

HARRISON COUNTY UTILITY AUTHORITY
BOARD MEETING
July 21, 2022

Be it remembered that a meeting of the Harrison County Utility Authority Board of Directors was held on July 21, 2022, 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:

- Mayor Billy Hewes, City of Gulfport, Director
- Mayor Jimmy Rafferty, City of Pass Christian, Director
- Mr. Peter Abide, representing the City of Biloxi, Director
- Mayor George Bass, City of Long Beach, Director
- Mr. Al Gombos, representing the City of D'Iberville
- Supervisor Marlin Ladner, Harrison County (1), Director
- Mr. John Wilson, Executive Director, HCUA
- Mr. Alan Lane, Solid Waste Coordinator, HCUA
- Ms. Sheila Marsh, Office Manager, HCUA
- Mr. James Simpson, Wise Carter, Attorneys and Esquire
- Ms. Jaclyn Turner, representing Harrison County (2)

ABSENT:

- Ms. Cindy Breaux, Chief Financial Officer, HCUA

AUDIENCE:

- Ben Whiteside, The Focus Group
- Charles Roberts, Pelican Waste
- Shea Magee, Waste Management
- Shannon Beale, Jacob's Engineering

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

There being a quorum sufficient to transact business of the Authority, Ms. Jaclyn Turner, representing Harrison County (2), called the meeting to order. The following proceedings were had and done.

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A. Opening Prayer and Pledge of Allegiance

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B. Public Comments

Ms. Jaclyn Turner, representing Harrison County (2), noted that there were changes to the agenda. Item G2a "Mercy Cross Property Purchase" will be removed from the agenda and "Extension Line of Credit – Long Beach Phase 1 & 2" will be added to the agenda as G2b.

Supervisor Marlin Ladner made a motion to remove item G2a "Mercy Cross Property Purchase" from the agenda and add item "Extension Line of Credit – Long Beach Phase 1 & 2" as G2b, seconded by Mayor Billy Hewes. A vote resulted in the following:

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.

Ms. Jaclyn Turner, representing Harrison County (2), opened the floor for public comments.

There were no public comments.

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C. Approval of the Claims Docket dated July 21, 2022

Mr. Al Gombos made a motion to approve the Claims Docket dated July 21, 2022, seconded by Mayor George Bass. A vote resulted in the following:

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 July 7, 2022

Mr. Al Gombos made a motion to approve the Board Meeting Minutes dated July 7, 2022, seconded by Mayor George Bass. A vote resulted in the following:

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 Board Meeting Minutes dated July 7, 2022, is attached hereto as exhibit "C".

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E. Financial Report

Mr. John Wilson explained that the FY22 budget is on target. There are projects on hold due to delay in receiving equipment and parts.

No action required. The Board accepted the Financial Report for June 2022 as presented. A copy of the report is attached hereto as exhibit "D".

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F. Marketing Report

Mr. Ben Whiteside explained that the Face Book stats for June 2022 included serving over 70,000 impressions (ads seen) and an additional 30,000 impressions were issued to scheduled posts, ads finished with over 1,000 clicks at .47 cents per click. New posts were created to target the rental of additional garbage and recycling carts. Due to extra marketing dollars, a "recycle" advertisement, billboard was placed in Lyman (for a duration of four months) at the intersection of Hwy 53 and HWY 49. The Lyman area has the lowest recycling participation rate and a survey concluded that 87,000 residents pass the area on a weekly basis.

No action taken. The Board accepted the Marketing Report as submitted by The Focus Group. A copy of the Marketing Report is attached hereto as exhibit "E".

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G. Action Items

G1. Old Business

G1a. SW RFP – Approval for Advertise

Mr. John Wilson explained that the current SW Contract is valid through the end of FY23. In order, to fulfill a new contract, extra time needs to be allowed for the purchase and delivery of vehicles and equipment. Approval is requested for SW RFP – Advertise.

Supervisor Marlin Ladner requested clarification, on whether, or not the SW RFP included a requirement for chips for the recycling carts and whether or not the benefits for the chips outweigh the cost of the chips. Supervisor Ladner requested clarification on whether or not the chips were used to locate carts that are missing and if chips were to be included in the SW RFP, if so, a paragraph should be included referencing the chips.

Mr. John Wilson explained that the 36-gallon recycling carts will be replaced with 65-gallon recycling carts through a phasing process. The SW RFP will be edited to include the requirement for chips in all carts.

Mr. Alan Lane explained that the chips placed on carts are beneficial. The chips are used to track recycling participation rates, for house counts, for tracking stolen carts, tracking truck service loads in conjunction with the truck video, and tracking missed service of carts.

Mayor Billy Hewes requested clarification on whether or not the RFP included data clarifying density requirements.

Ms. Jaclyn Turner noted that under “Price of Proposal” noted is “contractual unit”.

Mr. Wilson explained that the current density requirements presented is different than the density discussion via email.

Mr. James Simpson noted that currently there has been no direction given to include density information in the SW RFP.

