

HARRISON COUNTY UTILITY AUTHORITY
BOARD MEETING **Revised**
September 5, 2024

Be it remembered that a meeting of the Harrison County Utility Authority Board of Directors was held on September 5, 2024, 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
Ms. Christy LeBatard, representing the City of Biloxi
Mr. Bernie Parker, representing the City of Long Beach
Mr. Al Gombos, representing the City of D'Iberville
Supervisor Marlin Ladner, Harrison County (1), Director
Mr. James Simpson, Wise Carter, Attorneys and Esquire
Mr. John Wilson, Executive Director, HCUA
Mr. Alan Lane, Solid Waste Manager, HCUA
Mr. Sam Broom, Engineering Construction Manager, HCUA
Ms. Cindy Breaux, Chief Financial Officer, HCUA
Ms. Marie Ostrander, Office Manager, HCUA
Ms. Bridget Payton-Boone, Administrative Assistant, HCUA

ABSENT:

Supervisor Dan Cuevas, Harrison County (2), Director

AUDIENCE:

Shea McGee, Waste Management
Charles Head, H2O
Bobby Knesal, H2O

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

There being a quorum sufficient to transact business of the Authority, Mr. Bernie Parker, representing The City of Long Beach, 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

Mr. Bernie Parker opened the floor for public comments.

Mr. Bobby Knesal, of H2O Innovations, took the opportunity to introduce Mr. Charles Head, who will be taking over as Project Manager for HCUA.

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C. Approval of the Claims Docket dated September 5, 2024

Mr. Al Gombos made a motion to approve the Claims Docket dated September 5, 2024, seconded by Mayor Jimmy Rafferty.

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)	absent	
Pass Christian	voted	aye

The motion passed. A copy of the Claims Docket dated September 5, 2024, is attached hereto as exhibit "B".

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D. Approval of Board Meeting Minutes dated August 15, 2024

Mayor Billy Hewes made a motion to approve the Board Meeting Minutes dated August 15, 2024, seconded by Mayor Jimmy Rafferty. 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)	absent	
Pass Christian	voted	aye

The motion passed. A copy of Board Meeting Minutes dated August 15, 2024, is attached hereto as exhibit "C".

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E. Action Items

1. Old Business

NONE

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2. New Business

E2a. Cell Antenna Policy - Approval

Mr. Al Gombos, made a motion to discuss Cell Antenna Policy - Approval, 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)	absent	
Pass Christian	voted	aye

Mr. Al Gombos first pointed out that in the proposed policy it states that specific rents, fees, and other details would be defined in the contract; Mr. Gombos wanted to know who would be determining those. Mr. John Wilson told Mr. Gombos, and the rest of the Board, that any contract and details would be approved by them. Mr. Gombos then asked again who would be determining those rates and fees, Mr. Jim Simpson answered that each potential lease would be a negotiation, pointing out that each tower or site would vary in its desirability so that it would be a case-by-case basis. Mr. Gombos suggested that there should be a minimum rate that we charge. Mr. Wilson proceeded to explain that with this particular lease and agreement ATT, the potential lessee, was going to have to spend quite a bit of money to retrofit the Big John tower, for example constructing a new, larger structural corral and rail, to be able to install and maintain their cellular antennas, and these costs are not reflected in the monthly fee that is in this contract. Permanent structures such as these are then dedicated to the Authority for our future usage and becomes our asset. There is also an annual increase of 2.25% of that leasing fee within the proposed contract, The Policy includes a minimum CPI index increase annually.

Mr. Al Gombos brought up that the Board had previously adopted a policy which required third-party inspections on our projects and questioned if we were now going to allow ATT to hire their own inspectors. Mr. John Wilson clarified that HCUA has hired our own third-party inspectors, Southern Corrosion, to review the plans, and that they would be a sub-contractor for the Authority, while ATT would be the ones paying for their services. Supervisor Marlin Ladner raised the concern that whoever is paying a contractor is who that contractor works for and

asked for clarification on that matter. Mr. Wilson explained that Southern Corrosion would be an agent of HCUA, that ATT would pay us, and then we would be paying Southern Corrosion directly.

Mr. Al Gombos stated he was “not satisfied” with the policy as presented. He went out to point out that name on the front of the project plans for the antenna installation called the site “D’Iberville High School” and that it’s not D’Iberville High School, it’s the HCUA Tank and its located on Lamey Bridge Road, and asked that we make sure to change this to eliminate any future confusion. He also asked which plans were going to be used for the project given that ATT had already submitted plans for a building permit to the City of D’Iberville, but here were a set of plans that had yet to be approved by the Board. Mr. John Wilson stated that the plans in front of the Board today would be approved with the approval of the contract, and that no other plans had been approved. Mr. Jim Simpson confirmed that no matter what plans ATT may have submitted to D’Iberville, they would be using the plans presented today, and if they had to go back and change those plans with the City then that is what they would have to do.

