STATE OF MISSISSIPPI
COUNTY OF HARRISON

BE IT REMEMBERED, that a regular meeting of the Board of Supervisors of Harrison County, Mississippi was begun and held in the meeting room of the Board of Supervisors of Harrison County, located in the First Judicial District Courthouse at Gulfport, Mississippi, on the FIRST MONDAY OF JANUARY 1997, being the 6TH DAY OF JANUARY 1997, the same being the time fixed by law and the place fixed by the Order of the Board of Supervisors of said County at a former meeting thereof for holding said meeting of said Board.

THERE WERE PRESENT and in attendance on said Board, Honorable Larry Benefield, President of said Board, presiding; Bobby Eleuterius, David V. LaRosa, Sr., Robin Alfred Midcalf, and C. T. Switzer, Jr., members of said Board of Supervisors; Maudie Cuevas, Tax Assessor for Harrison County, Mississippi; Joseph Price, Sheriff of Harrison County, Mississippi; and John McAdams, Chancery Clerk and Ex-Officio Clerk of Said Board.

WHEREUPON, after the proclamation of the Sheriff, the following proceedings were had and done, viz:

...
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER APPROVING EMPLOYMENT OF JOSEPH MEADOWS AS BOARD ATTORNEY FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE employment of Joseph Meadows as Board attorney for the year 1997.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER APPROVINC EMPLOYMENT OF ROBERT KNESAL
AS COUNTY ENGINEER FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,
MISSISSIPPI, that the Board does HEREBY Approve employment of Robert
Knesal as County Engineer for the year 1997.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the
above and foregoing Order, whereupon the President put the question to a
vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of
the Supervisors present, the President then declared the motion carried and
the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVING EMPLOYMENT OF PAM ULRICH
AS COUNTY ADMINISTRATOR FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE employment of Pam Ulrich as County Administrator for the year 1997.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVING EMPLOYMENT OF JENELL TOMPKINS
AS COMPTROLLER FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY Approve employment of Jenell Tompkins as Comptroller for the year 1997.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVINC EMPLOYMENT OF NEILLE JONES
AS PURCHASE CLERK FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,
MISSISSIPPI, that the Board does HEREBY APPROVE employment of Neille Jones
as Purchase Clerk for the year 1997.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the
above and foregoing Order, whereupon the President put the question to a
vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of
the Supervisors present, the President then declared the motion carried and
the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER EMPLOYING ALL EXISTING EMPLOYEES OF HARRISON COUNTY FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY employ all existing employees of Harrison County for the year 1997.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *

Judge Robert Walker swore in Election Commissioners Toni Jo Diaz, District 1; Phyllis Sisson, District 2; Henry D'Aquilla, Sr., District 3; Aurabell Caggins, District 4; and Randall L. McDonnell, Jr., District 5.

* * *
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVINC EMPLOYMENT OF TERRY BROADUS AS ROAD MANAGER FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE employment of Terry Broadus as Road Manager for the year 1997.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,

Supervisor LARRY BENEFIELD voted AYE,

Supervisor DAVID V. LAROSA, SR. voted AYE,

Supervisor ROBIN ALFRED MIDCALF voted AYE,

Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *

The Board President recognized and presented plaques to: James Halford, Volunteer Fireman of the Year; to Glenn Sellier, Chief of the Year; and to William Faulk, Fireman of the Year.

* * *
Supervisor DAVID V. LAROSA, SR. moved adoption of the following order:

ORDER APPROVING PAYMENT OF INVOICE(S) FOR WORK AT MEMORIAL HOSPITAL AT GULFPORT

WHEREAS, there has been presented the following item for payment for work at Memorial Hospital at Gulfport:

Application and certificate for payment No. 16 of Roxco, Ltd., Post Office Box 64, Brandon, MS 39403, dated December 11, 1996, in the net sum of $403,685.82 and which is for work under the contract between Roxco, Ltd. and the City of Gulfport and the Gulfport-West Harrison County Hospital District dated July 5, 1995 for the Clinical Support Addition Phase 2a.1 Superstructure Project at Memorial Hospital at Gulfport, and which has been previously certified by the Architect;

which amount has been recommended for payment by Memorial Hospital at Gulfport, which amount has been incurred and is presently due and payable, which amount is a proper charge against the Construction Fund relating to the City of Gulfport, Mississippi, $34,075,000.00 Hospital Revenue Refunding and Improvement Bonds Series 1994A, and which the Board of Supervisors of Harrison County, Mississippi, acting for and on behalf of the Gulfport-West Harrison County Hospital District, finds proper and should be approved.

IT IS THEREFORE ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, acting for and on behalf of the Gulfport-West Harrison County Hospital District, that the
following payment request be approved for payment out of the Construction Fund relating to the City of Gulfport, Mississippi, $34,075,000.00 Hospital Revenue Refunding and Improvement Bonds Series 1994A held by Hancock Bank as Trustee under the Trust Indenture dated as of August 1, 1994, among Hancock Bank, City of Gulfport, Gulfport-West Harrison County Hospital District and Memorial Hospital at Gulfport.

Application and certificate for payment No. 16 of Roxco, Ltd., Post Office Box 64, Brandon, MS 39403, dated December 11, 1996, in the net sum of $403,685.82 and which is for work under the contract between Roxco, Ltd. and the City of Gulfport and the Gulfport-West Harrison County Hospital District dated July 5, 1995 for the Clinical Support Addition Phase 2a.1 Superstructure Project at Memorial Hospital at Gulfport, and which has been previously certified by the Architect;

Supervisor ROBIN ALFRED MIDCALF seconded the above motion; and following discussion the matter was put to a vote with the following results:

Supervisor Bobby Eleuterius voted: AYE
Supervisor Larry Benefield voted: AYE
Supervisor David LaRosa, Sr. voted: AYE
Supervisor Robin Midcalf voted: AYE
Supervisor C.T. Switzer, Jr. voted: AYE

The motion having received a majority affirmative vote of those present, the President declared the motion passed and the Order adopted this the 6th day of January, 1997.

* * *
APPLICATION AND CERTIFICATE FOR PAYMENT

TO (OWNER):
City of Gulfport, Mississippi and the Gulfport West Harrison County Hospital District, acting by and through the Board of Supervisors of Harrison County, Mississippi

FROM (CONTRACTOR):
Rexco, Ltd.
P.O. Box 64
Brandon, MS 39043

APPLICATION FOR PAYMENT

PROJECT:
Memorial Hospital at Gulfport
Phase 2A 1 Superstructure
Clinical Support Addition

APPLICATION NO. 16
OWNER

ARCHITECT:
VIA (ARCHITECT):
Biloxi/Krebs
757 St. Charles Ave.
New Orleans, LA 70130

ARCHITECT'S PROJECT NO: 91147

CONTRACT DATE:

CONTRACT FOR: Building Construction

APPLICATION AND CERTIFICATE FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.

The undersigned Contractor certifies that in the best of his knowledge, information and belief the Work approved by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and test of the Contractor's knowledge, information and belief this Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

<table>
<thead>
<tr>
<th>AMOUNT CERTIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>$403,685.82</td>
</tr>
</tbody>
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ARCHITECT:

Fred Schwab

DATE: 12/12/96

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein, barring, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under the Contract.
<table>
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<th>ITEM NO.</th>
<th>DESCRIPTION OF WORK</th>
<th>SCHEDULED VALUE</th>
<th>FROM PREVIOUS APPLICATION (D+E)</th>
<th>WORK COMPLETE</th>
<th>MATERIALS STORED (NOT IN I)</th>
<th>TOTAL COMPLETED AND STORED TO DATE (D+E+F)</th>
<th>% (G/C)</th>
<th>BALANCE TO FINISH (C-G)</th>
<th>RETAINAGE</th>
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<td>DESCRIPTION OF WORK</td>
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<td>FINISH HARDWARE</td>
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<td>35,012.00</td>
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<td>BALANCE TO FINISH (C-G)</td>
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TOTAL THIS PAGE 4,099,879.00 2,452,238.00 207,143.00 30,966.00 2,690,345.00 65.62% 1,409,534.00 269,034.50
In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION OF WORK</th>
<th>SCHEDULED VALUE</th>
<th>FROM PREVIOUS APPLICATION (D+E)</th>
<th>COMPLETE WORK</th>
<th>PRESENTLY STORED MATERIALS</th>
<th>TOTAL COMPLETED AND STORED TO DATE (D+E+F)</th>
<th>% (G/C)</th>
<th>BALANCE TO FINISH (C-G)</th>
<th>RETAINAGE</th>
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<td>57.85%</td>
<td>4,402,794.20</td>
<td>604,350.48</td>
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Mr. Reid introduced and moved the adoption of the following Resolution:

RESOLUTION REQUESTING THE CITY OF GULFPORT AND THE BOARD OF SUPERVISORS OF HARRISON COUNTY, ACTING FOR AND ON BEHALF OF THE GULFPORT-WEST HARRISON COUNTY HOSPITAL DISTRICT, TO AUTHORIZE PAYMENT BY THE TRUSTEE FROM THE CONSTRUCTION FUND RELATING TO THE CITY OF GULFPORT, MISSISSIPPI, $34,075,000 HOSPITAL REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1994A (MEMORIAL HOSPITAL AT GULFPORT PROJECT)

WHEREAS, pursuant to the provisions of the Trust Indenture from the City of Gulfport, Mississippi, Gulfport-West Harrison County Hospital District and the Board of Trustees of Memorial Hospital at Gulfport (the "Board of Trustees") to Hancock Bank, Gulfport, Mississippi, as Trustee, dated as of August 1, 1994, relating to City of Gulfport, Mississippi $34,075,000 Hospital Revenue Refunding and Improvement Bonds Series 1994A (the "Series 1994A Bonds"), the Trustee is authorized to make payments from the Construction Fund (the "Construction Fund") established in said Trust Indenture for construction-related items; and

WHEREAS, the Board of Trustees finds and does so determine that each item in the amount stated on the attached Requisition No. 20 has been incurred, is presently due and payable, is a proper charge against the Construction Fund, and has not previously been paid from the Construction Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MEMORIAL HOSPITAL AT GULFPORT, as follows:

SECTION 1. That the City Council of the City of Gulfport and the Board of Supervisors of Harrison County, acting for and on behalf of the Gulfport-West Harrison County Hospital District, be and hereby are requested, by the adoption of appropriate orders, to authorize and direct the Trustee, under the Trust Indenture dated as of August 1, 1994, relating to the City of Gulfport, Mississippi $34,075,000 Hospital Revenue Refunding and Improvement Bonds Series 1994A, from
the City of Gulfport, Mississippi, Gulfport-West Harrison County Hospital District and the Board of Trustees of Memorial Hospital at Gulfport to Hancock Bank, Gulfport, Mississippi, to make disbursement(s) from the Construction Fund established in the Trust Indenture, in payment of item(s) No.(s) 1 on the attached Requisition No. 20.

SECTION 2. That certified copies of this Resolution be furnished to the Clerk of the Gulfport City Council and the Clerk of the Harrison County Board of Supervisors.

Mr. Williams seconded the motion and, following discussion, a vote was taken with the following results:

Myrtis L. Franke voted: YES
Roy Newman voted: YES
Edward O. Reid voted: YES
Theodore Williams voted: YES
David White voted: YES
Norman L. Dilley voted: YES
Dr. Rene' Freret voted: ABSENT

WHEREUPON, the Chairman declared the motion carried and the Resolution duly adopted this the 16th day of December, 1996.

Myrtis L. Franke
Chairman

ATTEST:

Secretary
CERTIFICATE

I, Edward O. Reid, being Secretary of the Board of Trustees of Memorial Hospital at Gulfport, hereby certify that the foregoing is a true and correct copy of Resolution adopted at a duly called meeting of the Board of Trustees of Memorial Hospital at Gulfport on the 16th day of December 1996 at which a quorum was present.

Edward O. Reid
Secretary
MEMORIAL HOSPITAL AT GULFPORT  
LISTING OF INVOICES TO BE PAID FROM CONSTRUCTION  
FUND SERIES 1994A - REQUISITION NUMBER 20  

<table>
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<tr>
<th>ITEM NO.</th>
<th>PAYEE</th>
<th>PAYMENT APPLICATION INVOICE NUMBER</th>
<th>DESCRIPTION OF EXPENSE</th>
<th>AMOUNT</th>
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<td>1</td>
<td>Roxco, Ltd.</td>
<td>Payment App. #16</td>
<td>Construction Services Clinical Support Addition Phase 2a.1-Superstructure</td>
<td>$403,685.82</td>
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Mr. Newman moved adoption of the following resolution:

RESOLUTION REQUESTING THE CITY OF GULFPORT, MISSISSIPPI, AND THE HARRISON COUNTY BOARD OF SUPERVISORS TO APPROVE SUBSTITUTION OF SECURITIES FOR RETAINAGE

WHEREAS, Roxco, Ltd., is currently performing work at Memorial Hospital at Gulfport (the "Hospital") pursuant to a contract from the City of Gulfport (the "City") and the Gulfport-West Harrison County Hospital District (the "District"), which work is being paid for out of funds held by Hancock Bank as Trustee under a certain Trust Indenture, pursuant to which certain City of Gulfport Hospital Revenue Bonds, Series 1994A were issued for the benefit of, and which are to be repaid by, the Hospital; and

WHEREAS, Roxco, Ltd., has requested the Hospital and its owners, the City and the District, to authorize substitution of securities for retainage held by the Trustee bank pursuant to Section 31-5-15, Mississippi Code 1972, as amended; and

WHEREAS, the Board of Trustees has received legal advice that the statute does not grant discretion to the political entities who let the contract as to whether or not the permit substitution of securities for retainage, assuming that the statute in question applies to funds held by a trustee under a bond issue, which question has been raised by the Trustee bank;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MEMORIAL HOSPITAL AT GULFPORT as follows:

Section 1. That the firm of Galloway & Galloway, P.A., be and hereby is authorized and directed to seek an opinion from the
CERTIFICATE

I, Edward O. Reid, Secretary of the Board of Trustees of Memorial Hospital at Gulfport, hereby certify that the foregoing is a true and correct copy of a Resolution adopted at a duly authorized meeting of the Board of Trustees held on the 14th day of October, 1996, at which a quorum was present.

This 16th day of December, 1996.

Edward O. Reid
December 6, 1996

Robert C. Galloway, Esq.
Attorney - Memorial Hospital at Gulfport
Suite 204, Merchants Bank Building
1300 Twenty Fifth Avenue
Gulfport, MS 39501

Re: Retainage under construction contract pursuant to city revenue bond indenture

Dear Mr. Galloway:

Attorney General Mike Moore has received your request for an opinion and has assigned it to me for research and reply.

You write concerning construction work currently underway at Memorial Hospital at Gulfport, a community hospital jointly owned by the City of Gulfport (City) and the Gulfport-West Harrison County District (District). Pursuant to a contract issued by the owners of the hospital, the construction work is being paid for from proceeds of a revenue bond issued by the City. These bond proceeds are being held by a local bank as trustee under the bond indenture. The general contractor on the project, Roxco, Ltd., has requested that it be permitted to substitute securities for retainage pursuant to Section 31-5-15 of the Mississippi Code. In light of these facts, you pose the following questions for our consideration:

Question No. 1: Does Section 31-5-15 permit substitution of securities for retainage when the funds are held by a trustee bank pursuant to a revenue bond issue under the circumstances outlined?

Question No. 2: If the answer to Question 1 is affirmative, when the contractor substitutes securities for retainage, should those securities be held by the appropriate official
of the City of Gulfport, which issued the bonds, or should the securities be held by the trustee bank in lieu of the retainage the trustee bank is currently holding?

Question No. 3: It appears that under Section 31-5-15 contractors have the right to substitute securities for retainage and that it is not discretionary with the public authorities whether or not to permit substitution of securities. Is that understanding correct?

Section 31-5-15 provides, in relevant portion:

Under any public contract heretofore or hereafter made or awarded by the State of Mississippi, or any agency or department of the State of Mississippi, or by any political subdivision thereof, the contractor may, with the written consent of his or its surety, from time to time, withdraw the whole or any portion of the amount retained from payments due the contractor pursuant to the terms of the contract by depositing with the State Treasurer of the State of Mississippi, or the treasurer or secretary of the political subdivision of the State of Mississippi holding funds belonging to the contractor, the following security, or any combination thereof, in an amount equal to, or in excess of the amount so withdrawn. . . .

In response to Question No. 1, § 31-5-15 provides that various authorized securities may be substituted for all or part of the retainage payments owing to a contractor of a public works contract. This office has repeatedly opined that Section 31-5-15 incorporates as a matter of law the provisions therein for substitution of collateral in "any public contract heretofore or hereafter made or awarded by the State of Mississippi or by any political subdivision thereof. . . ." See MS AG Op., Capps (September 6, 1996); MS AG Op., Gex (May 31, 1988); MS AG Op., Ringer (January 27, 1989).

This office is further of the opinion that in the instance of a public works contract to be paid with proceeds generated by a revenue bond issued by the City of Gulfport wherein the City enters into a third-party agreement whereby those bond proceeds are being held by a trustee bank, § 31-5-15 still applies. Under these facts, the trustee bank stands in place of the city and holds the retainage as its authorized agent and, as such, owes joint fiduciary duties to both the city and the contractor. Of course, the remaining provisions of § 31-5-15 also apply; for example, in the case of a default by the contractor in the performance of the contract, the substituted securities may be sold by the trustee bank as agent of the city and the proceeds used in place of the retainage.

In response to Question No. 2, where the trustee bank holds the retainage for which the contractor elects to substitute authorized securities, the trustee, as the city's agent, should accept and hold the substituted securities in place of the formerly held retainage.
In response to Question No. 3, a contractor who elects to withdraw retainage funds as provided in § 31-5-15 has an absolute statutory right to do so upon posting of the proper securities, assuming all contractual requirements have been fulfilled. Accordingly, there is no discretion on the part of the contracting authority whether or not to permit such substitution. See MS AG Op., Gex (May 31, 1988); MS AG Op., Ringer (January 27, 1989).

Please contact this office if we can provide further assistance concerning this matter.

Sincerely,

MIKE MOORE, ATTORNEY GENERAL

By: Patricia F. Aston
Special Assistant Attorney General

PFA:sm
Honorable Charlie Capps
House of Representatives
P. O. Box 308
Cleveland, MS 38732

Re: Retainage

Dear Representative Capps:

Attorney General Mike Moore has received your request for an opinion and has assigned it to me for research and reply. Your letter asks with regard to House Bill 1172 of the 1996 legislative session:

I believe that it was the intention of the Legislature for the retainage reduction provisions to apply to all public construction contracts now in existence, whether they were entered into prior to July 1, 1996, or after said date. The Bureau of Buildings and Grounds has a different interpretation and I believe this matter needs to be cleared up as quickly as possible.