Mr. Peter Abide explained that Mayor “Fofu” Gilich may have interest in a component in the RFP based on density and therefore Mr. Abide felt SW RFP should remain a tabled item.

The Board made the decision for the SW RFP - to remain a tabled item. No action required. A copy of the SW RFP – Approval for Advertise is attached hereto as exhibit “F”.

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G1b. Water & Sewer Policy – Effective 10/01/2022 – Approval

John Wilson explained that the Water & Sewer Policy – Effective 10/01/2022 – Approval includes recommendation for updates in rates, increase in NSF charges, a charge for misuse of grinder pumps and a flat rate for residential water service. The changes are to update the latest revised Water & Sewer Policy dated 3-19-2020.

Supervisor Marlin Ladner requested clarification, on whether or not member agency rates would change and if there were continuing issues with grinder pumps and whether or not HCUA stocks spare pumps or parts for repairs to grinder pumps.

Mr. John Wilson explained that member agencies water allocation rates have already been approved. Grinder pump issues surface from time to time but charge for misuse of grinder pumps is a result of multiple repairs to grinder pumps due to abuse at the same locations. Spare pumps and electrical supplies are kept in stock due to issues from electrical strikes.

Mayor Billy Hewes explained that Water & Sewer Policy – Effective 10/01/2022 – Approval is an item that has been tabled for a few weeks. A change was made a couple years ago to the Water & Sewer Policy that removed the right or opportunity for the cities to provide service due to a condition in the Water & Sewer Policy that stated under service jurisdiction, “HCUA shall provide service”. Mayor Hewes explained that in some instances, if within a mile of the city service area, HCUA would have opportunity or right to provide service. In some instances, it does not make sense for the city to provide services due to proximity to the service lines. Currently HCUA does not have option, HCUA has to provide service even if it makes more sense for a city to provide services and the cities do not currently have an option to provide services. Mayor Hewes offered an amendment to change the language, in order to give the cities and county opportunity to provide service and offer more efficient service to the residents.

Supervisor Marlin Ladner explained that the county is funding the O&M for the pipes in the county. If services are in the county and HCUA can provide services, HCUA should provide the services. Supervisor Ladner noted he has no objection for a city to provide services within the one-mile radius if HCUA cannot provide the services.

Ms. Jaclyn Turner explained, “In practice right now, it’s happening exactly the way you are asking. In practice, a developer comes to the Utility Authority (HCUA), if the Utility Authority cannot conveniently attach, we immediately go back to the city and authorize it generally within a day.

Mayor Billy Hewes explained, “We are talking more than symatics here, but what you are saying, I think, and I think in practice we all agree with that, but the way it is written today, what you just described, you’re in violation, the county is, HCUA is, because it says you “shall’, it does not keep that option open.

Mr. John Wilson stated, “I think it says if we have the facilities.” Mr. Wilson handed out a jurisdiction diagram to the Board Members and explained that if HCUA has a service line, but the service line is not large enough to handle the capacity, HCUA has no objection for the city to provide service. Mr. Wilson noted that the 2nd case drawing is the current discussion, if HCUA and a city has service available, and both has the ability to serve, if HCUA does not have the capacity to serve, then HCUA has to defer to the city that has the capacity to serve.

Mayor Billy Hewes explained, "So you have to go through a few more hoops as opposed to if we had done it like it was done before, you've got the option of looking at it both ways. So, I just think an opportunity for the cities to provide this service has been removed and I'd offer that in a form of an amendment to go back to the language as it was before the change.

Mayor George Bass stated, "I'll second that with a question, that was your motion?"

Mayor Billy Hewes, reply to Mayor George Bass, "Yes".

Mr. James Simpson explained that if there was going to be action, item must be removed off the table first.

Mayor Billy Hewes made motion to remove item, Water & Sewer Policy – Effective 10/01/2022 – Approval, from the table for consideration, seconded by Mr. Al Gombos. A vote resulted in the following:

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

Supervisor Marlin Ladner addressed Mayor Billy Hewes, "I think I understand what you are saying, you think the language now apparently keeps you from servicing the area even if we can't do it, even if there is no availability for the Utility Authority to service it....."

Mayor Billy Hewes explained, "From the start, it takes the city out of the equation" "we had the opportunity to do it and now we do not have the opportunity unless you go to thing and say the county cannot".

Mr. Peter Abide requested clarification, on whether or not, cost is a factor if a city or county has opportunity to provide service and if both have opportunity, is it county's decision and can county override a city's decision.

Mr. James Simpson explained, "Policy says this, where its system is available, the HCUA shall provide the service, it's only in cases like Peter said, where HCUA system is already there, available to serve people."

Mayor Billy Hewes explained, "I think the point is in the discussions or considerations, even if there is a cheaper alternative, city or county, the cities are not at the table for the discussion It is solely in the discretion of the county to make this call, one way or the other..."

Jaclyn "The difference is exactly what Mr. Simpson is saying, it says, where the Utility Authority has service available, it shall be considered if neither are available, then it does not apply."

