

Jackson County Utility Authority

Regular Meeting
Board of Directors
October 13, 2009
1225 Jackson Avenue
Pascagoula, MS 39567

MINUTES

1. Call to Order

The regular scheduled meeting of the Board of Directors convened at 4:00 p.m., October 13, 2009, at 1225 Jackson Avenue, Pascagoula, MS. Board members present were: Wayne Adams, Vice-President; Jackie Elly Secretary-Treasurer and Directors, Doug Shore, Jim Blevins and Randy Bosarge. Mr. Bradford and Mr. Stephens were unable to attend. It was determined there was a quorum.

Also present were: Tommy Fairfield, Executive Director; Wayne Dennis, Operations and Maintenance Manager; Christine Williams, Administration Manager; Shari Newman, Finance Manager; Ruby Blaze, Administrative Assistant; Jimmy Heidelberg and Jessica Dupont, Authority Counsel; Sarah Colmer, Neel-Schaffer, Inc., Corrine Graham, Gouras and Associates; and Kenneth Yarrow of the Governor's office. Mr. Eugene Carter and Mr. John Ross, former employees, arrived at approximately 4:45.

2. Changes to Agenda

Mr. Fairfield noted there were several additions to the Packages and the Memo for Budget Modifications will be addressed under Other Business.

3. Public Recognition

There were none.

4. Consideration of Minutes from Previous Meetings

A. Minutes for Regular Meeting of September 8, 2009

Mr. Elly made the motion to approve the Minutes of September 8, 2009, as presented. Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present.

B. Minutes for Regular Meeting of September 22, 2009

Mr. Shore noted that the Minutes on page 2, 6.A.1. should read that Mr. Blevins made the motion to table the item. Mr. Bosarge made the motion to approve the Minutes of September 22, 2009, with the changes noted. Mr. Blevins seconded the motion and it was unanimously approved by the Board members present.

5. Expenditures

Mr. Shore made the motion to approve the Expenditures (attached Exhibit "A") as presented. Mr. Blevins seconded the motion and the Expenditures were unanimously approved by the Board members present.

6. Old Business

A. None

7. New Business

A. Staff Items

1. Authority Business

a. Managers' Reports

Mr. Fairfield discussed the Finance Manager's report regarding a check (attached Exhibit "B") from Jackson County Utility Authority to Jackson County Utility Authority. He explained the monies are reimbursement from FEMA. No Board action was taken.

b. Training Request – Board Member

Mr. Fairfield reminded the Board members; Mr. Shore, Mr. Adams and Mr. Bosarge of the MSRWA training October 20, 2009. No Board action was taken.

c. Loan and Grant Authorizations – South Water Extension

Mr. Fairfield presented a contract (attached Exhibit "C"), in the add-on package, from Neel-Schaffer with the request of authorization to approve the environmental portion of the contract. After some discussion, Mr. Blevins made the motion to approve Mr. Fairfield's request to authorize Neel-Schaffer to go forward on the environmental portion of the contract not to exceed \$10,000.00. Mr. Elly seconded the motion and it was unanimously approved by the Board members present.

d. Directors' Items – Nomination and Election of Officers

After some discussion, this item was tabled until the next regular scheduled meeting. Mr. Elly stated that he may not be able to attend the October 27th meeting, but he will serve in any capacity requested of him.

2. CDBG Project Action

a. Requests for Cash

Ms. Graham presented to the Board the CDBG invoices request for cash #20 – S26E for \$229,016.57; request for cash #26 – S23 for \$914,346.53 and #26 for \$18,410.67; request for cash #28 - S25 for \$445,408.58 and #29 for \$16,135.16; request for cash #23 - S26 for \$1,253,981.91 and #24 for \$22,754.86; request for cash #25 - S28 for \$60,677.42 and #26 for \$6,189.06; request for cash #26 – S29 for \$411,844.48, and #27 for \$6,639.58 request for cash #26 - W20 for \$1,519,563.99, and #27 for \$21,300.18; and request for cash #24 - W23 for \$454,769.95, and #25 for \$51,873.92 (attached Exhibit “D”) for approval by the Board. Mr. Elly made the motion to approve the Request for Cash as presented. Mr. Blevins seconded the motion and it was unanimously approved by the Board members.

3. Attorney Report

Mr. Heidelberg updated the Board on Attorney matters. No Board action was taken.