In response, House Bill 1172 of the 1996 Regular Session amended Section 31-5-33 of the Mississippi Code, effective July 1, 1996, as follows:

(1) In any contract for the construction, repair, alteration or demolition of any building, structure or facility awarded by the State of Mississippi, or any agency, unit or department of the State of Mississippi, or by any political subdivision thereof, which contract provides for progress payments in installments based upon an estimated percent of completion with a percentage of the contract proceeds to be retained by the state agency, unit or department, or by the political subdivision or contractor pending completion of the contract, such retainage shall be ten percent (10%) and the amount retained by the prime contractor from each payment due the subcontractor shall not exceed...
the percentage withheld by the state, or any agency, unit or department of the state, or by any political subdivision thereof, from the prime contractor.

On any contract as described herein, of which the total amount is Seven Hundred Fifty Thousand Dollars ($750,000.00) or greater, ten percent (10%) shall be retained until the work is at least fifty percent (50%) complete on schedule and satisfactory in the architect's and/or engineer's opinion, at which time fifty percent (50%) of the retainage held to date shall be returned to the prime contractor for distribution to the appropriate subcontractors and suppliers. Provided, however, that future retainage shall be withheld at the rate of five percent (5%).

The underlined portion above was added to Subsection (1) by House Bill 1172. 1996 Miss. Laws, ch. 495, section 2.

Reviewing the history of this statute shows that language substantially similar to the underlined language above was first added to Section 31-5-33 of the Code in 1984. 1984 Miss. Laws, ch. 406. Chapter 406 of the 1984 Regular Session established retainage at ten percent and provided that half of the retainage should be returned to the prime contractor when the project was fifty percent complete. The amendment created by that chapter specifically provided that its provisions applied "only to contracts executed on or after July 1, 1984." Section 31-5-33(1) was again amended in 1994. This amendment simply deleted the second paragraph of Subsection (1) of Section 31-5-33 which had been added in 1984. See 1994 Miss. Laws, chapter 626, section 2.

The Legislature has now put this language back by way of chapter 495, section 2 of the 1996 Regular Session (House Bill 1172). This amendment differs significantly from the 1984 amendment originally inserting such language (see main volume of code) when it states that fifty percent (50%) of "the retainage held to date shall be returned to the prime contractor" (emphasis added) upon the project being fifty percent (50%) completed. Also, there is no language similar to Chapter 406, Section 3 of the 1984 Regular Session specifically stating that the act only applies to contracts executed on or after the effective date of the amendment. Use of the language in the 1996 amendment, "held to date", to describe the retainage to be effected by the statute shows, in our opinion, the intent of the Legislature that this amendment should apply to all existing contracts executed both before and after the effective date of the statute.

There is some concern that House Bill 1172, Chapter 495 of the Regular Session set out above, should be interpreted otherwise to comply with Section 100 and Section 96 of the Mississippi Constitution. Burrell v. Miss. State Tax Commission, 536 So.2d 848 (Miss. 1988) (statutes should be construed to withstand constitutional attack). These constitutional sections provide:
Section 100. No obligation or liability of any person, association, or corporation held or owned by the state, or levee board, or any county, city, or town thereof, shall ever be remitted, released or postponed, or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; this shall not be construed to prevent the legislature from providing by general law for the compromise of doubtful claims.

See McDonald v. State Tax Comm., 158 Miss. 331, 130 So. 473 (1930) (Legislature cannot by statutory amendment release obligation to state for taxes); and Jackson Electric R. Light & P. Co. v. Adams, 79 Miss. 408, 30 So. 624 (1901) (Section 100 prohibits a municipality from refunding contractor's deposit after breach of contract).

Section 96. The legislature shall never grant extra compensation, fee, or allowance, to any public officer, agent, servant, or contractor, after service rendered or contract made, nor authorize payment, or part payment, of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrections.

See MS AG Op., Tabb (Dec. 4, 1980) (Highway Department could not delete contract provision unfavorable to contractor after contract was already made).

Nevertheless, we have consistently presumed that statutes passed by the Legislature are constitutional until a court of competent jurisdiction rules otherwise. MS AG Op., Bryant (March 11, 1992); Mississippi Power Co. v. Goudy, 459 So.2d 257 (1984).

Therefore, it is our opinion that the retainage reduction provisions in House Bill 1172, 1996 Miss. Laws, ch. 495, apply to all public construction contracts now in existence, whether entered into prior to July 1, 1996 or thereafter.

Very truly yours,

MIKE MOORE, ATTORNEY GENERAL

By:

Mike Lanford
Assistant Attorney General
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

1988 WL 250061
Attorney General
BY: Larry E. Clark
Special Assistant Attorney General
Office of the Attorney General
State of Mississippi

January 27, 1989

Mr. David Ringer
Attorney at Law
Post Office Box 737
Florence, Mississippi 39073-0737

Dear Mr. Ringer:

Attorney General Mike Moore has received your request for an opinion and has assigned it to me for research and reply. Your letter states:

The facts: The Town of Florence ('Florence' or 'the Town') had to build a sewage treatment plant when it had no money to do so. It advertised for bids for this project. A copy of the ad is enclosed. Its salient feature is that it affirmatively set out that there would be a retainage required by the Town of the contractor. Hemphill Construction Company was low bidder. Deemed to have the lowest and best bid, their bid was accepted. A copy of the contract is enclosed. It also, affirmatively sets out the requirement for retainage.

About as soon as the contractor began work, it requested that the Town allow it to be released from its retainage obligation by virtue of the Town of the contractor. Hemphill Construction Company was low bidder. Deemed to have the lowest and best bid, their bid was accepted. A copy of the contract is enclosed. It also, affirmatively sets out the requirement for retainage.

The question: Where a bid affirmatively sets out a requirement for retainage; and where the contract affirmatively sets out a requirement for retainage, can a municipality lawfully refuse to allow the contractor the benefit of Section 31-5-15? The answer is no. We invite your attention to the opinion issued by this office to Honorable Lucien M. Gex, Jr. on May 31, 1988, and we reiterate its holding.

It is the opinion of this office that Sec. 31-5-15 incorporates as a matter of law the provisions therein for substitution of collateral in 'any public contracts heretofore or hereafter made or awarded by the state of Mississippi or any agency or department of the state of Mississippi, or by any political subdivision thereof,' and the phrase 'the amount retained from payments due the contractor pursuant to the terms of the contract' refers to the amount withheld. There is no need for specific contracts to include a provision for substitution of collateral into all public contracts made or awarded by the state of Mississippi or any agency, department or political subdivision thereof.

If this office can be of further assistance to you, please let us know.

Sincerely,

Mike Moore
Attorney General
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

1988 WL 250061

*7425 Office of the Attorney General
State of Mississippi
May 31, 1988

Honorable Lucien M. Gex, Jr.
Attorney at Law
Post Office Drawer 47
Waveland, Mississippi 39576-0047

Dear Mr. Gex:

Attorney General Mike Moore has received your request for an opinion and has assigned it to me for research and reply. Your letter states:

'I am the Attorney for the Waveland Regional Wastewater Management District. I would appreciate it if your office could provide me with an opinion concerning the interpretation of the withdrawal provisions under Section 31-5-15 of the Mississippi Code. The District has a contract with Cajun Construction to perform construction work on an expansion of the District sewer treatment plant. The contract is in excess of $750,000.00. The contractor has requested that it be permitted to withdraw the 5% retainer which has been withheld from the progress payments in accordance with the terms of the contract. The contract does not provide for the substitution of securities as set out in Section 31-5-15. In reading the statute, the statute states that the contractor may withdraw the 'whole or any portion of the amount retained from payments due the contractor pursuant to the terms of the contract. As stated previously, the contract between the Waveland Regional Wastewater Management District and the contractor does not permit withdrawal or substitution of collateral.

I would appreciate your interpretation of this statute. It is the contractor's contention that the term 'withdraw the whole or any portion of the amount retained from payments due the contractor pursuant to the terms of the contract' applies to the amount withheld rather than a contractual provision to substitute collateral.'

The statute in question, Section 31-5-15, Miss. Code of 1972, reads, in part, as follows:

Under any public contract heretofore or hereafter made or awarded by the State of Mississippi, or any agency or department of the State of Mississippi, or by any political subdivision thereof, the contractor may, with the written consent of his or its surety, from time to time, withdraw the whole or any portion of the amount retained from payments due the contractor pursuant to the terms of the contract by depositing with the state treasurer of the State of Mississippi, or the treasurer or secretary of the political subdivision of the State of Mississippi holding funds belonging to the contractor, the following security, or any combination thereof in an amount equal to or in excess of the amount so withdrawn, (Emphasis supplied.)

Your question is whether the substitution of collateral provided for in this section is made a part of all contracts listed in the section or must each individual contract contain such a provision before substitution is allowed. We find no previous opinion of this office addressed to this exact point. However, we enclose an opinion of Honorable Norman Breland of September 23, 1981, which is incorporated herein by reference. Both the question posed by Mr. Breland and the opinion of this office issued in response thereto recognize that this section applies to all public contracts and not just to those which themselves provide for substitution of collateral.

It is the opinion of the Attorney General that Section 31-5-15 incorporates as a matter of law the provisions therein for substitution of collateral in 'any public contract heretofore or hereafter made or awarded by the State of Mississippi or any agency or department of the State of Mississippi, or by any political subdivision thereof, and the phrase 'the amount retained from payments due the contractor pursuant to the terms of the contract' refers to the amount withheld. There is no need for specific contracts to include a provision for substitution of collateral' in their terms, since Section 31-5-15 incorporates said provisions for substitution of collateral into all public contracts made or awarded by the State of Mississippi or any agency, department or political subdivision thereof.

If this office can be of further assistance to you, please let us know.

Very truly yours,

Mike Moore

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Honorable Mike Moore  
Attorney General  
P. O. Box 220  
Jackson, MS 39205  

Dear Attorney General Moore:

We represent Memorial Hospital at Gulfport, a Mississippi community hospital owned jointly by the City of Gulfport (the "City") and the Gulfport-West Harrison County District (the "District"), a subdivision of Harrison County, Mississippi. Roxco, Ltd., a private general contractor, is currently performing substantial construction work at Memorial Hospital at Gulfport pursuant to a contract issued by the City and the District as owners of the Hospital. This construction is being paid for from proceeds of hospital revenue bonds issued by the City of Gulfport; the proceeds of the bond issue are being held by a local bank as trustee under a bond indenture. Roxco, Ltd., has requested that it be permitted to substitute securities for retainage pursuant to Section 31-5-15, Mississippi Code 1972, as amended. The trustee bank has raised the question of whether or not this statute covers funds held by a trustee bank under a revenue bond issue in view of the fact that the statute does not specifically mention funds held by trustees as opposed to funds held by the political subdivision which entered into the construction contract. We have the following questions:

1. Does Section 31-5-15 permit substitution of securities for retainage when the funds are held by a trustee bank pursuant to a revenue bond issue under the circumstances outlined above?

2. If the answer to Question 1 is affirmative, when the contractor substitutes securities for the retainage, should those securities be held by the appropriate official of the City of Gulfport, which issued the bonds, or should the securities be held by the trustee bank in lieu of the retainage the trustee bank is currently holding?
October 16, 1996

1. It appears that under Section 31-5-15 contractors have the right to substitute securities for retainage and that it is not discretionary with the public authorities whether or not to permit substitution of securities. Is that understanding correct?

If you have any questions about this request or need any further information to answer either question, please contact me. Thanking you for your attention to this request, I am

Sincerely yours,

Robert C. Galloway

RCG/ktm

cc: Mrs. Myrtis Franke
    Mr. W. R. Burton
    Mr. Harry Hewes
    Mr. Joseph R. Meadows
    Mr. David R. Carter
    Mr. Conway Dutte
    Mr. Ron Bitch
    Mr. Arnold Wethey
    Ms. Karen Thigpen
Supervisor DAVID V. LAROSA, SR. introduced and moved adoption of the following Resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, ACTING FOR AND ON BEHALF OF THE GULFPORT-WEST HARRISON COUNTY HOSPITAL DISTRICT, APPROVING SUBSTITUTION OF SECURITIES FOR RETAINAGE WITHHELD FROM PAYMENTS UNDER CONTRACT WITH ROXCO, LTD., FOR WORK AT MEMORIAL HOSPITAL AT GULFPORT

WHEREAS, Roxco, Ltd., is currently performing work at Memorial Hospital at Gulfport (the "Hospital") pursuant to a contract dated July 5, 1995, from the City of Gulfport (the "City") and the Gulfport-West Harrison County Hospital District (the "District"), which work is being paid for out of funds held by Hancock Bank as Trustee under a certain Trust Indenture, pursuant to which certain City of Gulfport Hospital Revenue Bonds, Series 1994A were issued for the benefit of, and which are to be repaid by, the Hospital; and

WHEREAS, Roxco, Ltd., has requested the Hospital and its owners, the City and the District, to authorize substitution of securities for retainage held by the Trustee bank pursuant to Section 31-5-15, Mississippi Code 1972, as amended; and

WHEREAS, the Board of Trustees of the Hospital has requested the City and the District to approve Roxco, Ltd.'s request subject to receipt of an Attorney General's Opinion to the effect that the above mentioned statute does cover funds of the type held by the Trustee bank, and the Attorney General has issued an official Opinion to that effect; and
WHEREAS, the Board of Supervisors of Harrison County, Mississippi, finds and determines that the statute is mandatory and that Roxco's request as recommended by the Hospital should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Harrison County, Mississippi, acting for and on behalf of the Gulfport-West Harrison County Hospital District, as follows:

Section 1. That Hancock Bank be and hereby is authorized and directed to accept from Roxco, Ltd. pursuant to Section 31-5-15, Mississippi Code 1972, securities in substitution for retainage held by the bank pursuant to the Trust Indenture for the Hospital Revenue Bonds, Series 1994A (Memorial Hospital at Gulfport Project) both as to retainage withheld to date and any withheld from future payments by Hancock Bank to Roxco, Ltd., under its contract dated July 5, 1995, for work at Memorial Hospital at Gulfport.

Section 2. That the City Clerk of the City of Gulfport and the Secretary of Board of Trustees of Memorial Hospital at Gulfport be furnished certified copies of this Resolution.

The motion was seconded by Supervisor ROBIN ALFRED MIDCALF. After discussion, the matter was put to a vote with the following result:

Supervisor Bobby Eleuterius voted: AYE
Supervisor Larry Benefield voted: AYE
Supervisor David LaRosa voted: AYE
Supervisor Robin Alfred Midcalf voted: AYE
Supervisor C. T. Switzer voted: AYE
The motion having received a majority affirmative vote of those present, the motion was declared passed and the Resolution adopted on the 6th day of January, 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:


ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of the Tax Assessor’s list of appointed Deputy Tax Assessors for the year 1997, pursuant to the authority of Section 27-1-19, Miss. Code of 1972, same being as follows, to-wit:
Lady and Gentlemen:

Pursuant to the authority contained in Section 27-1-9, Mississippi Code of 1972, Annotated, I hereby appoint the following persons to serve as Deputy Tax Assessors, to serve at the pleasure of the Tax Assessor, for a period beginning January 1st, 1997 and not to exceed one (1) year from that date.

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<td>Diane Barq</td>
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Respectfully submitted,

Maudie Cuevas, Tax Assessor
Harrison County
Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF PETITIONS FOR CHANGES TO 1996 LAND ROLL AND PERSONAL PROPERTY ROLL AS PRESENTED BY THE TAX ASSessor

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of petitions for changes to the 1996 Land Roll and Personal Property Roll, as presented by the Tax Assessor for the Board's review, as on file with the Clerk of the Board.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER APPROVING PETITIONS FOR INCREASE TO THE 1996 LAND ROLL FOR PARCEL NOS. 0210-27-006.003 AND 5121-01-029.003

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE petitions for increase to the 1996 Land Roll for Parcel Nos. 0210-27-006.003 and 5121-01-029.

Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER ACCEPTING PIT OPTION FROM BLACKMER DIRT PIT FOR CLASS 9 FILL MATERIAL AT $0.60 PER CUBIC YARD, AND AUTHORIZING THE ROAD MANAGER TO EXECUTE SAID CONTRACT

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT the Pit Option from Blackmer Dirt Pit for Class 9 fill material at $0.60 per cubic yard, same being as follows, to-wit:

Date 12-17-96

TO WHOM IT MAY CONCERN:

I, MARK BLACKMER of BLACKMER DIRT PIT,
BLACKMER DIRT PIT, 21194 HIGHWAY 41, LA 39520
(name of pit & mailing address)

agree to allow Harrison County, Mississippi, to bring equipment, such as draglines, backhoes, front-end loaders and trucks onto my pit located at 2430 E. ODESSA RD, PASS CHRISTIAN, MS 39571

(physical address)

for the purpose of digging, loading and hauling unprocessed class 9 fill material for a price of .60 per cubic yard.

I further certify that the charge here made does not exceed the cost to the general public of such item in the same quality and quantities.

Mark Blackmer
(signed)
5048
(MS County Vendor License No.)
093-007
(mining permit No.)

Witness

Tonya Ross
(signed)
Anthony Cuevas
(signed)
AND IT IS FURTHER ORDERED that the Board does HEREBY AUTHORIZE the
Road Manager to execute said contract.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the
above and foregoing Order, whereupon the President put the question to a
vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of
the Supervisors present, the President then declared the motion carried and
the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER ADJUDICATING OVERTIME IN THE ROAD DEPARTMENT FOR THE PERIOD OF NOVEMBER 29, 1996 THROUGH DECEMBER 31, 1996

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ADJUDICATE overtime in the Road Department for the period of November 29, 1996 through December 31, 1996, per list on file with the Clerk of the Board, and as follows, to-wit:

Kenneth Allen, 11 hours 11/29/96; 7 hours 11/30/96; 6-1/2 hours 12/1/96; 5-1/2 hours 12/5/96; 7-1/2 hours 12/6/96; 7-1/2 hours 12/7/96; 7 hours 12/8/96; 6 hours 12/9/96; 13 hours 12/14/96.

