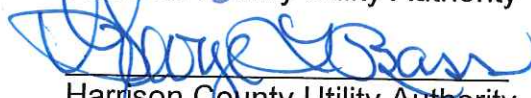
**I. Adjourn** - At this time Mr. Gombos made a motion to adjourn, seconded by Supervisor Ladner. A roll call vote resulted in the following votes:

Biloxi	voted	aye
Gulfport	voted	absent
D'Iberville	voted	aye
Long Beach	voted	absent
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion to adjourn passed.

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Harrison County Utility Authority

  
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