Mr. Al Gombos proceeded to list the amounts that the four Carriers who have antennas on City of D’Iberville tanks pay each month, reminding the Board that the suggested rate in the proposed ATT contract fell below what any of them are paying. He asked how that number had been Negotiated. Mayor Billy Hewes asked if we had a comparison or any analysis from other jurisdictions so we can gauge the market, and has a comparison been made between this proposed policy and the Member policies to make sure they overlap or complement one another? Mr. John Wilson explained that that was part of what we were doing today, bringing this before the Board. It has proven difficult to get any sort of information from other jurisdictions or subcontractors, including some of the cities. The City of Gulfport has shared some information, but the others have not.

Mr. Al Gombos then asked about where the revenue would be going from these antennas, which would be something to clarify and make sure is included in the policy.

Mayor Jimmy Rafferty reiterated that it would be good to get a comparison of other leases and plans so that we can distill this down and make the right decisions.

Mr. Al Gombos suggested that we look at some other leases from other companies for reference. Mr. John Wilson asked if D’Iberville would be willing to share theirs’s. Mr. Gombos said he would be glad to, but the only thing that he had been asked for was a copy of D’Iberville’s cell antenna policy, and they do not have a cell antenna policy in place.

Mayor Billy Hewes then summarized that what the Board was looking for were some comparative documents for both the proposed contract and lease and that once it is drafted to please send it out a week or two ahead of time so that they can be thoroughly reviewed.

Supervisor Marlin Ladner asked about a section in the contract that basically states that the landlord is responsible for payment of property taxes. Mr. Jim Simpson clarified that we would need to adjust that wording as the County cannot tax itself and that, legally, this could not happen. Mr. John Wilson stated that much of this language exists because ATT is used to dealing with private property owners and these are boiler plate documents.

Mr. Al Gombos made a motion to table Cell Antenna Policy - Approval, seconded by Mayor Jimmy Rafferty. 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)	absent	
Pass Christian	voted	aye

The motion was tabled. A copy of Cell Antenna Policy – Approval, is attached hereto as exhibit “D”.

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E2b. Big John Cell Antenna Contract - Approval

Mr. Al Gombos made a motion to discuss Big John Antenna Contract - Approval, 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)	absent	
Pass Christian	voted	aye

Mr. Al Gombos made a motion to table Big John Antenna Contract - Approval, seconded by Mayor Jimmy Rafferty. 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)	absent	
Pass Christian	voted	aye

The motion was tabled. A copy of Big John Cell Antenna Contract - Approval is attached hereto as exhibit “E”.

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E2c. H2O Amendment #3 - Locates - Approval

Mr. Al Gombos made a motion to discuss H2O Amendment #3 – Locates - Approval, seconded by Mayor Jimmy Rafferty. 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)	absent	
Pass Christian	voted	aye

Supervisor Marlin Ladner asked for an explanation of the \$220,000+ increase. Mr. John Wilson began to explain that that cost increase includes bringing on, basically, a person and a half, vehicle, equipment, etc. Supervisor Ladner asked that we come back to the Board with a breakdown of the associated costs, just so that everyone is clear.

Mr. Al Gombos made a motion to table H2O Amendment #3 – Locates - Approval, 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)	absent	
Pass Christian	voted	aye

The motion was tabled. A copy of the H2O Amendment #3 – Locates - Approval is attached hereto as exhibit "F".

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F. Executive Director's Report

While Mr. John Wilson had nothing to report, Mr. Al Gombos asked why the connecting of one City of D'Iberville waterline, to another City of D'Iberville waterline, required approval from HCUA? Mr. Wilson explained that all extensions of existing mains, water or sewer, required Utility Authority approval. The Mississippi Department of Health oversees water connections, and the Mississippi Department of Environmental Quality oversees sewer, and they require this approval.

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G. Executive Session

NONE

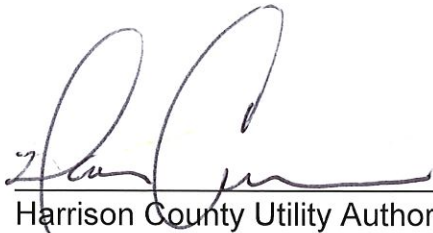
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I. **Adjourn** – At this time Mr. Al Gombos made a motion to adjourn, seconded by Mayor Jimmy Rafferty. A vote resulted in the following:

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

The motion to adjourn passed.

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Harrison County Utility Authority



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