Mike Reed, 5 hours 12/7/96.
Eddie Duncan, 5 hours 12/7/96.
Jeff Howell, 5 hours 12/7/96.
Mark Gates, 5 hours 12/7/96.
Don Williams, 8.5 hours 12/7/96; 9.5 hours 12/21/96.
Gary Lassabe, 8.5 hours 12/7/96.
Marion Jones, 8.5 hours 12/7/96; 2 hours 12/20/96; 9.5 hours 12/21/96.
Ozie Fairley, 8.5 hours 12/7/96; 2 hours 12/20/96; 9.5 hours 12/21/96.
J. R. Rivers, 6 hours 12/21/96.
Kevin Romero, 7 hours 12/7/96; 3 hours 12/8/96.
Leon Gough, 3 hours 12/8/96; 5 hours 12/11/96.
Robert Weaver, 3 hours 12/11/96.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,

Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER AUTHORIZING FIRST AND FINAL PAYMENT IN THE AMOUNT OF $14,777.00 TO SALVAGE SEVEN FOR THE COMPLETION OF THE BN24509 WEST BAYVIEW DRIVE BRIDGE REMOVAL PROJECT

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY AUTHORIZE the first and final payment in the amount of $14,777.00 to Salvage Seven for the completion of the BN24509 West Bayview Drive Bridge Removal Project, as recommended by Robert Weaver, Assistant Road Manager, to be paid from account number 160-360-581.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER ACCEPTING FINAL PLATS ON PINE BARK ACRES, LOCATED IN SUPERVISOR'S VOTING DISTRICT 5, AND ON DAWNLAND SUBDIVISION PHASE THREE, LOCATED IN SUPERVISOR'S VOTING DISTRICT 2

There came on this day for consideration by the Board of Supervisors of Harrison County, Mississippi final approval and acceptance of the following subdivisions in Harrison County, Mississippi, to-wit: a) Pine Bark Acres, located in Section 19, Township 5 South, Range 11 West in Supervisor's Voting District 5; and b) Dawnland Subdivision Phase Three, located in Section 24, Township 6 South, Range 12 West in Supervisor's Voting District 2; and the Board having considered said matter finds as follows, to-wit:

1. That the plat of both subdivisions conform to the Order of the Board dated the 31st day of January 1974, as appears in Minute Book 90, pages 114-163, inclusive, as amended, concerning the platting and subdividing of real property.

2. That both plats border on county-owned and county-maintained roads.

IT IS, THEREFORE, ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that upon the recommendation of Robert Knesal, County Engineer, the Board does HEREBY FINALLY APPROVE AND ACCEPT final plats on the following:

1) Pine Bark Acres, located in Section 19, Township 5 South, Range 11 West in Supervisor's Voting District 5.

2) Dawnland Subdivision Phase Three, located in Section 24, Township 6 South, Range 12 West in Supervisor's Voting District 2.

IT IS FURTHER ORDERED that the Board does HEREBY ACCEPT a $3,000.00 maintenance bond on Pine Bark Acres, and a $5,000.00 maintenance bond on Dawnland Subdivision Phase Three.
Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACCEPTING THE PRELIMINARY PLAT OF EDEN PLACE SUBDIVISION, LOCATED IN SECTION 6, TOWNSHIP 7 SOUTH, RANGE 11 WEST, IN SUPERVISOR'S VOTING DISTRICT 2

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that upon the recommendation of Robert Knesal, County Engineer, the Board does HEREBY ACCEPT the preliminary plat of Eden Place Subdivision, located in Section 6, Township 7 South, Range 11 West, in Supervisor’s Voting District 2, Harrison County, Mississippi, as recommended by Robert Knesal, County Engineer.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF AND LAYING OVER FOR ACTION AT A LATER DATE BIDS RECEIVED DECEMBER 18, 1996 FOR ELECTRICAL MODIFICATIONS AT THE HARRISON COUNTY FAIRGROUNDS

WHEREAS, the Board of Supervisors does hereby find as follows:

1. That this Board, at a meeting heretofore held on the 12th day of November 1996, adopted an Order authorizing and directing the Clerk of the Board to cause publication to be made of Advertisement for Bids for Electrical Modifications at the Harrison County Fairgrounds.

2. That as directed in the aforesaid Order, said Advertisement for Bids was published in The Sun Herald newspaper, a newspaper published and having a general circulation in Harrison County, Mississippi for more than one (1) year next immediately preceding the date of said Order directing publication of said Notice, and that the Publisher's Affidavit of Proof of Publication has been filed with the Clerk of this Board, by said Clerk exhibited to the Board, and shows that said Notice was published on the 16th and 22nd days of November 1996.

3. That publication of said notice has been made once each week for two (2) consecutive weeks, the last of which was at least seven (7) working days prior to December 18, 1996, the day fixed for receiving said bids in the Order identified in paragraph (1) thereof, said Proof of Publication being in the following form, words, and figures, to-wit:
PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared, Shannon Pursell, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper:

- Sun Paper Vol. 113 No. 47 dated 16 day of Nov 1996
- Sun Paper Vol. 113 No. 53 dated 22 day of Nov 1996
- Sun Paper Vol. No. dated Day of 19
- Sun Paper Vol. No. dated Day of 19
- Sun Paper Vol. No. dated Day of 19
- Sun Paper Vol. No. dated Day of 19
- Sun Paper Vol. No. dated Day of 19

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months prior to the first publication of said notice.

Shannon B. Pursell
Clerk

Sworn to and subscribed before me this 23rd day of December A.D. 1996.

H. Scott
Notary Public

Furnishing proof of publication

Printer's Fee ........................................... $ 40.30

TOTAL ........................................... $ 42.30

4. That bids were received at the time and place and in the manner provided in said Advertisement for Bids, at which time said bids were opened, and read aloud, same being on file with the Clerk of the Board. It is therefore
ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the bids received on December 18, 1996 for Electrical Modifications at the Harrison County Fairgrounds be, and the same are HEREBY ACKNOWLEDGED AND LAID OVER FOR ACTION AT A LATER DATE.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACCEPTING LOW BID OF ROSSKOPF ELECTRIC SUPPLY
COMPANY RECEIVED DECEMBER 18, 1996 FOR ELECTRICAL
EQUIPMENT AND FIXTURES FOR THE HARRISON COUNTY
FAIRGROUNDS

WHEREAS, the Board of Supervisors does hereby find as follows:

1. That this Board, at a meeting heretofore held on the 12th day of
November 1996, adopted an Order authorizing and directing the Clerk of the
Board to cause publication to be made of Advertisement for Bids for
Electrical Equipment for the Harrison County Fairgrounds.

2. That as directed in the aforesaid Order, said Advertisement for Bids
was published in The Sun Herald newspaper, a newspaper published and
having a general circulation in Harrison County, Mississippi for more than one
(1) year next immediately preceding the date of said Order directing
publication of said Notice, and that the Publisher's Affidavit of Proof of
Publication has been filed with the Clerk of this Board, by said Clerk exhibited
to the Board, and shows that said Notice was published on the 16th and 22nd
days of November 1996.

3. That publication of said notice has been made once each week for
two (2) consecutive weeks, the last of which was at least seven (7) working
days prior to December 18, 1996, the day fixed for receiving said bids in the
Order identified in paragraph (1) thereof, said Proof of Publication being in
the following form, words, and figures, to-wit:
PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared Shannon Russell who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said paper two times in the following numbers and on the following dates of such paper, viz:

Sun Paper Vol. 112, No. 47 dated 16 day of Nov., 1996
Sun Paper Vol. 112, No. 53 dated 22 day of Nov., 1996

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months prior to the first publication of said notice.

Shannon B. Russell
Clerk

Sworn to and subscribed before me this 23rd day of December, 1996

A.D. 1996

Notary Public

Printer’s Fee ........................................... $27.95
Furnishing proof of publication .................. $2.00
TOTAL ........................................ $29.95

4. That bids were received at the time and place and in the manner provided in said Advertisement for Bids, at which time said bids were opened, read aloud, and laid over for action at a later date. The following bids were received:
**Quotation**

**Job:** Harrison County Fairgrounds  
**Location:** Board of Supervisors  
**Bid Date:** 12-18-96

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>CATALOG NUMBER AND DESCRIPTION</th>
<th>UNIT NET</th>
<th>TOTAL NET</th>
</tr>
</thead>
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<tr>
<td></td>
<td>TOTAL PRICE AS PER SPECIFICATIONS AND DRAWINGS</td>
<td></td>
<td>$33,000.00</td>
</tr>
<tr>
<td></td>
<td>BILL OF MATERIAL ATTACHED</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**F.O.B.:**  
**Terms:**  
**Delivery:**

**Quoted by:** John Rosskopf
ROSEDALE ELECTRIC - FRANK

PROPOSAL

**Proposal Reference:** BID-3105-N016-0

**Revision:** 1

**Bid Date:** 12-16-96

**Reference:** BID-3105-N016-0

**Attention:** PROJECT QUOTATIONS

**From:** Siemens Energy & Automation, Inc.

**To:** Siemens DISTRIBUTOR

NEW ORLEANS, LA 70000

**Suite N**

LeChe, LA 70066

Phone: (504) 652-8900

FAX: (504) 652-8915

**Project:** HARRISON COUNTY FAIRGROUNDS PROJECT

**Company** agrees to sell to **Purchaser** and Purchaser agrees to purchase from Company the goods described below.

### GOODS:

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th></th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
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<tbody>
<tr>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
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<td>2</td>
<td>1</td>
<td>2</td>
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<tr>
<td>2F2Y150</td>
<td>54E60H181EE</td>
<td>54E60ML608ETS</td>
<td>JN424</td>
<td>JN425</td>
<td>HW3238DTK</td>
<td>NR424</td>
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### TEMPERATURE RISE:

**Rise:** 150°C
| H   | 1   | S1C30ML125CTS | S1 PANEL POWER PANEL 3 |
|     |     | 208Y/120 3P, 4W, MLO 125, Cu, Top, Surf, 10K IR |
|     |     | 4 40A/3 BL    |
|     |     | 2 50A/2 BL    |
|     |     | 19 20A/1 BL   |
|     |     | Nameplate     |
|     |     | 1 CU Ground Bus |

| J   | 1   | S1C30ML250CTS | S1 PANEL POWER PANEL 2 |
|     |     | 208Y/120 3P, 4W, MLO 250, Cu, Top, Surf, 10K IR |
|     |     | 4 30A/2 BL    |
|     |     | 19 20A/1 BL   |
|     |     | Nameplate     |
|     |     | 1 3R/12 Encls |
|     |     | 1 CU Ground Bus |

| K   | 2   | S2E30ML250CTS | S2 PANEL LTG PANEL 1, 2 |
|     |     | 480Y/277 3P, 4W, MLO 250, Cu, Top, Surf, 14K IR |
|     |     | 24 20A/1 BQO  |
|     |     | 6 A/1 BQO PROV |
|     |     | Nameplate     |
|     |     | 1 CU Ground Bus |
|     |     | 1 3R/12 Encls |

| L   | 1   | S1C30ML125CTS | S1 PANEL EMERGENCY PANEL |
|     |     | 208Y/120 3P, 4W, MLO 125, Cu, Top, Surf, 10K IR |
|     |     | 12 20A/1 BL   |
|     |     | 6 A/1 BQO PROV |
|     |     | Nameplate     |
|     |     | 1 3R/12 Encls |
|     |     | 1 CU Ground Bus |
**Prepared By:** TRICIA

<table>
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<th>Qty</th>
<th>Div/Mfg</th>
<th>Description</th>
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<td>LITHONIA LIGHTING</td>
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<td>7</td>
<td>LITHONIA LIGHTING</td>
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<tr>
<td>C</td>
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<tr>
<td>D</td>
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<td>LITHONIA LIGHTING</td>
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<td>E</td>
<td>4</td>
<td>LITHONIA LIGHTING</td>
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<td>F</td>
<td>4</td>
<td>LITHONIA LIGHTING</td>
<td>TXS 400M A30 277 LCPP TPH CF QRS EC</td>
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<td>10</td>
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<td>ELU4X N H1212</td>
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</tr>
<tr>
<td>LAMPS</td>
<td>76</td>
<td>EYE</td>
<td>M1000WX/BU</td>
<td></td>
</tr>
<tr>
<td>LAMPS</td>
<td>8</td>
<td>EYE</td>
<td>M4000X/BU</td>
<td></td>
</tr>
<tr>
<td>LAMPS</td>
<td>54</td>
<td>EYE</td>
<td>250Q/CL/DC</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**
1) ALL LAMPS ARE INCLUDED!

Prices firm for order by 02/16/1997 for shipment no later than 03/18/1997
--- Manufacturer's Standard Freight Terms and Conditions for Sale Apply ---
--- Any deviation voids this quote ---
December 17, 1996

Harrison County Board Of Supervisors
Gulfport, Ms.

Attention of: David Daro

Re: Quote on Electrical Equipment & Fixtures for the Harrison County Fairgrounds

Mr. Daro:

Please see the attached quote on the Electrical Equipment & Fixtures for the Harrison County Fairgrounds.

Terms are: Net 30.

Prices are firm for acceptance within 30 days.

If you have any further questions, please contact me at your convenience.

Again, thank you for giving us a chance to quote on this Electrical Equipment & Fixtures for the Harrison County Fairgrounds.

Sincerely,

Dee Rounsaville
Inside Sales Specialist
December 17th, 1996

<table>
<thead>
<tr>
<th>QTY</th>
<th>DESCRIPTION</th>
</tr>
</thead>
</table>
| 2   | 150 KVA DRY TYPE 3φ  
480 PRIMARY 208Y / 120  
SECONDARY TAPS: 6-2 ½ %  
2 FCAN 4FCBN. TEMPERATURE  
RISE ITE/SIEMENS CAT#  
3F3Y150. |
| 1   | S4E60ML101ETS  
S4 PANEL MDP |
| 1   | S1C30ML125CTS  
S1 PANEL PP1 |
| 1   | S1C30ML250CTS  
S1 PANEL PP2 |
| 1   | S1C30ML250CTS |
| 2   | S2E30ML250CTS |
| 1   | S1C18ML125CTS |
| 1   | JN424 |
| 2   | JN425 |
| 2   | NR424 |
| 1   | NFR323DTK |
December 17th, 1996

FIXTURES / WITH LAMPS:

22    A
  7    B
 32    C
 16    D
  6    E
  4    F
 10    G

TOTAL LOT PRICE QUOTE: $36,300.00

Dee Rounsaville
Inside Sales Specialist
5. The Board does hereby find that the bid of Rosskopf Electric Supply Company, in the amount of $33,000.00, is the lowest bid meeting specifications and, therefore, the best received for Electrical Equipment and Fixtures at the Harrison County Fairgrounds, and that said bid is reasonable and fair and should be accepted. It is, therefore,

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the bid of Rosskopf Electric Supply Company be, and the same is HEREBY ACCEPTED for Electrical Equipment and Fixtures at the Harrison County Fairgrounds, at and for a consideration of $33,000.00; and the Board does HEREBY AUTHORIZE the issuance of a purchase order to Rosskopf Electric Supply Company for same.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER APPROVING CHANGE ORDER NO. 1 TO CARTER & MULLINGS, INC IN THE AMOUNT OF $600.00 FOR ADDITIONAL DRAINS REQUIRED FOR PARKWOOD DRIVE SOUTH DRAINAGE IMPROVEMENTS, AS RECOMMENDED BY BROWN & MITCHELL, AND AUTHORIZING THE BOARD PRESIDENT TO EXECUTE SAME

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE Change Order No. 1 to Carter & Mullings, Inc. in the amount of $600.00 for additional drains required for Parkwood Drive South Drainage Improvements, as recommended by Brown & Mitchell, and authorizing the Board President to execute same, which is as follows, to-wit:
December 30, 1996

Mr. Robert J. Knesal, P.E.
Harrison County Engineer
15309 Community Road
Gulfport, MS 39503

RE: Parkwood Drive South Drainage Improvements
Harrison County, Mississippi

Dear Bobby:

Enclosed is a recommended additive change order (in triplicate) for the above referenced project.

The design did not provide for weep drains in the sloped side walls of the concrete ditch. During construction of the ditch, spring like areas have been encountered in the upper end of the site and it is our opinion that 40 additional weep drains are required. We have met with the contractor and arrived at a price of $15 per weep drain.

We consider a price of $15 per weep drain as reasonable and recommend the Board approve this change order. We do not recommend any contract time increase for this additional work.

If the Board concurs, please sign all three enclosed originals, retain one for your files, and return the other two to us for distribution.

Very truly yours,

Harry Griffith, P.E.
Senior Project Engineer

Enclosures
CHANGE ORDER

PROJECT: PARKWOOD DRIVE SOUTH DRAINAGE IMPROVEMENTS
OWNER: HARRISON COUNTY BOARD OF SUPERVISORS
P.O. DRAWER 112
COLUMBIA, MS 39429

CONTRACTOR: CARTER & MULLINGS, INC.
P.O. DRAWER 112
COLUMBIA, MS 39429

DATE OF ISSUANCE: JANUARY 1997

OWNER'S PROJECT #: N/A

ENGINEER: BROWN & MITCHELL, INC.
P.O. DRAWER 112
COLUMBIA, MS 39429

ENGINEER'S PROJECT #: 96-2231A

CONTRACT FOR ENTIRE PROJECT

You are directed to make the following changes in the Contract Documents:

ADD THE FOLLOWING ITEMS:

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>CONTRACT COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>EA</td>
<td>$15.00</td>
<td>$600.00</td>
</tr>
</tbody>
</table>

| TOTAL DECREASE IN CONTRACT PRICE | $0.00 |
| TOTAL INCREASE IN CONTRACT PRICE | $600.00 |
| DIFFERENCE (NET)                | $600.00 |

CHANGE IN CONTRACT PRICE

| Original Contract Price | $103,884.00 |
| Previous Change Orders  | $0.00       |
| Contract Price Prior to This Change Order | $103,884.00 |
| Net Increase/Decrease of This Change Order | $600.00 |
| Contract Price with All Approved Change Orders | $104,484.00 |

CHANGE IN CONTRACT TIME

| Original Contract Time | 30 WORK DAYS |
| Net Change from Previous Change Orders | 0 WORK DAYS |
| Contract Time Prior to This Change Order | 30 WORK DAYS |
| Net Increase/Decrease of This Change Order | 0 WORK DAYS |
| Contract Time with All Approved Change Orders | 30 WORK DAYS |

RECOMMENDED:
BROWN & MITCHELL, INC.

APPROVED:

OWNER

HARRY GRIFFITH, P.E., SR. PROJ. ENGR.
Contractor
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER AUTHORIZING PAYMENT APPLICATION NO. 1 IN THE AMOUNT OF $25,830.00 TO SAMUEL B. DAY CONSTRUCTION, INC. FOR WORK COMPLETED TO DATE ON THE HARRISON COUNTY FAIRGROUNDS NEW RESTROOM FACILITY

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY AUTHORIZE Payment Application No. 1 in the amount of $25,830.00 to Samuel B. Day Construction, Inc. for work completed to date on the Harrison County Fairgrounds new restroom facility, as recommended by Robert J. Knesal, County Engineer.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
THERE came on this day for consideration by the Board the petition signed by ten or more Freeholders (Property Owners) requesting the Board to accept Derouen Road Extension as part of the Harrison County Road System and maintain said road, located in Supervisor's Voting District 1, Section 26, Township 6 South, Range 10 West, said petition being as follows, to-wit:
STATE OF MISSISSIPPI
COUNTY OF HARRISON

TO THE HONORABLE BOARD OF SUPERVISORS:

We the undersigned freeholders (property owners) or householders of the aforesaid State and County do hereby petition the Harrison County Board of Supervisors to:

Accept for Maintenance a public road situated in Supervisors District 1, Section 26, Township E, South, Range 10, West, Harrison County, Mississippi.

