

HARRISON COUNTY UTILITY AUTHORITY
SPECIAL BOARD MEETING
September 14, 2017

Be it remembered that a meeting of the Harrison County Utility Authority Board of Directors was held on September 14, 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:

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

ABSENT:

Supervisor Marlin Ladner, Harrison County (1), Director

AUDIENCE:

Mr. Tim Holleman, Boyce Holleman & Associates
Mr. Bernie Parker, City of Long Beach
Ms. Cindy Lamb, Pickering Engineering
Mr. Hugh Keating, City of Gulfport
Mr. Peter Abide, City of Biloxi
Mr. Derrel Wilson, Utility Partners
Mr. Roddie Matherne, Pelican Waste
Mr. Tommy Thibodeaux, Pelican Waste
Ms. Lavada Johnson, Pelican Waste
Mr. Jon Bierd, Waste Pro
Mr. Michael Yarbrough, Waste Management
Ms. Brynn Joachim, The Focus Group

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 was a discussion regarding whether the County Board of Supervisors took any action related the HCUA lawsuit and associated legal fees. Mr. Holleman clarified that the Board of Supervisors did not take any action on any matters related to the lawsuit or legal fees.

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C. 1 – City of Gulfport’s Solid Waste Plan

Mr. Scharr presented the Board with a copy of Gulfport’s Solid Waste Plan that was submitted to HCUA as an addendum to the HCUA Solid Waste Plan.

Mr. Scharr recommended the Board deny approval of the solid waste plan, due to several technical deficiencies and factual inaccuracies.

Mayor Hewes made a motion to approve the 2012 Harrison County Solid Waste Plan as adopted by the City of Gulfport in 2012 and Gulfport’s proposed addendum to the 2012 Harrison County Solid Waste Plan as required under the 1991 Solid Waste Agreement, paragraph 15-C between Gulfport and HCUA to incorporate the contents of the same into the amendments that HCUA may be required to submit to reflect the change in vendor service for solid waste collection, transport, and disposal and the change in service level provided to those receiving solid waste services from HCUA, seconded by Mayor Gilich.

Mayor Hewes stated based on discussions with MDEQ, Gulfport’s termination of the solid waste contract would constitute a minor modification to HCUA’s Solid Waste Plan. He advised that Gulfport was waiting for HCUA to adopt a modification to the overall solid waste plan for inclusion of the Gulfport addendum. Mayor Hewes stated Gulfport’s plan was modeled after the HCUA plan, so rejection of Gulfport’s plan equals rejection of the HCUA plan.

Mr. Simpson stated the City of Gulfport submitted their plan to MDEQ a month ago, but just presented it to HCUA for consideration yesterday. He also noted that Gulfport has yet to submit a formal request for a change to the solid waste a plan.

Mr. Scharr stated there has been no modification to the HCUA Solid Waste Plan because the matter of Gulfport being out of the solid waste agreement has yet to be settled.

Mr. Gombos made a substitute motion to deny approval of the City of Gulfport's Solid Waste Plan as recommended by Mr. Scharr, seconded by Supervisor Middleton. A roll call vote resulted in the following votes:

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

The motion passed. A copy of Gulfport's Solid Waste Plan is attached hereto as exhibit "B".

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C. 2 – Solid Waste Matters

Mr. Scharr presented the Board with a letter from Holleman & Associates that detailed the terms and fees for the third-party legal representation. He requested the letter be spread upon the minutes.

Mr. Gombos made a motion to spread the letter upon the minutes, seconded by Mayor Bass. A roll call vote resulted in the following votes:

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

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

Mayor Hewes stated the Board has not voted to authorize the legal action that has been brought against the City of Gulfport.

Mr. Holleman stated the Board authorized the third-party counsel to protect and enforce the solid waste agreement, which includes the action taken of filing the declaratory judgement action.

Mr. Holleman recommended the Board ratify the instruction of filing the lawsuit to make matters clear.

Mayor Gilich made a motion to ratify and authorize the filing and institution of the lawsuit against the City of Gulfport, seconded by Mr. Gombos. A roll call vote resulted in the following votes:

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

The motion passed.

There was some discussion regarding the allocation of the legal fees associated with the lawsuit.

D. Executive Session

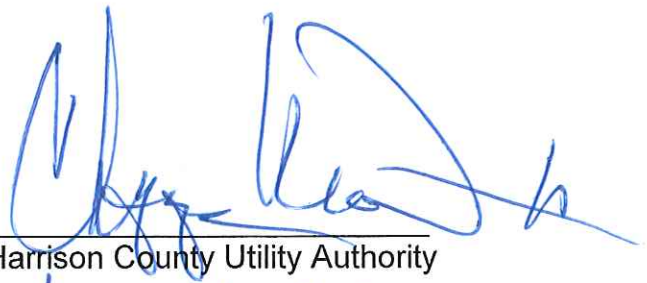
There was no Executive Session.

Mr. Simpson advised that he forwarded all directors an email from Waste Pro's attorney regarding a massive public records request. He stated due to the size of the request, HCUA may have to spend money to get additional help to satisfy the request. He stated he has contacted Waste Pro's new attorneys to attempt to minimize the request.

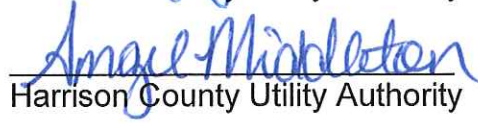
Adjourn - At this time Mr. Gombos made a motion to adjourn, seconded by Mayor Gilich. A roll call vote resulted in the following votes:

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

The motion to adjourn passed.



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