8. Other Business

Mr. Fairfield discussed with the Board the follow-up on the National Incident Management System Training. He stated that the staff will send Mr. Shannon Clayton to the training. No Board action was taken.

Mr. Fairfield presented the budget modification and purchasing request (attached Exhibit “E”) for approval by the Board. Mr. Fairfield requested the Board unrestricts fleet additions in the amount of \$41,925.74. Mr. Shore made the motion to unrestrict the fleet addition as requested. Mr. Blevins seconded the motion and it was unanimously approved by the Board members present.

Mr. Bosarge made the motion to approve the purchase before March 2010 through 2010 State Purchasing Contract. Mr. Shore seconded the motion and it was unanimously approved by the Board members present.

9. Executive Session, if so moved


Mr. Adams asked if there were a need for Executive Session. Mr. Fairfield stated that there were personnel matters to discuss, specifically appeals of two employment terminations. At this time, 5:15 p.m., Mr. Adams recommended the Board go into Executive Session to discuss the two employment termination appeals. Mr. Elly made the motion for the Board to go into Executive Session to discuss the two employment termination appeals. Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present. Present were Messrs. Adams, Elly, Shore, Blevins, Bosarge, Heidelberg, Fairfield, Dennis, Carter and Ross, also Misses Dupont and Williams. At 6:25 p.m.,

Mr. Shore made the motion to reconvene from Executive Session. Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present. No action was taken in Executive Session. Present were Messrs. Adams, Elly, Shore, Blevins, Bosarge, Heidelberg, Fairfield, Dennis, and Misses Dupont and Williams. Mr. Bosarge made the motion to deny Mr. Carter's appeal, seconded by Mr. Shore, and unanimously approved by the Board members present. Mr. Elly made the motion to deny Mr. Ross' appeal, seconded by Mr. Bosarge, and unanimously approved by the Board members present.

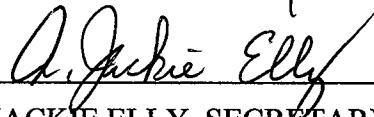
10. Adjourn

There being no further business to come before the Board, Mr. Bosarge made the motion to adjourn. Mr. Elly seconded the motion and it was unanimously approved by the Board members present. The meeting was adjourned at 6:45 p.m.

WITNESS OUR SIGNATURES as approval of these Minutes on this 10th day of NOVEMBER, 2009.



L. PAUL BRADFORD, PRESIDENT



A. JACKIE ELLY, SECRETARY - TREASURER

Jackson County Utility Authority

Regular Meeting
Board of Directors
October 27, 2009
1225 Jackson Avenue
Pascagoula, MS 39567

MINUTES

1. Call to Order

The regular scheduled meeting of the Board of Directors convened at 4:00 p.m., October 27, 2009, at 1225 Jackson Avenue, Pascagoula, MS. Board members present were: Brad Bradford, President; Wayne Adams, Vice-President; and Directors, Randy Bosarge, Bob Stephens and Doug Shore. Mr. Elly and Mr. Blevins were unable to attend. It was determined there was a quorum.

Also present were: Tommy Fairfield, Executive Director; Christine Williams, Administration Manager; Kevin Elliott, Projects Manager; Shari Newman, Finance Manager; Ruby Blaze, Administrative Assistant; Jessica Dupont, Authority Counsel; Kenneth Yarrow of the Governor's office; Sarah Colmer and Talbert Rea, Neel-Schaffer; William Rackley, Alan Plummer & Associates; Greg Brown, MSEG/Pickering; David Sellers, Helen Morales and Curt Miller, Thompson Engineering; and Darryl Dryden, Dryden and Associates.

2. Changes to Agenda

Mr. Bradford asked if there were any changes to the Agenda. There were none.

3. Public Recognition

There were none.

4. Expenditures

Mr. Adams made the motion to approve the Expenditures (attached Exhibit "A") as presented. Mr. Shore seconded the motion and the Expenditures were unanimously approved by the Board members present.

5. Old Business

A. Nomination and Election of BOD Officers (tabled from 9-13-2009)

Mr. Bradford informed the Board of the Nomination and Election of the Board of Director Officers (attached Exhibit "B"). Mr. Adams made the motion to continue with the Officers as it is at present. Mr. Shore seconded the motion and the nomination and election are listed as Brad Bradford, President; Wayne Adams, Vice-President; Jackie Elly, Secretary-Treasurer; and Doug Shore, Vice-Secretary-Treasurer. The motion was unanimously approved by the Board members present.