Name of Road: Nepomen Road Extension

Legal Description: A 450' Extension

Number of people served: 8

Witness our signatures as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. William Richard Morgan, Jr.</td>
<td>7140 Kirk William Dr. Blk. 14, P.O. Box 3943</td>
</tr>
<tr>
<td>2. Cliff Kisick</td>
<td>7154 Kirk William Dr. Blk. 12</td>
</tr>
<tr>
<td>4. Joyce Morgan</td>
<td>7150 Kirk William Dr. Blk. 12</td>
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<td>5. Betty Droney</td>
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<td>8. Joseph F. Caise</td>
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<td>12. Jerry L. Droney</td>
<td>14268 Old Hwy 67 Biloxi</td>
</tr>
</tbody>
</table>

PETITION SUBMITTED BY:
Lucille Morgan
7140 Kirk William Drive
392-7039

ADDRESS
PHONE NUMBER
DATE SUBMITTED
305
11/13/96

March 13, 1996

FOR OFFICE USE ONLY
and after due consideration and discussion, Supervisor ROBIN ALFRED MIDGE moved adoption of the following Order:

ORDER ACCEPTING FREEHOLDERS' PETITION FOR DEROUEN ROAD EXTENSION, IN SUPERVISOR'S VOTING DISTRICT 1, SECTION 26, TOWNSHIP 6 SOUTH, RANGE 10 WEST, ACCEPTING SAID ROAD FOR MAINTENANCE AND ACCEPTING EASEMENTS FOR SAID ROAD AT NO COST TO THE COUNTY

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT Freeholders' Petition for Derouen Road Extension, located in Supervisor's Voting District 1, Section 26, Township 6 South, Range 10 West, Harrison County, Mississippi. Easements were received from William Richard Morgan, Jr.; Clifton A. and Donna C. Felsher; and Relius P. and Freda A. Derouen, and are as follows, to-wit:
STATE OF MISSISSIPPI
COUNTY OF HARRISON

DEROUEN ROAD
(ROAD NAMES)

WILLIAM RICHARD MORGAN, JR.
(GRANTOR)

ROADWAY EASEMENT

For and in consideration of One Dollar and other good and valuable considerations, receipt of which is hereby acknowledged, we, the undersigned, do hereby sell, grant and give unto:

HARRISON COUNTY, MISSISSIPPI

a Right-of-Way and perpetual easement for ROADWAY purposes, on and over the following described land and property situated and being in the Second Judicial District of Harrison County, Mississippi, to-wit:

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter, Section 26, Township 6 South, Range 10 West, Harrison County, Mississippi, running thence West along the South line of said Forty a distance of 333 feet to the Southwest corner of property of William R. Morgan, Sr., and wife, Mrs. Lucille R. Morgan, which will be a point of beginning; thence North along the West line of said Morgan property a distance of 666 feet to the Northwest corner of said Morgan property, thence West along the South line of property of Delbert Galloway a distance of 192 feet; thence South and parallel with East line of said Forty a distance of 666 feet to South line of said Forty; thence running East along South line of said Forty a distance of 192 feet to Southwest corner of said Morgan property, and the point of beginning.

Said property is bounded North by Galloway, East by now or formerly Dantzler, South by now or formerly Richards, and West by Katie M. Rushing, being conveyed together with all rights and appurtenances thereunto belonging, together with an easement for ingress and egress to and from Hwy. 67 as presently exists across and over the way or roads presently laid out and across the remaining lands of Grantor lying between said parcel herein conveyed and Horace Rushing Rd.

Said easement being described as:

From the SW corner of the above described parcel, the POINT OF BEGINNING of the herein described roadway easement, proceed East along the South line of said parcel 192' to the SE corner of said parcel; thence North along the East line of said parcel 50' to a point of tangency with a plane circular curve to the left, which curve has a radius of 40' and a central angle of 180°; thence along the arc of said curve 125.7' to a point of tangency; thence West and parallel to the South line of said parcel, 112' to the west line of said parcel; thence South along the west line of said parcel, 50' to the POINT OF BEGINNING.

Should the aforesaid Right-of-Way and easement be abandoned at any time in the future, the easement herein granted shall automatically cease and terminate.

WITNESS, my signature, this the 15th day of December, A.D., 1996.

William Richard Morgan Jr.
OWNER

INDEXING INSTRUCTIONS:
EASEMENT IN SOUTHWEST 1/4, NORTHEAST 1/4, SECTION 26, TOWNSHIP 6, SOUTH, RANGE 10 WEST, 2D JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI.
STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public the within named

William Richard Morgan, Jr, who acknowledged that he signed

and delivered the foregoing instrument on the day and year herein mentioned.

Given under my hand and official seal, this 15th day of December, A.D., 1996

My Commission Expires:

July 5, 1997

Notary Public

GRANTOR NAME AND ADDRESS:
WILLIAM R. MORGAN, JR.
7140 KING WILLIAM DRIVE
BILOXI, MISSISSIPPI 39532
PHONE # 392-7030

GRANTEE:
HARRISON COUNTY BOARD OF SUPERVISORS
P.O. DRAWER "CC"
GULFPORT, MS 39502
PHONE # (601) 865-4001

PREPARED BY:
HARRISON COUNTY ENGINEERING DEPT.
EDWIN S. OTT, E.I.
15309-C COMMUNITY ROAD
GULFPORT, MS 39503
PHONE # (601) 832-4891
STATE OF MISSISSIPPI
COUNTY OF HARRISON

DEROUEN ROAD
(ROAD NAMES)

CLIFTON A. & DONNA L. FELSher
(GRANTOR)

ROADWAY EASEMENT

For and in consideration of One Dollar and other good and valuable considerations, receipt of which is hereby acknowledged, we, the undersigned, do hereby sell, grant and give unto

HARRISON COUNTY, MISSISSIPPI

a Right-of-Way and perpetual easement for ROADWAY purposes, on and over the following described land and property situated and being in the Second Judicial District of Harrison County, Mississippi, to-wit:

Commencing at an iron pipe at the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 6 South, Range 10 West, Harrison County, Mississippi, as per Deed Book 195, Page 127, of the Land Records of Harrison County, Mississippi; thence S 89° 23' 26" W 525.00' to the POINT OF BEGINNING; THENCE S 89° 23' 26" W 269.44'; thence N 0° 00' 45" 21" 706.78'; thence N 89° 53' 49" E 136.32'; thence S 0° 35' 15" E 38.22'; thence N 89° 23' 26" E 136.19'; thence S 0° 30' 10" E 667.36' to the POINT OF BEGINNING, containing 4.27 acres, and being subject to an ingress and egress easement along a gravel driveway as shown on copy of survey, Parcel "D" as per Deed Book 201, Page 107, of the Land Deed Records of Harrison County, Mississippi, being conveyed together with right of way for ingress and egress to and from Horace Rushing Road.

Said easement being described as:

The South fifty feet (50.0') of the above described parcel.

Said easement is granted for the purpose of constructing and maintaining the previously mentioned County drainage ditch.

Should the aforesaid Right-of-Way and easement be abandoned at any time in the future, the easement herein granted shall automatically cease and terminate.

WITNESS, my signature, this the 15th day of December, A.D., 1997.

OWNER

OWNER

INDEXING INSTRUCTIONS

EASEMENT IN SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 6 SOUTH, RANGE 10 WEST, SECOND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI.
STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public the within named Clifford Felsner & Donna Felsner who acknowledged that they signed
(OWNERS)

and delivered the foregoing instrument on the day and year herein mentioned.

Given under my hand and official seal, this 15th day of December, A.D., 1996.

My Commission Expires:

My Commission Expires November 13, 1998

CLIFTON A. & DONNA L. FELSHER
7204 KING WILLIAM DRIVE
BILOXI, MISSISSIPPI 39532
PHONE # 392-9163

HARRISON COUNTY BOARD OF SUPERVISORS
P.O. DRAWER "CC"
GULFPORT, MS 39502
PHONE # (601) 865-4001

HARRISON COUNTY ENGINEERING DEPT.
EDWIN S. OTT, E.I.
15309-C COMMUNITY ROAD
GULFPORT, MS 39503
PHONE # (601) 832-4891
STATE OF MISSISSIPPI
COUNTY OF HARRISON

DEROUCEN ROAD
(ROAD NAMES)

RELIUS P. & FRED A. DEROUCEN
(GRANTOR)

DRAINAGE
EASEMENT

For and in consideration of One Dollar and other good and valuable considerations, receipt of which is hereby acknowledged, we, the undersigned, do hereby sell, grant and give unto

HARRISON COUNTY, MISSISSIPPI

a Right-of-Way and perpetual easement for DRAINAGE purposes, on and over the following described land and property situated and being in the Second Judicial District of Harrison County, Mississippi, to-wit:

Commencing at an iron pipe at the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 6 South, Range 10 West, Harrison County, Mississippi, as per Deed Book 195, Page 127, of the Land Records of Harrison County, Mississippi, thence S 89° 23' 26" W 794.44' to the POINT OF BEGINNING; thence S 89° 23' 26" W 516.35' to an axle at an old fence post; thence N 0° 36' 24" W 190.87'; thence N 89° 23' 26" E 515.86'; thence S 0° 45' 21" E 190.87' to the POINT OF BEGINNING, containing 2.26 acres, and being subject to an ingress and egress easement along a gravel driveway, and being Parcel "C" shown on the Plat of survey appearing at Deed Book 200, Page 248, of the Land Records of Harrison County, Mississippi.

Said easement being described as:

The South fifteen feet (15.0') of the above described parcel.

Said easement is granted for the purpose of constructing and maintaining the previously mentioned County drainage ditch.

Should the aforesaid Right-of-Way and easement be abandoned at any time in the future, the easement herein granted shall automatically cease and terminate.

WITNESS, my signature, this the 15th day of July, A.D., 1997.

Relius P. Derouen
OWNER

Freda A. Derouen
OWNER

INDEXING INSTRUCTIONS:
EASEMENT IN SOUTHWEST 1/4, NORTHEAST 1/4, SECTION 26, TOWNSHIP 6 SOUTH, RANGE 10 WEST, 2ND JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public the within named

(OWNERS)

and delivered the foregoing instrument on the day and year herein mentioned.

Given under my hand and official seal, this 15th day of July, A.D. 1997.

My Commission Expires:

My Commission Expires Sept. 4, 1999

Notary Public

GRANTOR NAME
AND ADDRESS:

RELIUS P. & FRED A. DEROUEN
7228 KING WILLIAM DRIVE
BILOXI, MISSISSIPPI 39532

GRANTEE:

HARRISON COUNTY BOARD OF SUPERVISORS
P.O. DRAWER “CC”
GULFPORT, MS 39502

PREPARED BY:

HARRISON COUNTY ENGINEERING DEPT.
EDWIN S. OTT, E.I.
15309-C COMMUNITY ROAD
GULFPORT, MS 39503
IT IS FURTHER ORDERED that the Board does HEREBY ACCEPT said easements from the aforesaid landowners at no cost to the County, and said Derouen Road Extension, located in Section 26, Township 6 South, Range 10 West, Supervisor's Voting District 1, is HEREBY ACCEPTED for maintenance.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,

Supervisor LARRY BENEFIELD voted AYE,

Supervisor DAVID V. LAROSA, SR. voted AYE,

Supervisor ROBIN ALFRED MIDCALF voted AYE,

Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
There came on for consideration by the Board the matter of a request for the Board to provide adequate street lighting by assuming four street lights located in Dawnland Subdivision Phase II on Pendora Lane, located in Supervisor’s Voting District 2 and ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVING ASSUMPTION OF FOUR STREET LIGHTS IN DA WNLAND SUBDIVISION PHASE II, ON PEN DORA LANE, LOCATED IN SUPERVISOR’S VOTING DISTRICT 2, PAYMENT OF INVOICES DATED NOVEMBER 14, 1996 AND DECEMBER 17, 1996, AND ASSUMING THE RESPONSIBILITY FOR ELECTRICAL BILLS ON SAME

WHEREAS, the Board of Supervisors of Harrison County, Mississippi hereby finds that the Board shall assume responsibility for four street lights in Dawnland Subdivision Phase II, on Pendora Lane, located in Supervisor’s Voting District 2, shall assume payment of invoices dated November 14, 1996 and December 17, 1996, and shall assume responsibility for future electrical bills on same. It is, therefore,

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI that the Board does HEREBY APPROVE assumption of four street lights in Dawnland Subdivision Phase II, on Pendora Lane, located in Supervisor’s Voting District 2.

IT IS FURTHER ORDERED that the Board shall assume payment of invoices dated November 14, 1996 and December 17, 1996, and the Clerk of the Board be, and he is HEREBY AUTHORIZED AND DIRECTED to advise the electrical company involved that the County will assume payment for all future electrical bills, effective this date, for the above street lights, to be paid from the ROAD FUND.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.
The motion having received the affirmative vote from the majority of the Members present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

**ORDER APPROVING TERMINATIONS, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE the following terminations, to-wit:

- Michael S. Sykes, Mosquito Control, Mosquito Spray Truck Driver, effective December 5, 1996 (due to seasonal time span).
- Robert Webb, Mosquito Control, Mosquito Spray Truck Driver, effective December 5, 1996 (due to seasonal time span).
- Grover Edwards, Mosquito Control, Mosquito Spray Truck Driver, effective December 5, 1996 (due to seasonal time span).
- Roger Bailey, Mosquito Control, Mosquito Spray Truck Driver, effective December 5, 1996 (due to seasonal time span).
- Charonda Fairley, Family Court Shelter, Relief Child Care Worker, effective December 2, 1996 (took position but never reported for work).

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACCEPTING RESIGNATIONS, AS LISTED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT the following resignations, to-wit:

Claude Copeland, Road Department/Woolmarket Work Center, Equipment Operator III, effective November 30, 1996 (retiring).

Patricia Gorell, Family Court Shelter, Relief Child Care Worker, effective December 2, 1996.

Catherine Garth, Family Court Shelter, Relief Child Care Worker, effective December 2, 1996.

Elizabeth Finnegan, District Attorney's Office/Worthless Check Division, clerk, effective December 6, 1996.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,

Supervisor LARRY BENEFIELD voted AYE,

Supervisor DAVID V. LAROSA, SR. voted AYE,

Supervisor ROBIN ALFRED MIDCALF voted AYE,

Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER CONCURRING WITH THE COUNTY ADMINISTRATOR ON EMPLOYMENT AND VARIOUS CHANGES, AS LISTED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY CONCUR with the County Administrator on employment and various changes, as follows:

Wilfred E. Ross, transferring from Road Department/D'Iberville Work Center to Building and Grounds/Biloxi Courthouse, Custodian, salary increase from $567.66 bi-monthly to $600.19 bi-monthly, effective December 3, 1996 (replacing Ebby Kostmayer who was making $600.19 bi-monthly).

Naydine Gillum, Family Court Shelter/Relief Child Care Worker Pool, Relief Child Care Worker, regular part time at a rate of $4.75/hour, effective December 10, 1996.

Debra Tinsley, Human Services, Clerk Typist (mail clerk), regular full time at a rate of $5.45/hour, effective December 9, 1996 (replacing Sandra McKelvin who was making $5.55/hour).

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER CONCURRING WITH ROAD DEPARTMENT ON EMPLOYMENT AND VARIOUS CHANGES, AS LISTED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY CONCUR with the Road Department on employment and various changes, as follows, to-wit:

Mason Thompson, Road Department/D'Iberville Work Center, laborer, regular full time at a rate of $567.66 bi-monthly, effective December 11, 1996 (replacing Wilfred Ross who was making $567.66 bi-monthly).

Grady Forehand, Road Department/Woolmarket Work Center, Equipment Operator III, regular full time at a rate of $787.33 bi-monthly, effective December 9, 1996 (replacing Claude Copeland who was making $787.33 bi-monthly).

Wayne Surian, Road Department/D'Iberville Work Center, Equipment Operator III, temporary full time at a rate of $9.08/hour, effective December 4, 1996 (replacing Jerry W. Lawrence who is out on workers compensation and whose salary is $787.33 bi-monthly).

Eddie Duncan, Road Department/Long Beach Work Center, title change from Truck Driver to Truck Driver II, salary increase from $660.25 bi-monthly to $709.59 bi-monthly, effective January 1, 1997 (replacing Russell Holliman who was making $709.59 bi-monthly).

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,

Supervisor LARRY BENEFIELD voted AYE,

Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER FINDING THAT NO BIDS HAVE BEEN RECEIVED FOR THE PUBLICATION OF PROCEEDINGS - CUMULATIVE METHOD - OF THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI FOR THE YEAR 1997, PURSUANT TO SECTION 19-3-35 OF THE MISS. CODE, ANNOTATED, AND AUTHORIZING THE CLERK OF THE BOARD TO RE-ADVERTISE FOR SAME

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY FIND that no bids have been received for the publication of proceedings - cumulative method - of the Board of Supervisors of Harrison County, Mississippi for the year 1997, pursuant to Section 19-3-35 of the Miss. Code, Annotated, and the Board does HEREBY AUTHORIZE the Clerk of the Board to re-advertise for same.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE.
- Supervisor LARRY BENEFIELD voted AYE.
- Supervisor DAVID V. LAROSA, SR. voted AYE.
- Supervisor ROBIN ALFRED MIDCALF voted AYE.
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Whereas, the Board of Supervisors does hereby find as follows:

1. That this Board, at a meeting heretofore held on the 2nd day of December 1996, adopted an Order authorizing and directing the Clerk of the Board to cause publication to be made of Legal Notice of Invitation for Proposals from banks for the privilege of keeping Harrison County funds or any part thereof, for the current year, as authorized by Section 27-105-305 of the Miss. Code of 1972, Annotated.

2. That as directed in the aforesaid Order, said Notice of Invitation for Proposal was published in The Sun Herald newspaper, a newspaper published and having a general circulation in Harrison County, Mississippi for more than one (1) year next immediately preceding the date of said Order directing publication of said Notice, and that the Publisher's Affidavit of Proof of Publication has been filed with the Clerk of this Board, by said Clerk exhibited to the Board, and shows that said Notice was published on the 11th and 18th days of December 1996.