Mayor Billy Hewes "I would hope it would be considered on both counts, regardless."

Mr. James Simpson explained, in the original language in the policy, it did not specify if the county or city would provide service, it was undetermined. In 2020, an amended policy was adopted that included one paragraph on service jurisdiction, which resolved conflict in a situation of both city and county lines available and it gives HCUA service rights. If jurisdiction paragraph is deleted, there will be no policy stating if county or city will provide service if HCUA has a line, within one mile of a city.

Mr. Al Gombos expressed concerns that if water service is provided to a resident, then the resident should be required to also have sewer service for environmental purposes.

Mr. Jim Simpson explained where the argument is, is where the city and county is able to provide service and city and county each want to provide that service, who provides service. Policy now resolves the problem. Mr. Simpson explained a provision can be added to the policy, that states "leave your existing line", unless otherwise agreed between Harrison County and municipalities or the certificated water system.... (if area within county but within one mile of city and a reason the city wants to serve, it can be agreed on). If city and county cannot agree who will provide service, the policy solves the argument, and county would provide service.

Supervisor Marlin Ladner explained that he did not have a problem with the policy stating that cities have an opportunity to discuss any issues.

Mayor Billy Hewes explained he felt the Board was trying to get to a point of mutual agreement, and the key to the discussion is the first line in policy, stating "where its system is available". Mayor Hewes addressed Mr. Simpson and suggested wording, "HCUA shall provide service to customers who are either (1) outside the service area of any certificated water system or outside (Add: "one mile of") the incorporated limits of municipality; (2) (leave the same) within an area certificated to the HCUA (Jim Simpson noted there are none)(leaves provisions should there be per Hewes); (3) are within the service area of a certificated water system or (Add "within 1 mile of the incorporated limits" (or) "the incorporated limits of the municipality are within one mile thereof" --- by agreement with such system or municipality, it is agreed that HCUA (will or may) provide service.

Ms. Jaclyn Turner suggest implementation, on a daily basis, in one-mile radios, if HCUA has water & sewer within distance picked, HCUA shall serve them, if not then it would be a board decision.

Mayor Billy Hewes questioned if anyone had an issue with tabling the Water & Sewer Policy and allowing Ms. Jaclyn Turner with engineering, to draft language easy to interpret.

Mayor Billy Hewes made motion to adopt rate changes as proposed, amend policy by removing the service jurisdiction area from the Water & Sewer Policy in its entirety, until which time all Boards Members are together with HCUA and language is agreed on, seconded by All Gombos. A vote resulted in the following:

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

The motion passed. A copy of the Water & Sewer Policy – Effective 10/01/2022 – Approval is attached hereto as exhibit “G”.

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G2. New Business

G2a. Personnel – Donate PTO

Mr. John Wilson explained that there are HCUA employees that would like to donate some of their PTO hours to another HCUA employee for a medical issue. Mr. Wilson has been notified by Mr. Jim Simpson that an actual HCUA policy is required to be in place, in order for employees to donate PTO.

Mr. Al Gombos made motion to direct staff to develop and present a PTO Donation Policy, seconded by Mayor George Bass. A vote resulted in the following:

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 Personnel – Donate PTO is attached hereto as exhibit “H”.

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G2b. Extension Line of Credit – Long Beach Ph1 & 2

Mr. James Simpson explained that the Long Beach Project is ongoing project. The Board approved a line of credit one year ago, with agreement can extend a year, with Hancock Bank. A draw is made on the line of credit to pay the contractor and HCUA will submit for

reimbursement to the state. Request is made to adopt a Resolution to extend the Line of Credit for one year.

Mayor George Bass made motion to approve Extension Line of Credit – Long Beach Ph1 & 2, seconded by Supervisor Marlin Ladner.

A roll call vote resulted in the following:

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 Extension Line of Credit – Long Beach Ph1 & 2 is attached hereto as exhibit "I".

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H. Solid Waste

H1. Solid Waste Report

Mr. Alan Lane explained tonnages are in line of expected percentage for this time of year.

No action taken. A copy of the report is attached hereto as exhibit "J".

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H2. Fines

Mr. Alan Lane recommended fines assessed for Waste Management \$450.00 and Pelican Waste \$1,200.00.

The amounts presented for approval for retainage returned are \$22,888.83 for Waste Management and \$5,669.43 for Pelican Waste.

Mr. Al Gombos made motion to approve Solid Waste Fines, seconded by Mayor George Bass. A vote resulted in the following:

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

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Harrison County (2) voted aye
Pass Christian voted aye

The motion passed. A copy of the Solid Waste Fines is attached hereto as exhibit "K".

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I. Executive Director's Report

City of Biloxi notified HCUA possible forcemain break on Oleander Drive. The situation has been, investigated but not determined if the break is from a HCUA forcemain.

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J. Executive Session

There was no need for Executive Session.

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K. Adjourn – At this time Mayor George Bass made a motion to adjourn, seconded by Supervisor Marlin Ladner. A vote resulted in the following:

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 to adjourn passed.

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Harrison County Utility Authority



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