B. Neel-Schaffer Engineering Services Contract Proposal for the South Water Line Extension (tabled from 9-13-2009)

Mr. Fairfield requested this be tabled to the next scheduled meeting and requested the authorization to draft a letter regarding the 1 acre of land donated to the Authority by the Ocean Springs School System for the South Water Line Extension project. Mr. Shore made the motion to authorize Mr. Fairfield to draft a letter regarding the 1 acre of land donated to the Authority by the Ocean Springs School System and to present it to the Board at the next scheduled meeting. Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present.

6. New Business

A. Staff Items

1. Authority Business

a. Security Services Agreement

Mr. Fairfield presented to the Board an Agreement for Security Services with the Swetman Security Service, Inc. (attached Exhibit "C") for review. After some discussion, Mr. Adams made the motion to approve the security agreement with the caveat of legal review and the stipulation of a 12 hour shift, 6 p.m to 6 a.m to be included in the contract for a later date. Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present.

2. Updated CDBG Project Status Report

a. Updated Project Status Report (Add-On)

Attached (attached Exhibit "D"). No Board action was needed.

b. Alan Plummer Reports (S23, S25, S28 and S29)

Mr. Rackley updated the Board on the S23, S25, S28, and S29 projects. No Board action was taken.

1. Contract Change Order

Mr. Rackley presented to the Board the CDBG Project S-23 Phase 1 Contract Change Order No. 1 (attached Exhibit "E") for approval. Mr. Adams made the motion to approve the CDBG Project S-23 Phase 1 Contract Change Order No. 1 as presented. Mr. Stephens seconded the motion and it was unanimously approved by the Board members present.

Mr. Rackley also presented CDBG Project S-23 Phase Change Order No. 2 (attached Exhibit "F") for approval. Mr. Bosarge made the motion to approve the CDBG Project S-23 Phase Change Order No. 2 as presented. Mr. Adams seconded the motion and it was unanimously approved by the Board members present.

Mr. Rackley then presented CDBG Project S-23 Phase Change Order No. 3 (attached Exhibit "G") for approval. Mr. Shore made the motion to approve the CDBG Project S-23 Phase Change Order No. 3 as presented. Mr. Adams seconded the motion and it was unanimously approved by the Board members present.

2. S23-Subcontractor – List

Mr. Rackley presented to the Board the CDBG Project S-23 Phase II Subcontractor Notification List (attached Exhibit "H"). After some discussion, Mr. Bosarge made the motion to approve the CDBG Project S-23 Phase II subcontractor notification list as presented. Mr. Stephens seconded the motion and it was unanimously approved by the Board members present.

c. Neel-Schaffer Reports (S26, W20 and W23)

Ms. Colmer updated the Board on the S26, W20, and W23 projects. No Board action was taken.

1. W23-Amendment

Ms. Colmer presented to the Board the JCUA 02/W23 Amendment to Scope of Work for Additional Services (attached Exhibit "I")

requesting an increase of \$24,500.00. After some discussion, Mr. Adams made the motion to approve the requested increase of \$24,500 for the Amendment as presented. Mr. Shore seconded the motion and it was unanimously approved by the Board members present.

d. **Speaks Report (S26E)**

Mr. Elliott updated the Board on the S26E project. No Board action was taken.

Mr. Elliott then presented a change order to add 45 days to the contract for the CDBG S26E project (attached Exhibit "J"). Mr. Bosarge made the motion to approve the 45 day extension to the contract for the CDBG S26E project as presented. Mr. Adams seconded the motion and it was unanimously approved by the Board members present.

e. **Gouras - Contract Amendments**

Ms. Williams presented to the Board the draft Contract Amendments between Gouras & Associates and the JCUA for Construction phase increases for services related to Low Mod Surveys (attached Exhibit "K") for projects; JCUA-01 S26E at an increase of \$23,000; JCUA-02 S23 at an increase of \$46,000; and JCUA-02 S26 at an increase of \$54,625. Mr. Stephens made the motion to approve the Contract Amendments between Gouras & Associates and the JCUA for Construction phase increases for services related to Low Mod Surveys as presented with the contingency of MDEQ approval. Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present.

f. **Other CDBG Business**

Ms. Dupont presented a Resolution (attached Exhibit "L") authorizing the JCUA to transfer \$25,000 to Heidelberg, Steinberger, Colmer & Burrow's trust account for the ease and quickness of closing on easements necessary for the community Block Development Grant project throughout Jackson County for Board approval. Mr. Bosarge made the motion to approve the resolution as presented. Mr. Adams seconded the motion and it was unanimously approved by the Board members present.