3. That publication of said notice has been made once each week for two (2) consecutive weeks, the last of which was at least seven (7) working days prior to January 6, 1997, the day fixed for receiving said proposals in the Order identified in paragraph (1) thereof, said Proof of Publication being in the following form, words, and figures, to-wit:
PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared Shannon Russell who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said newspaper two times in the following numbers and on the following dates of such paper, viz:

Sun Paper Vol. 113 No. 72 dated 11 day of Dec., 1996
Sun Paper Vol. 113 No. 79 dated 18 day of Dec., 1996

Alliant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Shannon Russell
Clerk

Sworn to and subscribed before me this 18 day of December, 1996

Notary Public

Printer’s Fee ........................................ $ 44.93
Furnishing proof of publication .................. $ 1.00
TOTAL ............................................. $ 45.93
4. That proposals were received at the time and place and in the manner provided in said Notice of Invitation for Proposal, at which time said proposals were opened, read aloud, and laid over for action at a later date, same being on file with the Clerk of the Board. It is therefore ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the proposals received this date for the privilege of keeping Harrison County funds, or any part thereof, for the current year, as authorized by Section 27-105-305 of the Miss. Code of 1972, Annotated be, and the same are HEREBY ACKNOWLEDGED AND LAID OVER FOR ACTION AT A LATER DATE.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Members present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVING THE PURCHASE OF FOUR (4) GENERAL ELECTRIC 800 MHZ DUAL MODE PORTABLE RADIOS WITH SPARE BATTERIES, DESK CHARGERS, MICROPHONES, BELT LOOP LEATHER CARRYING CASES, PROGRAMMED FREQUENCIES, AND ONE (1) SIX UNIT MULTI CHARGER, FOR THE SHERIFF'S DEPARTMENT FROM CDPA BID #2494-0001, TOTAL COST OF $4,639.00 PAYABLE FROM THE SHERIFF'S DEPARTMENT'S FORFEITURE FUNDS

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE the purchase of four (4) General Electric 800 MHZ Dual Mode Portable Radios with spare batteries, desk chargers, microphones, belt loop leather carrying cases, programmed frequencies, and one (1) six unit multi charger for the Sheriff's Department, from CDPA Bid #2494-0001, said quotation being as follows, to-wit:
Quotation Extended To: HARRISON COUNTY SHERIFF DEPT

Organizations: Vendor: ERICSSON, INC. CFO
Address: P.O. Drawer CC Sales Rep: Patterson Communications & Address: Electronics
Address: Gulfport, Ms. 39502 Phone: Biloxi, Ms. 39530
Phone: 601-865-7067 RFP No.: 2494-0001

Signature/Date: See attached letter for signature. Quotation Extended From:

This form must be signed by both an authorized governing authority representative and the vendor's sales representative and then returned by the governing authority to ITS for verification. ITS will bill the governing authority for procurement charges incurred in the processing of this form.

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<td>8.2</td>
</tr>
<tr>
<td>1</td>
<td>GE</td>
<td>PCHC58</td>
<td>Leather case/belt loop</td>
<td>55.00</td>
<td>39.00</td>
<td>156.00</td>
<td>8.2</td>
</tr>
<tr>
<td>4</td>
<td>GE</td>
<td>CHJRB1</td>
<td>6 unit/ multi charger</td>
<td>690.00</td>
<td>483.00</td>
<td>483.00</td>
<td>8.2</td>
</tr>
<tr>
<td></td>
<td>GE</td>
<td>PROG</td>
<td>Program frequencies</td>
<td>35.00</td>
<td>35.00</td>
<td>140.00</td>
<td>3.0</td>
</tr>
</tbody>
</table>

Total: 4639.00

For ITS Use

The rates on this form have been compared to and match the rates filed in the vendor's ITS general bid.

The rates on this form have been compared to and do NOT match the rates filed in the vendor's ITS general bid. Vendor must return this form with corrected rates or must update their general bid response.

Analyst: ___________________________ Date: 12/4/96

Department of Information Technology Services / 301 North Lamar Street - Suite 508 / Jackson, MS 34901 / (601) 359-1395
The total cost of $4,639.00 shall be payable from the Sheriff's Department's Forfeiture Funds.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
Supervisor **DAVID V. LAROSA, SR.** moved adoption of the following Order:

ORDER APPROVING THE SOLE SOURCE PURCHASE, FROM RR BRINK LOCKING SYSTEMS, OF REPLACEMENT LOCKS AND SPARES FOR ENTRY DOORS, CELL BLOCK SECTION DOORS, CENTRAL CONTROL, COURTROOM, MEDICAL UNIT AND CELLS IN "B" BLOCK IN THE JAIL, TOTAL COST OF $6,300.00 TO BE REIMBURSED BY THE CORRECTIONAL FACILITIES FINANCE AUTHORITY

ORDERED BY THE BOARD OF SUPERVISORS of Harrison County, Mississippi that the Board does HEREBY APPROVE the sole source purchase, from RR Brink Locking Systems, of replacement locks and spares for entry doors, cell block section doors, central control, courtroom, medical unit and cells in "B" Block in the Harrison County Jail, said quotation being as follows, to-wit:
TO: Mike Fayard  
Harrison County Detention Facility

FROM: Geoff Dear

Date: December 9, 1996

Fax No.: (801) 896-0632  
Page: 1 of 1

Re: Locking Control System

Regarding the Maintenance of the locking control system located at the above facility, we feel it is necessary to stress the following points:

- The locking control system was designed and manufactured by Operational Security Systems. Only technicians that have been trained by Operational Security Systems should be permitted to perform maintenance on the system. Failure to follow the correct maintenance procedures may cause faulty operation which may cause severe operational problems, which might cause danger to the security officers and/or inmates.

- Spare parts for the system may only be purchased from Operational Security Systems.

We will be happy to provide additional training to your maintenance personnel if required. Please let me know if you require further information.

Sincerely,

OPERATIONAL SECURITY SYSTEMS, INC.

Geoffrey Dear  
Director, Customer Support
December 9, 1996

Harrison Co. Jail
10451 Larkin Smith Drive
Gulfport, MS 39503

ATT: Mr. Mike Fayard

RE: Sole Source Manufacturer

Dear Mr. Fayard:

Please be advised that R. R. Brink Locking Systems, Inc. is a sole source manufacturer and we have no distributors.

If you have any questions, please feel free to contact me.

Sincerely,

R. R. BRINK LOCKING SYSTEMS, INC.

Charlene L. Pastore
Customer Service/Scheduling

c1p
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Locks

Used in cell block entry doors, cell block section doors, Central Control, courtroom, Medical, and cells in "B" block:

5022S

Used in cells in cell blocks A, C, & D:

3020 FSE

Used in showers:

3020 KIS FS

Used in Pipe Chase access doors for plumbing:

1040-401

Cylinders used in all these locks are Medico brand, mortise, high security.

LOCKS, MAIN JAIL SPARES/REPLACEMENTS
R R BRINK LOCKING SYSTEMS (SINGLE SOURCE SUPPLIER)

'B' BLK & CORRIDORS 5022S $550/EA X 6 = $3300
'A', 'C', 'D' CELLS 3020 FSE $375/EA X 6 = $2250
SHOWERS 3020 FS $375/EA X 2 = $750

TOTAL $6300
The total cost of $6,300.00 is to be reimbursed by the Correctional Facilities Finance Authority.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVINC THE SOLE SOURCE PURCHASE, FROM OPERATION SECURITY SYSTEMS, INC., OF REPLACEMENT BOARDS/PARTS FOR THE "WIZARD" ELECTRONIC LOCKING CONTROL SYSTEM AT THE HARRISON COUNTY JAIL, TOTAL COST OF $10,940.00 TO BE REIMBURSED BY THE CORRECTIONAL FACILITIES FINANCE AUTHORITY

ORDERED BY THE BOARD OF SUPERVISORS of Harrison County, Mississippi that the Board does HEREBY APPROVE the sole source purchase, from Operation Security Systems, Inc., of replacement boards/parts for the "Wizard" Electronic Locking Control System at the Harrison County Jail, total cost of $10,940.00 to be reimbursed by the Correctional Facilities Finance Authority. The quotation for said Wizard Systems is as follows, to-wit:
WIZARD SYSTEMS

The Operational Security Systems "Wizard" Systems contain the circuitry that interfaces with the locking control panels in each area to control the locking functions in that area. It also interfaces with certain smoke and fire alarm controls, TV power controls, and intercom and public address controls.

There are seven Wizard systems: one in each of the 4 housing cell blocks, one in Medical, one in Central Control, and one in Backup Corridor Control.

The circuitry housed in the Wizard Systems consist of locking control functions, including the CPU and related input/output circuit cards, high voltage lock control cards, low voltage lock control cards, general purpose input cards for duress and emergency lockdown and release, general purpose output cards for TV power and smoke detectors, power supplies, and a backup standby battery.

The Wizard also houses various power supplies and relays for control of the intercom and public address systems.

<table>
<thead>
<tr>
<th>Part Number</th>
<th>Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>3107</td>
<td>PWR/BATT CHARGER</td>
<td>2</td>
<td>$700</td>
</tr>
<tr>
<td>3110</td>
<td>CPU</td>
<td></td>
<td>$930</td>
</tr>
<tr>
<td>3152</td>
<td>BUSS 2</td>
<td></td>
<td>$700</td>
</tr>
<tr>
<td>3160</td>
<td>SIO</td>
<td></td>
<td>$700</td>
</tr>
<tr>
<td>3213</td>
<td>PANEL PROCESSOR</td>
<td></td>
<td>$1100</td>
</tr>
<tr>
<td>3330</td>
<td>GPI</td>
<td>3</td>
<td>$1050</td>
</tr>
<tr>
<td>3340</td>
<td>GPO</td>
<td>2</td>
<td>$1570</td>
</tr>
<tr>
<td>3432</td>
<td>LV LOCK DRIVER</td>
<td></td>
<td>$1570</td>
</tr>
<tr>
<td>3433</td>
<td>SLIDER LOCK DRIVER</td>
<td></td>
<td>$1570</td>
</tr>
<tr>
<td>3434</td>
<td>HV LOCK DRIVER</td>
<td></td>
<td>$1570</td>
</tr>
</tbody>
</table>

**TOTAL** $10,840
Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

**THIS, the 6th day of January 1997.**
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER ACCEPTING THE PROPOSAL SUBMITTED BY AVIATION MAINTENANCE, INC. FOR PARTS AND LABOR NEEDED TO REPAIR THE SHERIFF'S DEPARTMENT'S "QUEENAIR" AIRCRAFT, ASSET #6837, TOTAL COST OF $8,074.49 PAYABLE FROM AIR PATROL FUNDS

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT the proposal submitted by Aviation Maintenance, Inc. for parts and labor needed to repair the Sheriff's Department's "QueenAir" aircraft, asset #6837, total cost of $8,074.49 payable from Air Patrol Funds, said proposal being as follows, to-wit:

December 02, 1996

Harrison County Sheriff Department
Attn: Glen Terrill

Dear Mr. Terrill,

Following this letter is a list of the parts needed for N302SD. I have listed the parts with the suggested list price and your cost. The hoses that were on the aircraft are the Teflon type with a special fire sleeve. Replacement costs for them are listed by each hose, but not totaled. The hose in the column headed "# 303" is the hose normally used in general aviation. Recommended life for both type hoses is 5 years. The Teflon type hose will usually last 10 to 12 years and the 303 hose will usually last 7 to 10 years. As you can see the cost difference is substantial. I recommend the 303 hose and replacement schedule of 5 to 7 years. Hose prices are shown at list with a discount at the bottom. The "feed shoes" are the rubber boots on the propeller blades. I have listed them at list, however, there will be a discount on them. I just do not know the amount at this time.

As for the other parts, I know you brought one of the wing bolts and washers out. I have listed all parts needed, so, just mark through or change quantities on any parts that can provide.

Also, I have attached an estimate of the time needed to replace the parts and perform some other functions. If you have any questions please contact me. We should have the aircraft ready about 3 days after we are given the authorization to proceed.

Thanks,

Bill Brown
### Parts Needed for NS02SD

<table>
<thead>
<tr>
<th>PART DESCRIPTION</th>
<th>PART NO.</th>
<th># 303</th>
<th>TEFLOM</th>
<th># REQ.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hose</td>
<td>R24055-1200004</td>
<td>$133.83</td>
<td>2</td>
<td>$267.66</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>R24055-120404</td>
<td>$351.26</td>
<td>1</td>
<td>$351.26</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>R24055-120240</td>
<td>$163.42</td>
<td>1</td>
<td>$163.42</td>
<td></td>
</tr>
<tr>
<td>HOSE bo 19,020</td>
<td>00078</td>
<td>$44.64</td>
<td>2</td>
<td>$89.28</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>G0522</td>
<td>$102.63</td>
<td>2</td>
<td>$205.26</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>KO186</td>
<td>$107.07</td>
<td>2</td>
<td>$214.14</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>KO2290</td>
<td>$125.14</td>
<td>2</td>
<td>$250.28</td>
<td></td>
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<tr>
<td>HOSE</td>
<td>AE520</td>
<td>$65.97</td>
<td>2</td>
<td>$131.94</td>
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</tr>
<tr>
<td>HOSE</td>
<td>G0384</td>
<td>$73.12</td>
<td>2</td>
<td>$146.24</td>
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<tr>
<td>HOSE</td>
<td>G0130</td>
<td>$57.41</td>
<td>2</td>
<td>$114.82</td>
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</tr>
<tr>
<td>HOSE</td>
<td>E0154</td>
<td>$80.10</td>
<td>2</td>
<td>$160.20</td>
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<tr>
<td>HOSE</td>
<td>KO280</td>
<td>$126.23</td>
<td>2</td>
<td>$252.46</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>E0130</td>
<td>$49.20</td>
<td>2</td>
<td>$98.40</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>H0184</td>
<td>$71.56</td>
<td>2</td>
<td>$143.12</td>
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</tr>
<tr>
<td>HOSE</td>
<td>KO380</td>
<td>$121.19</td>
<td>2</td>
<td>$242.38</td>
<td></td>
</tr>
<tr>
<td>HOSE</td>
<td>36630376-G0500</td>
<td>$265.56</td>
<td>2</td>
<td>$531.12</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,640.03</td>
<td></td>
<td>$8,286.56</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,496.59</td>
<td></td>
<td>$2,496.59</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$3,819.40</td>
<td></td>
<td>$3,819.40</td>
<td></td>
</tr>
</tbody>
</table>

**Total All Items: $2,496.59**

**Additional Cost:**

- Spark plugs: RH-234 @ $26.20 = $52.40
- Flange, Intake tube: 73348 @ $20.10 = $40.20
- Filler, Intake: BA-7 @ $15.00 = $30.00
- Alcohol (prep dose): 244 @ $19.35 = $38.70
- Bolt, Wing: VEP220121-14V32 @ $191.00
- Washer, wing bolt: 50-105011 @ $31.00
- Washer, prop ice: 81475-14-43 @ $74.00
- Nut, wing bolt: 8170-1414 @ $167.00
- Sheet metal, prop ice: 3372 @ $48.50

**Total Additional Cost:**

- Oil @ 15 gal = 115.00
- Oil filters @ 2 = 2.50
- Oil filter @ 1 = 2.50

**Total: $357.99**

**Total: $3,819.40**
### ESTIMATED LABOR COSTS FOR N302SD

<table>
<thead>
<tr>
<th>Work to be performed</th>
<th>Est Hrs</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace Engine Hoses</td>
<td>7</td>
<td>$35.00</td>
<td>$245.00</td>
</tr>
<tr>
<td>Adjustment to idle mixtures</td>
<td>1</td>
<td>$35.00</td>
<td>$35.00</td>
</tr>
<tr>
<td>Fabricate and install left leg gear door cable</td>
<td>0.5</td>
<td>$35.00</td>
<td>$17.50</td>
</tr>
<tr>
<td>Replace fixed shoes on right prop</td>
<td>6</td>
<td>$35.00</td>
<td>$210.00</td>
</tr>
<tr>
<td>Replace two static wicks / crust (furnished)</td>
<td>1</td>
<td>$35.00</td>
<td>$35.00</td>
</tr>
<tr>
<td>Service Delfe fluid</td>
<td>2.5</td>
<td>$35.00</td>
<td>$87.50</td>
</tr>
<tr>
<td>Repair dent in top wing skin above flap left side</td>
<td>4</td>
<td>$35.00</td>
<td>$140.00</td>
</tr>
<tr>
<td>Replace alternator belts of right engine</td>
<td>3.5</td>
<td>$35.00</td>
<td>$122.50</td>
</tr>
<tr>
<td>Comply with AD 83-20-01</td>
<td>1</td>
<td>$35.00</td>
<td>$35.00</td>
</tr>
<tr>
<td>Comply with AD 87-22-01</td>
<td>3</td>
<td>$35.00</td>
<td>$105.00</td>
</tr>
<tr>
<td>Replace intake flanges</td>
<td>2.5</td>
<td>$35.00</td>
<td>$87.50</td>
</tr>
<tr>
<td>Replace wing bolts and nuts</td>
<td>4</td>
<td>$35.00</td>
<td>$140.00</td>
</tr>
<tr>
<td>Replace all rotor box cover gaskets</td>
<td>6</td>
<td>$35.00</td>
<td>$210.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$1,610.00</strong></td>
</tr>
</tbody>
</table>

Actual time required should come out less than estimate.
Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor C.T. SWITZER, JR. moved adoption of the following Order:

ORDER APPROVING THE PURCHASE OF 200 BEACH ORDINANCE SIGNS FROM THE LOW QUOTE SUBMITTED BY VULCAN, INC. FOR THE SAND BEACH MAINTENANCE DEPARTMENT, TOTAL COST OF $2,672.50 PAYABLE FROM DEPARTMENT'S SIGNS FUND

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE the purchase of 200 beach ordinance signs from the low quote submitted by Vulcan, Inc. for the Sand Beach Maintenance Department, said quotes received being as follows, to-wit:
December 13, 1996

MEMO

To: Gary Dennis
Via: Fax
From: Howard Richardson
Re: Quote For Signs

Please send us a quote for fifty (50) red and white DANGER (DO NOT PLAY OR WALK ON DRAINAGE CULVERT) signs. The signs are 18 x 18 steel reflective engineering grade.

We also need 150 Beach Ordinance Signs. The details are attached.

We appreciate your help in this matter.

Thank You

PRICES F.O.B. GULFPORT, MS
PRICES BASED ON .080 GAUGE ALUMINUM WITH ENGINEER GRADE SHEETING.

.080 X 18" SQ RSA, "DANGER DO NOT PLAY OR WALK...ETC." R/W 50 @ $ 7.73/EA
.080 X 24 X 30 RSA, "HARRISON COUNTY BEACH...ETC.", BLACK ON WHITE 150 @ $15.24/EA

Total $2672.50

HOWARD RICHARDSON
CUSTOM PRODUCTS CORPORATION

TO: Harrison County
Sand Beach Wkst
Rte 2, Box 351
Gulfport, MS 39501

INQUIRY NO. __________
DATE 12-16-96
TERMS 30
DELIVERY 2-3 weeks

PRICES QUOTED ARE F.O.B.: ________________

WE ARE PLEASED TO QUOTE ON YOUR INQUIRY AS FOLLOWS:

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>150</td>
<td>2x6x30 Sand Beach Drainage Signs Blue/White</td>
<td>$16.94</td>
<td>$2541.00</td>
</tr>
<tr>
<td>50</td>
<td>18x78 Danger Do Not Play Or Walk On Privilege</td>
<td>$9.26</td>
<td>$463.00</td>
</tr>
<tr>
<td></td>
<td>Obstacle Keeping Kids Out/White</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

QUOTED BY: [Signature]

Post Office Box 54091, Jackson, Mississippi 39286-54091

HARCO-SAND BEACH DEP TEL: 601-896-0059
The total cost of $2,672.50 is payable from the Department’s signs fund.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF CHECKS, AS LISTED, AND AUTHORIZING THE CLERK OF THE BOARD TO DEPOSIT SAME

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of the following checks:

1) Check No. 18889 from the Sheriff of Harrison County in the amount of $380.00, for inmates medical for December 1996.

2) Check No. 0153 from Foxx Bonding Co. in the amount of $53.84, for extradition of Isiah Pierce.

3) Check No. 0154 from Foxx Bonding Co. in the amount of $1,054.27, for extradition of Marlon W. Wesby.

IT IS FURTHER ORDERED that the Board does HEREBY AUTHORIZE the Clerk of the Board to deposit said checks, which are in the following form, words and figures, to-wit:
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

SHERIFF OF HARRISON COUNTY
PROPERTY AND Canteen Fund
P.O. BOX 1480
GULFPORT, MS 39502

Jan 3, 1997
1 $380.00

PAY TO THE ORDER OF Board of Supervisors
Three hundred eighty dollars and 00/100

HANCOCK BANK

FOR Inmate Medical - December 1996

FOXX BONDING COMPANY
308 KELLER AVE. 374-5350 PAGER 855-3695
BILoxI, MS 39530

12/14 1996
10 $53.84

FOXX BONDING COMPANY
308 KELLER AVE. 374-5350 PAGER 855-3695
BILoxI, MS 39530

12/17 1996
3 $1,054.27

HANCOCK BANK
Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted **AYE**,
- Supervisor LARRY BENEFIELD voted **AYE**,
- Supervisor DAVID V. LAROZA, SR. voted **AYE**,
- Supervisor ROBIN ALFRED MIDCALF voted **AYE**,
- Supervisor C. T. SWITZER, JR. voted **AYE**.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

**THIS, the 6th day of January 1997.**
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER APPROVING PAYMENT OF CLAIMS, AS LISTED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE payment of the following claims, to-wit:

1) Dukes, Dukes, Keating and Faneca, P.A., in the total amount of $2,596.67, for:
   a) Vaccaro v. Price, et al., $913.67;
   b) Bankston v. Price, $1,683.00.

2) Carter & Mullings, Application for Payment No. 6 on the Flat Branch Drainage Improvements Phase II, $104,464.80, as recommended by Brown & Mitchell.

3) Carter & Mullings, Application for Payment No.2 on the Parkwood Drive South Drainage Project, in the amount of $38,964.45, as recommended by Brown & Mitchell, Inc.

4) TCB Construction, Application for Payment No. 11 on the Pedestrian Pathway along Highway 90, in the amount of $84,008.00, as recommended by Brown & Mitchell, Inc., to be paid upon receipt of funds from MDOT.

5) Brown & Mitchell, Inc., Invoice No. 7053 in the amount of $11,559.03, for services rendered on the Storm Drainage System Improvements to Parkwood Drive area.

6) Carothers Construction Co., Payment No. 3 in the amount of $739,145.00, for work on the Mississippi Coast Coliseum, as recommended by Fountain & Lamas, Architect.

7) Fountain & Lamas, Ltd., Pay Request No. 14 in the amount of $11,284.34, for professional services rendered at the Mississippi Coast Coliseum.

8) Dukes, Dukes, Keating & Faneca, attorneys at law, in the amount of $406.64, for professional services rendered in the matter of State of Mississippi Narcotics Task Force vs. Vincente Valenzuela, et al.
9) Dukes, Dukes, Keating & Faneca, attorneys at law, in the amount of $978.75, for professional services rendered in the matter of Allen Stewart Lipschitz v. Sheriff Joe Price, et al., Civil Action No. 1-94-cv425RR.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor **BOBBY ELEUTERIUS** voted **AYE**.
- Supervisor **LARRY BENEFIELD** voted **AYE**.
- Supervisor **DAVID V. LAROSA, SR.** voted **AYE**.
- Supervisor **ROBIN ALFRED MIDCALF** voted **AYE**.
- Supervisor **C. T. SWITZER, JR.** voted **AYE**.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

**THIS,** the 6th day of January 1997.

* * *
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF AND SPREADING UPON
THE MINUTES OF THE BOARD THE ORDER OF THE STATE TAX
COMMISSION APPROVING AMENDED RECAPITULATION OF REAL
AND PERSONAL ASSESSMENT ROLLS OF HARRISON COUNTY,
MISSISSIPPI FOR THE YEAR 1996, PER SECTION 27-35-127,
MISS. CODE OF 1972, AS AMENDED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,
MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of and spread
upon the Minutes of the Board the Order of the State Tax Commission
approving Amended Recapitulation of Real and Personal Assessment Rolls of
Harrison County, Mississippi for the year 1996, per Section 27-35-127, Miss.
Code of 1972, as amended, same being in the following form, words and
figures, to-wit:
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

AMENDED
ORDER OF STATE TAX COMMISSION APPROVING
REAL ROLL

STATE OF MISSISSIPPI
County of Hinds

WHEREAS, the Clerk of the Board of Supervisors of Harrison County has filed with the State Tax Commission a copy of the Real Assessment Roll of said county as of the first day of January, 1996, in the manner prescribed by Section 27-35-127, Code of 1972, and other laws, and showing a total Assessment of Real Property as follows:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$512,212,743</td>
</tr>
</tbody>
</table>

Subject to Levee Taxes:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,836,224</td>
</tr>
</tbody>
</table>

AND

ORDER OF STATE TAX COMMISSION APPROVING
PERSONAL ROLL

WHEREAS, the Clerk of the Board of Supervisors of Harrison County has filed with the State Tax Commission a copy of the Personal Assessment Roll of said County as of the first day of January, 1996, in the manner prescribed by Section 27-35-127, Code of 1972, and other laws, and showing a total Assessment of Personal Property as follows:

| Value | $318,783,205 |

Subject to Levee Taxes:

| Value | $2,337,350 |

As it appearing to be the satisfaction of the State Tax Commission that the rolls and the assessments contained in the same have been made and the rolls prepared in conformity to the requirements of law, and that the assessments have been fixed in accordance with the orders of this Commission, it is, therefore, ordered that the Real and Personal Assessment Rolls be and the same are hereby approved.

Ordered and adjudged this the 18th day of December, 1996.

THE STATE TAX COMMISSION,
Ed Barlow, Jr., Chairman

By:
Director, Property Tax Bureau

Certificate of Secretary of Tax Commission

As Secretary of the State Tax Commission of the State of Mississippi, I do hereby certify that the above and foregoing is a true and correct copy of an order of the State Tax commission adopted on the date therein stated, and as shown in the minutes of the said Commission.

Witness my signature on this the 18th day of December, 1996.

Secretary, State Tax Commission

DISTRIBUTION:
White — Real Roll Collector's Office, Canton — Real Roll Collector's Office, Pink — Tax Commission, Goldenrod — State Department of Audit
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

19.96 'AMENDED'

RECAPITULATION OF ASSESSMENTS OF REAL AND PERSONAL PROPERTY OF
HARRISON COUNTY, STATE OF MISSISSIPPI
as of the first day of January, 19.96, as shown by the ROLLS thereof, made by the Assessor
of said County, equitably by the Board of Supervisors of said County, at its
AUGUST, 19.96 meeting; and further equaled, and corrected, fixed, revised, and
perfeoted, by said Board at its SEPTEMBER, 19.96 meeting, after considering all
objections made thereto; (said rolls being on file in the office of the Clerk of said Board in the
CITY of GULFPORT
in said County, to-wit:

<table>
<thead>
<tr>
<th>Classes of Personal Property</th>
<th>True Value of All Properties (Use whole dollars no cts.)</th>
<th>Assessed Valuation</th>
<th>NEW INDUSTRIES Subject to Sec. 27.39-329 and School Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agricultural</td>
<td>474 328 393 30 142 298 518 15 6 506 397</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Mobile Homes</td>
<td>43 377 313 15 6 506 397</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Factory and Commercial Buildings</td>
<td>349 872 740 15 52 428 623 15 52 059</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Houses and Equipment at Times</td>
<td>552 528 840 15 60 594 330 15 62 521</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Landlord Equipment</td>
<td>35 343 080 15 5 301 462</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Inventories-Fixed and Tools</td>
<td>211 021 401 15 31 653 356</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Real Estate</td>
<td>669 15 10 1 513</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Money, Bonds or Notes</td>
<td>3 309 7 15 397</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Miscellaneous</td>
<td>1 666 474 327</td>
<td>318 783 305</td>
<td>2337 350</td>
</tr>
</tbody>
</table>

Total Number of Personal Property Parcels Assessed: 6932

INDUSTRIAL AND MANUFACTURING PLANTS INCLUDED IN VALUES ABOVE

<table>
<thead>
<tr>
<th>No.</th>
<th>Subject To All Taxes Local and State</th>
<th>Ratio</th>
<th>Subject To All Taxes Local and State</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6932</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

REAL PROPERTY = 19.96

DO NOT INCLUDE VALUE IN COLUMN 2

<table>
<thead>
<tr>
<th>Class of Land</th>
<th>No.</th>
<th>Acres</th>
<th>Assess 1</th>
<th>Assess 2</th>
<th>Assess 3</th>
<th>Assess 4</th>
<th>Assess 5</th>
<th>Assess 6</th>
<th>Assess 7</th>
<th>Assess 8</th>
<th>Assess 9</th>
<th>Assess 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Agriculture</td>
<td>17 353</td>
<td>267 321 360 15 53 732 156</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Business and Professional</td>
<td>1 657 657 657</td>
<td>10 753 753 753</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Public &amp; Cultural</td>
<td>44 732 7 78 480 860 15 11 474 513</td>
<td>297 616</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Commercial, Trade &amp; Industrial</td>
<td>65 276 246 15 8 681 986</td>
<td>1109 316</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Communication, Electric</td>
<td>130 751 10 24 895 826 15 3 734 374</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>16. Construction, Public</td>
<td>54 721 371 840 346 15 109 847 836</td>
<td>228 216</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Buildings &amp; Improvements</td>
<td>247 357 4 172 189 914 15 176 214 993</td>
<td></td>
<td>201 076</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. U.S. Government Lands</td>
<td>3 332</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Forest and Mineral Lands of Subdivision</td>
<td>6 331</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Parks, Cemeteries</td>
<td>1 745</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>21. Acres assessed by Tax Commissioners</td>
<td>4 823</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Total Number of Real Property Parcels Assessed: 79,910
CERTIFICATE OF BOARD OF SUPERVISORS

To the State Tax Commission of the State of Mississippi:

In compliance with the requirements of Section 27-35-111, Mississippi Code of 1972, we the undersigned, constituting the Board of Supervisors of ___________ County, State of Mississippi, do hereby certify:

That we have, this day, carefully compared the recapitulations appearing on the reverse side hereof with the assessment rolls of real and personal property, as of the first day of January, 1996, that said recapitulations contain true, correct and complete statements of the final totals of said rolls as finally lived and revised by said Board at its ___________ meeting of the year 1996, and that said recapitulations are in all things true and complete, and are hereby transmitted in good faith to comply with the requirements of said section.

Witness our signatures, this the ___________ day of ___________, 1996.

THE BOARD OF SUPERVISORS OF SAID COUNTY

By State of Mississippi

BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

JANUARY 1997 TERM

ORDER OF STATE TAX COMMISSION

Hearing the questions of the State Tax Commission of the State of Mississippi, after visiting the several counties of the State, conferring with the Assessors thereof, and studying the values of the various classes of properties therein, the economic conditions thereof, and the methods employed by the Assessors and Supervisors in making and equalizing the assessments, thereof, (and having received recapitulation from more than three-fourths of the counties of the State), and after making a careful examination of the recapitulations of the assessment rolls of Real and Personal Property of the several counties, and a comparison of the assessments therein contained, that the assessments of the various classes of real and personal property of said assessment rolls of ___________ County, for the year 1996, as shown by the foregoing statements (appearing on the reverse side hereof) are reasonably equal and uniform with the assessments of the other counties of the state, as approved as charged by the orders of this Commission.

IT IS THEREFORE ORDERED, that said assessment rolls and the assessments therein contained by and are hereby approved, and the Board of Supervisors of said County are hereby directed to file copies of said rolls made and certified to the Tax Collector and to the Commission in accordance with the requirements of Section 27-35-122 of the Code of 1972, and it is further ordered that the Secretary of this Commission send this order to the Secretary of the Board of Supervisors of said County.

Ordered and adopted this the ___________ day of ___________, 1996.

CERTIFICATE OF SECRETARY OF TAX COMMISSION

As Secretary of the State Tax Commission of the State of Mississippi, I do hereby certify that the above and foregoing is a true and correct copy of an order of the State Tax Commission approved on the date thereon stated, and as shown in the Minutes of the said Commission.

Witness my signature that this the ___________ day of ___________, 1996.

Secretary State Tax Commission
Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF AND SPREADING ON THE MINUTES OF THE BOARD THE TOLLING AGREEMENT ENTERED INTO BY AND BETWEEN HARRISON COUNTY BOARD OF SUPERVISORS AND CASABLANCA CONSTRUCTION COMPANY, INC. AND THOMAS W. SAUCIER

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE RECEIPT OF AND SPREAD ON THE MINUTES of the Board the Tolling Agreement entered into by and between the Harrison County Board of Supervisors and Casablanca Construction Company, Inc. and Thomas W. Saucier, same being as follows, to-wit:
TOLLING AGREEMENT

This Agreement is made and entered into by and between Harrison County Board of Supervisors and Casablanca Construction Company, Inc. and Thomas W. Saucier. This Agreement is an independent separately enforceable Agreement made in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

The parties hereto entered into a Standard Form of Agreement Between Owner and Contractor on or about August 9, 1993, on the project known as Gulf Coast Mental Health Clinic. The parties hereto agree to extend the tolling of the statute of limitations for any cause of action which may be brought against the prospective Defendant(s) arising out of conduct related in any manner to the hereinbefore indicated Standard Form of Contract.

In the event that any of the parties should commence litigation against the other parties on or before August 9, 1998, such litigation shall be deemed to have been filed on August 9, 1994, and the actual date such litigation is filed shall not be asserted by the Prospective Defendant(s) or relief upon in any way in computing the running of time under any applicable statute of limitation or by way of laches in defense of any claim asserted.

Except as specifically provided herein, this Agreement shall not be deemed to constitute and shall not constitute a waiver of any right, claim or defense by any party, and any cause of action which shall have expired prior to this date shall be deemed revived for any purpose by this Agreement. Nothing in this Agreement shall
be construed as an admission of liability of any party.

Prior to the expiration of this Agreement, the parties will meet to discuss their differences. The inability of the parties, for any reason, to resolve any differences at such meeting, or at any subsequent meeting, shall not be a basis for any assertion that this Agreement, or any provision hereof, is void or otherwise unenforceable.

The time periods in this Agreement may be extended upon written agreement of the parties hereto. No amendment to this Agreement shall be effective unless in writing and signed by the parties hereto.

Any prior understandings and agreements of the parties hereto are merged herein, and this Agreement reflects the entire understanding of the parties.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement on this the 11th day of November, 1996.

HARRISON COUNTY BOARD OF SUPERVISORS

BY:  [Signature]
    PRESIDENT

CASABLANCA CONSTRUCTION COMPANY, INC.

BY:  [Signature]
    THOMAS W. CHAMBER, PRESIDENT

THOMAS W. SACHS, INDIVIDUALLY
Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVING CLAIMS FOR THE MONTH OF DECEMBER 1996, AS PER STATUTE

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE claims for the month of December 1996, as per statute.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER EMPLOYING JOHN McADAMS, CHANCERY CLERK, TO COLLECT AND ASSEMBLE DATA AND INFORMATION, TO PERFORM THE SERVICES REQUIRED BY THE BOARD OF SUPERVISORS FOR PREPARING HOMESTEAD EXEMPTIONS, PER SECTION 27-33-37(m) OF THE MISS. CODE OF 1972, AS AMENDED, AND TO PERFORM CERTAIN DUTIES AND FIXING THE COMPENSATION FOR SAID SERVICES FOR THE YEAR 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY EMPLOY John McAdams, Chancery Clerk, to collect and assemble data and information, to perform the services required by the Board of Supervisors for preparing Homestead Exemptions, per Section 27-33-37(m) of the Miss. Code of 1972, as amended, and to perform certain duties and fixing the compensation for said services for the year 1997.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER FIXING THE SALARY OF JOHN McADAMS, COUNTY AUDITOR, FOR THE YEAR 1997, AS PROVIDED FOR BY SECTION 25-3-19, MISS. CODE OF 1972, AS AMENDED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the salary of John McAdams, Chancery Clerk, as the County Auditor of Harrison County, be and the same is HEREBY SET for the year 1997 at the rate of $5,300.00, payable in equal monthly installments out of the county treasury, as provided for by Section 25-3-19, Miss. Code of 1972, as amended.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF THE RESULTS OF THE NOVEMBER 5, 1996 GENERAL ELECTION AND OF THE SPECIAL SCHOOL BOND ELECTION, HARRISON COUNTY SCHOOL DISTRICT

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of the results of the November 5, 1996 General Election and of the Special School Bond Election, Harrison County School District, same being as follows, to-wit:
HARRISON COUNTY ELECTION COMMISSION
P. O. BOX 898
GULFPORT, MISSISSIPPI 39502

Dist. 1 - Toni Jo Diaz
Dist. 2 - Phyllis Sisson, Secretary
Dist. 3 - Edwina Stringer
Chairman
Dist. 4 - Aurabelle Caggins
Dist. 5 - Randy McDonell

NOVEMBER 7, 1996

ENCLOSED PLEASE FIND COPIES OF THE NOVEMBER 5, 1996
GENERAL ELECTION AND ALSO COPIES OF THE SPECIAL SCHOOL
BOND ELECTION WHICH WAS HELD ON THE SAME DAY.

HARRISON COUNTY ELECTION COMMISSION
EDWINA STRINGER
CHAIRMAN

Office located at 1020 32nd Avenue, Gulfport, Mississippi 39502
Telephone (601) 865-4007
FAX (601) 865-4237
# ACCUMULATED TOTALS

19:02:16 6-Nov-1996  
SPECIAL SCHOOL BOND ELECTION  
HARRISON COUNTY SCHOOL DISTRICT  
OF HARRISON COUNTY, MISSISSIPPI  
TUESDAY, THE 5TH OF NOVEMBER, 1996  

<table>
<thead>
<tr>
<th>Precincts Counted - TOTAL</th>
<th>Total</th>
<th>Pct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Voters - TOTAL</td>
<td>28</td>
<td>100.00</td>
</tr>
<tr>
<td>Ballots Cast - TOTAL</td>
<td>21,427</td>
<td></td>
</tr>
</tbody>
</table>

HARRISON COUNTY SCHOOL DISTRICT PROPOSITION  
FOR THE BOND ISSUE  
AGAINST THE BOND ISSUE  
Total  

We, the undersigned, certify that the above results are true and correct.