Ms. Dupont also presented a Second Amendment to Contract and Agreement for Legal Services on the CDBG S26E project (attached Exhibit "M"). She stated that this

has been approved by the MDEQ and requested the motion include Mr. Tommy Fairfield permission to sign the contract. Mr. Shore made the motion to approve the Second Amendment to Contract and Agreement for Legal Services as presented with Mr. Fairfield permission to sign the contract. Mr. Stephens seconded the motion and it was unanimously approved by the Board members present.

3. Update/Action on COE/USDA Projects

There was no discussion.

4. Consideration of the Proposal from Thompson

Engineering to Develop a Facilities Plan for Laboratory Rehabilitation

Mr. Fairfield presented the proposal from Thompson Engineering to develop a facilities plan (attached Exhibit "N") for the Laboratory rehabilitation. Mr. Bosarge made a motion to accept the Thompson Engineering proposal to develop a facility plan for the JCUA Laboratory upgrade, and modify the FY2010 Budget by unrestricting \$14,000.00 to support the proposed contract value. Mr. Stephens seconded the motion. In discussion, it was noted that planning of this project should include a relocation evaluation. Mr. Bosarge agreed to amend the motion to include relocation evaluation as part of the proposal requirement. The motion was unanimously approved by the Board members present.

5. Attorney Report

Ms. Dupont suggested Executive Session to discuss litigation and personnel matters.

7. Other Business

There was no Other Business

8. Executive Session, if so moved

(Requested for Potential Litigation and Personnel Matters)

Mr. Bradford asked if there was a need for Executive Session. Ms. Dupont stated that there were matters to discuss involving a strategy to address potential litigation, proposed purchase of land, and employment structuring. At this time, 5:15 p.m., Mr. Bradford recommended the Board go into Executive Session to discuss matters involving a strategy to address potential litigation, proposed purchase of land, and discussion of employment structuring. Mr. Stephens made the motion for the Board to go into Executive Session to discuss matters involving a strategy to address potential litigation, proposed purchase of land, and

employment structuring. Mr. Adams seconded the motion and it was unanimously approved by the Board members present. Present were Messrs. Bradford, Shore, Adams, Stephens, Bosarge, Dryden and Fairfield, also, Misses Dupont. At 5:25 p.m. Mr. Bosarge made the motion to reconvene from Executive Session. Mr. Shore seconded the motion and it was unanimously approved by the Board members present. No action was taken in Executive Session. Present were Messrs. Bradford, Shore, Adams, Stephens, Bosarge, Fairfield, Dryden and Misses Dupont.

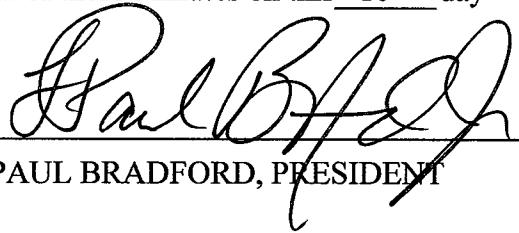
Mr. Adams made the motion to authorize the Executive Director and Mr. Daryl Dryden to negotiate a resolution regarding ingress and egress to the wastewater plant site. Mr. Shore seconded the motion and it was unanimously approved by the Board members present.

Mr. Stephens made a motion to authorize the Executive Director to establish and fill the position of Compliance Official (attached Exhibit "O") for wastewater and to adopt the revised Organization Chart (attached Exhibit "P"). Mr. Bosarge seconded the motion and it was unanimously approved by the Board members present.

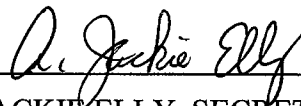
9. Adjourn

There being no further business to come before the Board, Mr. Stephens made the motion to adjourn. Mr. Adams seconded the motion and it was unanimously approved by the Board members present. The meeting was adjourned at 5:30 p.m.

WITNESS OUR SIGNATURES as approval of these Minutes on this 10th day of NOVEMBER, 2009.



L. PAUL BRADFORD, PRESIDENT



A. JACKIE ELLY, SECRETARY - TREASURER