Signed:

Edwin Stringer  District 3  
Frances S. Coggins  Dist. 4  
Randy McDowell  Dist 5  
Evelyn Luna  Dist 2  
Earl Johnson  Dist 1
**MINUTE BOOK**

BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

JANUARY 1997 TERM

---

### GENERAL ELECTION

**HARRISON COUNTY, MISSISSIPPI NOVEMBER 5, 1996**

<table>
<thead>
<tr>
<th>Precincts Counted</th>
<th>Total Precincts Counted</th>
<th>Registered Voters</th>
<th>Total Registered Voters</th>
<th>Ballots Cast</th>
<th>Total Ballots Cast</th>
<th>%</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

- **REP** - B. DOLE/J. KEMP
- **DEM** - B. CLINTON/A. GORE
- **MST** - H. PHILLIPS/R. MEUCCI
- **NL** - J. HAGELIN/M. TOMPKINS
- **IND** - C. E. COLLINS/R. GIUMARRA
- **IP** - R. PEROT/C. DWENBY

**Total** - 48,217

### UNITED STATES SENATOR

- **REP** - THAD COCHRAN
- **DEM** - JAMES W. (Booie!) HUNT
- **IN** - TED C. WELL

**Total** - 47,770

### FIFTH DISTRICT - HOUSE OF REPRESENTATIVES

- **REP** - DENNIS DOLLAR
- **DEM** - GENE TAYLOR
- **IN** - JORDAN N. GOLLUB
- **LIB** - DAN E. ROGERS
- **NL** - PHILIP MAYEAUX
- **IC** - L’ROY C. CARNEY

**Total** - 48,608

### ELECTION COMMISSIONER DISTRICT 1

- **REP** - PHYLIS GISON
- **DEM** - HENRY D’AGUILA,

**Total** - 5,193

### ELECTION COMMISSIONER DISTRICT 2

- **REP** - PHYLIS DISON

**Total** - 9,444

### ELECTION COMMISSIONER DISTRICT 3

- **REP** - EDWINA STRINGER
- **DEM** - HENRY D’AGUILA,

**Total** - 11,658

### ELECTION COMMISSIONER DISTRICT 4

- **DEM** - AURABELLE CAGGENS

**Total** - 6,106

### ELECTION COMMISSIONER DISTRICT 5

- **REP** - RANDALL L. MCDONNELL, JR.

**Total** - 9,723
## General Election

**Harrison County, Mississippi\**

**November 5, 1996**

### School Board Trustee District 5

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Total</th>
<th>Pct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Randy Williams</td>
<td>3,134</td>
<td>100.00</td>
</tr>
</tbody>
</table>

### Supreme Court Judge District 2, (Southern)

**Position No. 3**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Total</th>
<th>Pct</th>
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</thead>
<tbody>
<tr>
<td>Ed Pittman</td>
<td>20,044</td>
<td>43.33</td>
</tr>
<tr>
<td>Jerry D. Terry</td>
<td>26,220</td>
<td>56.67</td>
</tr>
</tbody>
</table>

Total: 46,264

<table>
<thead>
<tr>
<th>Pct</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.00</td>
</tr>
</tbody>
</table>

We, the undersigned, certify that the above results are true and correct.

Signed:

- Randy McDonald
- George McCullough
- Saundra T. Jesse
- Phyllis Jones
- Steve "Doc" Jones
Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor **DAVID V. LAROSA, SR.** moved adoption of the following Order:

**ORDER AUTHORIZING AND DIRECTING THE CLERK OF THE BOARD TO SPREAD A LIST OF DATES OF LEGAL HOLIDAYS FOR CALENDAR YEAR 1997 UPON THE MINUTES OF THE BOARD**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Clerk of the Board be, and he is HEREBY AUTHORIZED AND DIRECTED to spread upon the Minutes of the Board a list of dates of legal holidays for calendar year 1997, said list being as follows:

<table>
<thead>
<tr>
<th>Legal Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW YEAR'S DAY</strong></td>
<td></td>
</tr>
<tr>
<td>the day fixed by the Governor's Proclamation</td>
<td>January 1, 1997</td>
</tr>
<tr>
<td><strong>GENERAL ROBERT E. LEE'S AND DR. MARTIN LUTHER KING, JR.'S BIRTHDAY</strong></td>
<td></td>
</tr>
<tr>
<td>the third Monday of January</td>
<td>January 20, 1997</td>
</tr>
<tr>
<td><strong>MARDI GRAS</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>February 11, 1997</td>
</tr>
<tr>
<td><strong>CONFEDERATE MEMORIAL DAY</strong></td>
<td></td>
</tr>
<tr>
<td>the last Monday of April</td>
<td>April 28, 1997</td>
</tr>
<tr>
<td><strong>JEFFERSON DAVIS' BIRTHDAY AND NATIONAL MEMORIAL DAY</strong></td>
<td></td>
</tr>
<tr>
<td>the last Monday of May</td>
<td>May 26, 1997</td>
</tr>
<tr>
<td><strong>INDEPENDENCE DAY</strong></td>
<td></td>
</tr>
<tr>
<td>the fourth of July</td>
<td>July 4, 1997</td>
</tr>
<tr>
<td><strong>LABOR DAY</strong></td>
<td></td>
</tr>
<tr>
<td>the first Monday of September</td>
<td>September 1, 1997</td>
</tr>
<tr>
<td><strong>ARMISTICE OR VETERANS' DAY</strong></td>
<td></td>
</tr>
<tr>
<td>the 11th day of November</td>
<td>November 11, 1997</td>
</tr>
<tr>
<td><strong>THANKSGIVING</strong></td>
<td></td>
</tr>
<tr>
<td>the day fixed by the Governor's Proclamation</td>
<td>November 27, 1997</td>
</tr>
<tr>
<td><strong>CHRISTMAS</strong></td>
<td></td>
</tr>
<tr>
<td>the day fixed by the Governor's Proclamation</td>
<td>December 25, 1997</td>
</tr>
</tbody>
</table>
Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the
above and foregoing Order, whereupon the President put the question to a
vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of
the Supervisors present, the President then declared the motion carried and
the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF THE REQUEST FOR REVIEW OF APPLICATION FILED WITH THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES BY THE MISSISSIPPI STATE PORT AUTHORITY; DMR-M 9707019-W

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of the Request for Review of Application filed with the Mississippi Department of Marine Resources by the Mississippi State Port Authority; DMR-M 9707019-W, same being as follows, to-wit:
REQUEST FOR REVIEW OF APPLICATION

TO: Mayor, City of Gulfport
    District Attorney, Harrison County
    Harrison County Prosecuting Attorney
    Harrison County Board of Supervisors
    Gulf Regional Planning Commission
    Southern Mississippi Planning and Development District
    Mississippi Wildlife Federation
    Department of Wildlife, Fisheries and Parks
    Secretary of State

FROM: Department of Marine Resources

SUBJECT: Application by the Mississippi State Port Authority;
          DMR-M 9707019-W

DATE: December 17, 1996

In accordance with the provisions of the Coastal Wetlands Protection Law, we herewith enclose a copy of the application by the Mississippi State Port Authority.

If you would like to comment on the proposed project, please provide your comments in writing to our office by 1:00 p.m. on January 15, 1996.

If you do not wish to submit comments on this application, please acknowledge receipt by signing and returning this Request to the Department of Marine Resources.

ACKNOWLEDGEMENT OF RECEIPT: ___________________________ Signature ___________________________ Date
Mississippi State Port Authority at Gulfport

Permit Application & Environmental Assessment

July 31, 1996

Brown & Mitchell, Inc.
Engineers & Environmental Consultants

111 Pulaski St.
Gulfport, MS 39501
(601) 362-0161
Mississippi State Port Authority at Gulfport

Permit Application and Environmental Assessment

July 3, 1996

Brown & Mitchell, Inc.
Engineers & Environmental Consultants

521 34th Street
Gulfport, Mississippi
(601) 864-7612 fax (601) 864-7676
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Section 1:
Joint Application
# JOINT APPLICATION AND NOTIFICATION

U.S. DEPARTMENT OF ARMY CORPS OF ENGINEERS  
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL

This form is to be used for proposed activities in waters of the United States and Mississippi and for the erection of structures on suitable sites for water dependent industry. Note that some items, as indicated, apply only to projects located in the coastal area of Hancock, Harrison and Jackson Counties.

<table>
<thead>
<tr>
<th>Date</th>
<th>July 3 1996</th>
</tr>
</thead>
</table>

### Applicant (mailing address and telephone)

| Mississippi State Port Authority  
c/o Mr. Anthony J. Taormina  
P.O. Box 40  
Gulfport, MS 39502  
(601) 865-4300 |

### Project description  
* See Remarks

#### Dredging

<table>
<thead>
<tr>
<th>Channel</th>
<th>length</th>
<th>width</th>
<th>existing depth</th>
<th>proposed depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,500</td>
<td>100'</td>
<td>-4'</td>
<td>-8'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Canal</th>
<th>length</th>
<th>width</th>
<th>existing depth</th>
<th>proposed depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>-20'</td>
<td>-36'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marina</th>
<th>length</th>
<th>width</th>
<th>existing depth</th>
<th>proposed depth</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other (explain)</th>
<th>length</th>
<th>width</th>
<th>proposed depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Cubic yards of material to be removed: 300,000 cubic yards  
Type of material: sand and silt  

#### Location of spoil disposal area:

- Diked fill areas or COE open water disposal sites

#### Dimensions of spoil area:

375' x 3800' (See Remarks)

Method of excavation: hydraulic dredge

How will excavated material be contained?

- Dikes or COE open water disposal areas

### Construction of structures

<table>
<thead>
<tr>
<th>Bulkhead</th>
<th>Total length</th>
<th>Height above water</th>
</tr>
</thead>
<tbody>
<tr>
<td>X Pier</td>
<td>length 900'</td>
<td>width 150'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>height 20'</td>
</tr>
</tbody>
</table>

Structures on designed sites for water dependent industry (Coastal area only): Explain in Item II or include as an attachment.

<table>
<thead>
<tr>
<th>Other (explain)</th>
<th>6,000' of rip-rap revetment</th>
</tr>
</thead>
</table>

### Filling

Dimensions of fill area: 84 acres of fill in 2 Phases of development (See Environmental Assessment)

Cubic yards of fill: 2.5 million cubic yards

Type of fill: sand and clay

Other regulated activities (i.e. Seismic exploration, burning or clearing of marsh) Explain.

---
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

6. Additional information relating to the proposed activity

Does project area contain any marsh vegetation? Yes No X (If yes, explain)

Is any portion of the activity for which authorization is sought now complete? Yes No X (If yes, explain)

Month and year activity took place N/A

If project is for maintenance work on existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form(s) of authorization. N/A

Has any agency denied approval for the activity described herein or for any activity that is directly related to the activity described herein? Yes No X (If yes, explain)

7. Project schedule

Proposed start date December 1, 1996 Proposed completion date December 1, 2010

Expected completion date (or development timetable) for any projects dependent on the activity described herein. N/A

8. Estimated cost of the project $170,000,000.00

9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support. Purpose is to improve existing berth to allow for docking of larger vessels and more efficient utilization of facilities at the Port of Gulfport.

Intended use: Private Commercial X Public Other (Explain)

10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity. Also describe the extent of public use of the proposed project.

Provide more efficient utilization of Port facilities; increase import and exports of commerce; increase Port revenue; and create new jobs.

11. Remarks

Item 5 PROJECT DESCRIPTION: (CONT')

The proposed expansion project will be conducted in phases as market conditions indicate. The Phase I expansion will be approximately 30 acres in size, the Phase II expansion will be approximately 30 acres in size, and the Intermodal Container Transfer Facility will be approximately 24 acres in size. A complete description of the project is provided as an attachment to this page.
ATTACHMENT TO PAGE 2 OF MISSISSIPPI STATE PORT AUTHORITY APPLICATION

PHASE I EXPANSION

Phase I expansion for existing container and break bulk storage will require the filling of approximately 30 acres of water bottoms west of the present Port boundary by the year 2000. The dimensions of the fill area are approximately 375' by 3800'. In addition to the filling, a new pier will be constructed at the south end of the West Pier. The pier will be 900 feet long by 150 feet wide. Construction of the new berth will also require dredging of an area approximately 900 feet long by 200 feet wide to -36 feet at mean low water. Approximately 150,000 cubic yards of dredged material will be excavated during the construction phase of the project and deposited within the 30 acre expansion area or in an approved open water disposal area. Phase I expansion will also require the relocation of the commercial navigation channel immediately west of the West Pier. The channel which is approximately 6,500 feet long by 100 feet wide, by 8 feet deep will be relocated west of the expansion areas. The relocation will require the dredging of approximately 150,000 cubic yards of dredged material which will be deposited within the proposed 30 acre expansion area or in an approved open water disposal site in the Mississippi Sound.

PHASE II EXPANSION

The Phase II expansion will be conducted when the Port reaches approximately 74% of the container MPC or when a new container carrier locates at the Port. The Phase II expansion will require the filling of approximately 30 acres of water bottoms west of the Phase I expansion area. The dimensions of the 30 acre expansion area are 375' by 3800'.

INTERMODAL CONTAINER TRANSFER FACILITY

The last part of the port master development plan will be the construction of an on-dock Intermodal Container Transfer Facility (ICTF). The will require the filling of approximately 24 acres of shallow water bottoms west of the expanded Port areas described above, and will be implemented when the mainline tract between Gulfport and Hattiesburg is upgraded to accommodate intermodal container traffic. The dimensions of the fill area are 245' x 3800'.

ALTERNATIVE FILL

An alternate fill area approximately 12 acres in size has been identified on the drawings and is discussed in detail in the Environmental Assessment. The alternate fill area is located at the north end of the Inner Harbor and will be utilized if the current gaming tenant is relocated. If this alternative is implemented, the area of fill at the West Pier will be reduced by 12 acres making the total area of fill west of the West Pier boundary only 72 acres.
1. Provide the names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment "A". (Attach additional sheets if necessary.)

See Attached List

2. List all approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities described in this application. Note that the signature in Item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Type Approval</th>
<th>Application Date</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept. of Environmental Quality</td>
<td>Water Quality Certificate</td>
<td>July 3, 1996</td>
<td></td>
</tr>
<tr>
<td>Department of Marine Resources</td>
<td>Coastal Zone Consistency Permit</td>
<td>July 3, 1996</td>
<td></td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers</td>
<td></td>
<td>July 3, 1996</td>
<td></td>
</tr>
<tr>
<td>City/County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Certification and signatures

Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspections from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I am the owner of the property where the proposed project is located or that I have a legal interest in the property and that I have full legal authority to seek this permit.

Signature of Applicant or Agent

Date

7-12-96

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Mississippi Coastal Program (Coastal area only)

I certify that the proposed project for which authorization is sought complies with the approved Mississippi Coastal Program and will be conducted in a manner consistent with the Program.

Signature of Applicant or Agent

Date

7-12-96
16. Fees
Payable to State of Mississippi
$10.00 Residential
$500.00 Commercial
$50.00 Cost of public notice fee
Please include appropriate fees for all projects proposed in coastal areas of Hancock, Harrison and Jackson counties.

17. If project is in Hancock, Harrison or Jackson Counties, send one completed copy of this application form and appropriate fees listed in Item 16 to:
Department of Marine Resources
152 Gateway Drive
Biloxi, MS 39531

If project IS NOT in Hancock, Harrison or Jackson Counties, send one completed copy of this application form to each agency listed below:

District Engineer
U.S. Army Engineer
District Mobile
Attn: SMCOP-5
P.O. Box 2288
Mobile, AL 36628

District Engineer
U.S. Army Engineer
District Vicksburg
Attn: MDVSCID-PB
2101 N. Frontage
Vicksburg, MS 39180

Director
Mississippi Dept. of Environmental Quality
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289

8. In addition to the completed application form, the following attachments are required:

Attachment "A" Drawings
Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and cross section or elevation. Use 8 1/2 x 11" white paper or drawing sheet attached.

Attachment "B" Authorized Agent
If applicant desires to have an agent or consultant act in his behalf for permit coordination, a signed authorization designating said agent must be provided with the application forms. The authorized agent named may sign the application forms and the consistency statement.

Attachment "C" Environmental Assessment
Provide an appropriate report or statement assessing environmental impacts of the proposed activity and the final project dependent on it. The project's effects on the wetlands and the effects on the site dependent on them should be addressed. Also provide a complete description of any measures to be taken to reduce detrimental effects to the coastal wetlands during and after the proposed activity. Alternative analysis, minimization and mitigation information may be required to complete project evaluation.

Attachment "D" Variance or Revisions to Mississippi Coastal Program (Coastal area only)
If the applicant is requesting a variance to the guidelines in Section 2, Part III, or a revision to the Coastal Wetlands Use Plan in Section 2, Part IV of the Rules, Regulations, Guidelines and Procedures of the Mississippi Coastal Program, a request and justification must be provided.
DEVELOPMENT PLAN - 2000 TO 2005

MISSISSIPPI STATE PORT AUTHORITY
DEVELOPMENT PLAN - 2006 TO 2010

MISSISSIPPI STATE PORT AUTHORITY
MATERIAL TO BE REMOVED

ALLOWABLE OVERDEPTH (-2')

CROSS SECTION AT NEW BERTH

HORIZ. SCALE 1" = 60'
VERT. SCALE 1" = 20'

MISSISSIPPI STATE PORT AUTHORITY
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

MISSISSIPPI SOUND
OPEN WATER DISPOSAL AREAS

SCALE: 1"=4000'

MISSISSIPPI STATE PORT AUTHORITY
<table>
<thead>
<tr>
<th>Adjacent Property Owners</th>
<th>North</th>
<th>East</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mississippi State Port Authority</td>
<td>Mississippi State Port Authority</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 40</td>
<td>P.O. Box 40</td>
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<tr>
<td></td>
<td>Gulfport, MS 39502</td>
<td>Gulfport, MS 39502</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>Marine Life Oceanarium</td>
</tr>
<tr>
<td></td>
<td>Mississippi State Port Authority</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 40</td>
<td>P.O. Box 4078</td>
</tr>
<tr>
<td></td>
<td>Gulfport, MS 39502</td>
<td>Gulfport, MS 39502</td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secretary of State</td>
<td>Gulfport Yacht Club</td>
</tr>
<tr>
<td></td>
<td>Public Lands Division</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 97</td>
<td>P.O. Box 34</td>
</tr>
<tr>
<td></td>
<td>Gulfport, MS 39502-0097</td>
<td>Gulfport, MS 39501</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>MISCO Marine</td>
</tr>
<tr>
<td></td>
<td>Mississippi State Port Authority</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 40</td>
<td>c/o Mr. George P. Hopkins</td>
</tr>
<tr>
<td></td>
<td>Gulfport, MS 39502</td>
<td>520 34th Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gulfport, MS 39507</td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secretary of State</td>
<td>City of Gulfport</td>
</tr>
<tr>
<td></td>
<td>Public Lands Division</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 97</td>
<td>2309 15th Street</td>
</tr>
<tr>
<td></td>
<td>Gulfport, MS 39502-0097</td>
<td>Gulfport, MS 39501</td>
</tr>
</tbody>
</table>
Section 2:
Environmental Assessment
Mississippi State Port Authority

Mississippi State Port Authority at Gulfport

"ATTACHMENT C"
Strategic Master Plan Environmental Assessment

This Strategic Master Plan Environmental Assessment has been prepared for review and consideration by the state and federal resource agencies, and is intended to be a support document for the Mississippi State Port Authority Master Permit for Port expansion. This Assessment is divided into the following subsections:

1.0 Description of Proposed Action and Need
2.0 Environmental Setting
3.0 Probable Environmental Impact of the Proposed Action
4.0 Alternatives to the Proposed Action
5.0 Mitigation

1.0 DESCRIPTION OF PROPOSED ACTION

The purpose of this assessment is to discuss the possible impacts of the implementation of the Mississippi State Port Authority at Gulfport Strategic Master Plan and the recommended Development Plan (Figure 1.0.1 Recommended Development Site Plan). The recommended Development Plan is a result of a Strategic Planning effort initiated by the Mississippi State Port Authority and completed in August 1994.

The objective of the Strategic Plan was to reorganize the Port's marine cargo handling infrastructure in order to insure maximum throughput capacity and to create an intermodal plan which will ensure efficient and safe flows for future Port activities. The Strategic Master Plan was prepared by the firm of Vickerman, Zachary, and Miller, Mercer Management Consulting, and ABAG Traffic Engineers.
Mississippi State Port Authority at Gulfport
Recommended Site Development Plan

Figure 1.0.1 Recommended Site Development Plan
The Strategic Master Plan was circulated to various state and federal agencies, as well as the users of the Mississippi State Port at Gulfport. It was adopted by the Mississippi State Port Authority as a "Blue Print" for future growth, and serves as the basis for the development activities outlined in this assessment. The Strategic Master Plan, itself, is divided into the following Chapters:

- Executive Summary
- Section 1: Introduction
- Section 2: Market Assessment
- Section 3: Facility Assessment
- Section 4: Traffic analysis
- Section 5: Master Site Development Plan
- Section 6: Capital Improvement Plan

Based upon a detailed market analysis of carrier requirements, the recommended development plan will enable the Port to handle present and future cargo requirements through the year 2010. The recommended development plan anticipates full completion of the Port Authority's current 29 acre Master Plan Expansion (COE Permit MS88-00954) by 1997; construction of a new 30 acre container storage area by year 2000; construction of an additional 30 acres container storage area by the year 2010; and the construction of a 24 acres Intermodal Container Transfer Facility when market conditions and track improvements between Gulfport and Hattiesburg are upgraded. The importance of this expansion, and the implementation strategy is discussed in detail below. The phasing of the improvements is based upon anticipated future market opportunities.

The phasing of the master plan expansion is based upon the growth of existing Port Authority's users and trade routes growing at a reasonable growth rate of 4% per year. As container cargo increases and the storage capacity at the Port begins to reach Maximum Practical Capacity for containers the Port of Gulfport will expand its container facility by 30 acres. With the addition of a new carrier to the Port, an additional 30 acres of container storage capacity will be added. New carrier services are anticipated in the Mexico, Central, and South American (both East Coast and West Coast) markets. An Intermodal Container Transfer Facility, which will require 24 acres, will be constructed when the current trackage from Gulfport to Hattiesburg is upgraded.

Although it is contemplated that the Port Authority's development plan will be implemented in phases, there is no guarantee that the Mississippi State Port Authority will not be faced with market conditions that require full development of the projected throughput capabilities. For example, in 1995, Chiquita Brands, Inc., a major user of the Port Authority, solicited a proposal from the Port Authority for an intermodal container facility by year 2000. The Long Term proposal presented to Chiquita Brands would have required the Port Authority to have implemented the recommended development site plan in a shorter time frame.
Conversely, if market conditions do not require full development of the projected throughput capabilities, the Port Authority will implement only those portions of the project necessary for users of the Port. The Mississippi State Port Authority at Gulfport is at a "cross roads". Through the implementation of the Strategic Master Plan's Recommended Development Site Plan, the Port Authority is insuring that maritime development will occur to meet the Port's maximum marine transportation potential. This action is designed to preserve the existing maritime jobs, revenues, and economic impacts. An economic study prepared by LLC, Inc. revealed that more than 3,757 jobs in Mississippi and surrounding state are related to the Port's activities. Jobs directly related to the Port generate approximately $83 million in annual wages. The total economic impact from wages, sales, and tax revenues exceed $529 million. If the Port Authority is not permitted to expand its marine transportation facilities, the existing character of the Port may be adversely affected and existing marine terminal facilities will not be used as design and contemplated in past Port Expansion Projects.

1.1 Site Specific Development Actions

The site specific development actions are shown Figure 1.0.1 and summarized in Table 1.1.1. These specific actions will be implemented as market opportunities dictate. While the projects are discussed separately, it is anticipated that many of the projects can be constructed at the same time.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>SIZE/LOCATION</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>BREAKBULK STORAGE</td>
<td>400,000 square feet East/West Pier</td>
<td>Replace existing docksides built over fifty years ago and add additional warehouse space.</td>
</tr>
<tr>
<td>CHANNEL RELOCATION</td>
<td>6,500 Feet Long Commerical Channel</td>
<td>Relocate shallow draft commerical Navigation Channel on west side of West Pier to allow for expansion of the west.</td>
</tr>
<tr>
<td>CONTAINER STORAGE</td>
<td>60 Acres West Pier</td>
<td>Expand West Pier Container Facilities by 60 acres to provide approximately 113 acres of container handling capabilities.</td>
</tr>
<tr>
<td>BERTH</td>
<td>900 by 150 foot West Pier</td>
<td>Develop a new container berth to accommodate new carriers calling at the Port.</td>
</tr>
<tr>
<td>US NAVY LAY BERTH</td>
<td>South End of West Pier New Berth</td>
<td>Develop an on - off berthing capabilities for possible two TRANSCOM/US NAVY Ro/Go Vessels. A portion of the Port's West Pier Expansion will be used to support US Department of Defense activities.</td>
</tr>
<tr>
<td>CENTRAL GATE AND SUPPORT SERVICES</td>
<td>20 Acres Central Area</td>
<td>Develop a centralized gate and support facilities between the Port's exiting West Pier entrance and Highway 90 to support an Automated Gate Operation, Container Freight Station, and Administrative and Operations functions.</td>
</tr>
<tr>
<td>INTERMODAL CONTAINER TRANSFER FACILITY (ICTF)</td>
<td>24 acres West Pier</td>
<td>Develop an ICTF for one 8,000 foot, double-deck, container train; two to three lengths of the unit train, excess trackage for the locomotive, storage for emtyes, and marshalling area for the positioning of full containers to be loaded on the unit train.</td>
</tr>
</tbody>
</table>
1.1.A Expansion of Breakbulk Capabilities

The Port Authority proposes to expand non-containerized cargo handling capabilities in new transit sheds consisting of approximately 400,000 square feet. This project anticipates replacing existing dockside sheds built over fifty years ago. Lumber, paper products, linerboard, and perishable commodities are potential cargoes for these facilities.

**Market Demands:** The Strategic Master Plan proposes to replace and expand the Port’s non-containerized, break-bulk cargo handling capabilities by year 2010 to meet a forecasted 900,000 short tons of break-bulk cargo throughput. The Port’s current Maximum Practical Storage Capacity (“MPC”) has been calculated as 860,000 short tons of general cargo. As of 1995, the Port Authority operated at 71% of the MPC.

Since it may take between one and five years to implement any specific capital improvement by the Port Authority, the Strategic Plan proposes that when the Port reaches 74% of the MPC, expansion needs to be initiated and implemented. Graph 1.1.A forecasts the growth of breakbulk cargo through the Port to year 2010.

Graph 1.1.A Breakbulk Forecast and Maximum Practical Storage Capacity
Location: The Port Authority's breakbulk capabilities occurs dockside of the Port of Gulfport's Inner and Outer Harbor. Expansion of the Port's breakbulk capability will result from the replacement and expansion of existing capabilities on East and West Terminals (Figure 1.1.A. Existing and Proposed Breakbulk Expansion Capabilities).

In addition to the proposed breakbulk capabilities identified in Figure 1.1.A., the Port Authority has identified a possible breakbulk expansion capability at the Northern end of the Inner Harbor. (See Figure 1.1.A.1) This alternative is subject to the existing tenant relocating in accordance with the terms and conditions of the existing Lease.
1.1.B Expansion of Container Capabilities

The Port Authority proposes to expand the current West Pier Container Facilities by 84 acres. This expansion will provide the Port Authority with approximately 113 acres of container handling capabilities on West Pier, which includes 24 acres for an ICTF. This expanded capacity will permit the relocation of Chiquita Brands from its existing area to the West Pier and will provide the Port with added capabilities for additional container storage, roll on/roll off, project cargo capabilities, and an ICTF which is discussed in Section 1.1.D.
**Market Demands:** The Strategic Master Plan proposes to expand the Port's containerized cargo handling capabilities by year 2010 to meet a forecasted 285,000 containers (TEU's) cargo throughput. The Port's current Maximum Practical Storage Capacity ("MPC") has been calculated as 210,000 TEU's. As of 1995, the Port Authority operated at approximately 66% of the MPC. Since it may take between one and five years to implement any specific capital improvement by the Port Authority, the expansion project should be implemented as the Port reaches 74% of the MPC. The Strategic Plan proposes to expand the MPC of containers to 250,000 TEU's by the year 2000. This increase in capacity will require a 30 acre expansion (Phase I) and it will allow the Port to meet the additional storage capacity predicted in the Master Plan to the year 2005. Additional container storage capacity (Phase II Expansion) will be implemented in another 30 acre increment as the Port approaches 74% of the newly established MPC. Graph 1.1.B forecasts the growth of container cargo through the Port to year 2010.

Graph 1.1.B Container Forecast and Maximum Practical Storage Capacity

![Graph 1.1.B Container Forecast and Maximum Practical Storage Capacity](image-url)
The Mississippi State Port Authority accounts for approximately 40% of the Gulf trade between Central America and the U.S. moving through Gulf ports. The Port of Gulfport accommodates the two largest US containerized banana importers (Chiquita and Dole). The Port Authority proposes to expand its general cargo container, liner service between South America (Chile and Brazil), Mexico and Central America (Honduras, Guatemala, and Belize), and potential hub service (South America - Central America - US - Europe).

**Location:** The Port Authority's current container capabilities occurs at three specific locations within the Port of Gulfport Harbor. Expansion of the Port's container capability will result from the replacement and expansion of existing capabilities at the East and West Terminals (Figure 1.1.B. Existing and Proposed Container Expansion Capabilities).

Figure 1.1.B Existing and Proposed Container Expansion Capabilities
In addition to the proposed container capabilities identified in Figure 1.1.B., the Port Authority has identified a possible container expansion capability at the Northern end of the Inner Harbor. (See Figure 1.1.B.1) This alternative is subject to the existing tenant relocating in accordance with the terms and conditions of the existing Lease.

Figure 1.1.B.1 Alternative Container Expansion Capability

1.1.C Expansion of Berth Capabilities

The Port Authority proposes to develop a new container berth to accommodate new container services calling at the Port. The current West Pier Terminal consist of six (6) berths totaling 3,700 linear feet. Current berthing requirements consist of Chiquita (1 berth), General Cargo Breakbulk (2 berths), Frozen Cargo (2 berths), and Dupont (1 berth). The current East Pier Terminal consist of five (5) berths totaling 4,500 linear feet. Current berthing requirements consist of Dole (1 berth), General Cargo Breakbulk (3 berths) and Cruise Lines (1 berth).
The Port currently has no existing capacity for a new regular schedule container liner service. The Port Authority also proposes to develop roll on-roll off berthing capabilities for U.S. NAVY Ro/Ro Vessels. This added berthing capability will enhance the Defense Readiness status of the U.S. Navy Seabee Base located in Gulfport.

**Market Demands:** The Mississippi State Port Authority at Gulfport currently has no excess Container Berth Capacity. In order for the Port to effectively utilize the existing container capabilities, the Port requires an additional berth and container crane capabilities. This is an immediate and short term requirement for the Port to enhance its current cargo throughput.

**Location:** The Port Authority proposes to expand the Port's berthing capabilities by expanding to the south of the current Dupont berth. In addition to the proposed berth capabilities identified in Figure 1.1.C., the Port Authority has identified a possible deepwater berth expansion capability at the Northern end of the Inner Harbor. This alternative is subject to the existing tenant relocating in accordance with the terms and conditions of the existing Lease.

Figure 1.1.C Berth Expansion and Lay Berth

![Diagram of Mississippi State Port Authority at Gulfport Berth Expansion and Lay Berth](image-url)
The Port currently has no existing capacity for a new regular schedule container liner service. The Port Authority also proposes to develop roll on-roll off berthing capabilities for U.S. NAVY Ro/Ro Vessels. This added berthing capability will enhance the Defense Readiness status of the U.S. Navy Seabee Base located in Gulfport.

**Market Demands:** The Mississippi State Port Authority at Gulfport currently has no excess Container Berth Capacity. In order for the Port to effectively utilize the existing container capabilities, the Port requires an additional berth and container crane capabilities. This is an immediate and short term requirement for the Port to enhance its current cargo throughput.

**Location:** The Port Authority proposes to expand the Port's berthing capabilities by expanding to the south of the current Dupont berth. In addition to the proposed berth capabilities identified in Figure 1.1.C., the Port Authority has identified a possible deepwater berth expansion capability at the Northern end of the Inner Harbor. This alternative is subject to the existing tenant relocating in accordance with the terms and conditions of the existing Lease.

Figure 1.1.C Berth Expansion and Lay Berth
1.1.0 Expansion of Support Capabilities

The Port Authority proposes to develop a centralized gate and support facilities between the Port's existing West Pier entrance and Highway 90. Located in the support area will be a Automated Gate Operation, Container Freight Station, and Administrative and Operations functions. In addition, The Port Authority proposes to develop a 24 acre ICTF to accommodate one 6,000 foot, double-stack, container train. The ICTF will require rail capabilities for handling up to three lengths of the unit train, excess trackage for the locomotive, storage for empties, and marshalling area for the positioning of full containers to be loaded on the unit train.

**Market Demands:** As landside improvements and development have occurred within the City of Gulfport, the landside access to the Port of Gulfport has been impacted. Two primary measures to improve landside access were identified in the Port's Strategic Master Plan:

- Remove port related traffic from Highway 49 by developing a limited access alternative route directly from I-10 to a Port gate complex in a central location of the Port to serve East and West Terminals.
- Provide on-dock intermodal rail capability to reduce port related truck traffic by developing an on-dock intermodal Container Transfer Facility on the West Terminal of the Port of Gulfport.

Each of these measures will reduce Port related traffic on the surrounding communities, and will enhance the Port's abilities to establish a cost effective marine terminal operation at the Port of Gulfport.

**Location:** The implementation of the central gate and support facilities are short term objectives of the Port Authority. The central gate and support facilities are to be located within the existing Chiquita container storage area. Therefore, implementation of the central gate and support facilities will require the Port to relocate the existing approximately 20 acre Chiquita Container Yard to the newly improved 29 acre expansion area. In evaluating the location for the Port Authority's central gate, the Mississippi State Port Authority engaged the services of Vickerman, Zachary, and Miller to prepare a "Special Area Plan" to further describe the elements of the Buffer Zone identified in the Strategic Master Plan. Figure 1.1.D.1 shows the recommended development plan for the Port Authority's Central Gate and Support Services Area.
As shown in Figure 1.1.D.1 the Port Authority proposes to relocate the Stormwater Detention Pond proposed for the West Pier to the Buffer Zone. By relocating the Stormwater Detention Pond to the Buffer Zone, the Port will be able to more efficiently use the West Pier expansion area and minimize the need for further filling. All stormwater currently flowing to the West Pier Stormwater Detention Pond will be re-routed to the Stormwater Detention Pond in the Buffer Zone.
Figure 1.1.D.2 depicts the proposed West Pier Intermodal Container Transfer Facilities (ICTF), and Graph 1.1.D.1 depicts the projected growth for intermodal traffic through the Port of Gulfport.
By instituting dedicated on dock rail service, the Mississippi State Port Authority has minimized the amount of water bottom fill required for the West Terminal expansion project. The proposed ICTF will require approximately 24 acres of land area located on the extreme westerly boundary of the West Pier. The Port Authority reviewed and evaluated the establishment of an inland rail ramp to support the West Pier container throughput; the inland rail ramp was rejected for the following reasons:

- The on dock rail will limit truck traffic on City and County roads.
- The off dock rail facilities would require greater water bottom fill to support the truck/chassis operations associated with the projected container traffic.
- The additional handling of the off dock rail facilities places excess costs on the container handling making the economic viability of the West Pier expansion project marginal.
1.2 Site Specific Development Summary

The site specific development plans for the Port were assessed in terms of the plan's overall impact on the coastal environment. Using an impact matrix, the site specific development elements were assessed to determine the likelihood of impacts to specific resource areas of the coastal area. Table 1.2.1 identifies the related impacts for the site specific developments associated with the Port’s Strategic Master Plan.

<table>
<thead>
<tr>
<th>DEVELOPMENT ELEMENTS</th>
<th>TIME FRAME FOR IMPLEMENTATION</th>
<th>SITE SPECIFIC DEVELOPMENT</th>
<th>RESOURCE AREA IMPACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakbulk Expansion</td>
<td>Short Term - 2000</td>
<td>Replace existing and construct new</td>
<td>None</td>
</tr>
<tr>
<td>Container Expansion</td>
<td>Short Term - 2000</td>
<td>Relocate Chiquita to West Pier to the 29 acre expansion area.</td>
<td>None</td>
</tr>
<tr>
<td>Support Facilities &amp; Infrastructure Improvements</td>
<td>2000</td>
<td>Construct Freight Corridor, Central Gate, and Support Facilities</td>
<td>None</td>
</tr>
<tr>
<td>Container Expansion</td>
<td>2000-2005</td>
<td>Develop new 30 Acre Container Capabilities</td>
<td>Shallow-Water Bottoms</td>
</tr>
<tr>
<td>Berth Expansion</td>
<td>2000-2005</td>
<td>Develop new Container Berth</td>
<td>Open Water</td>
</tr>
<tr>
<td>Channel Relocation</td>
<td>2000-2005</td>
<td>Relocate Commercial Navigation Channel</td>
<td>Open Water</td>
</tr>
<tr>
<td>Container Expansion</td>
<td>2005-2010</td>
<td>Develop new 30 Acre Container Capabilities</td>
<td>Shallow-Water Bottoms</td>
</tr>
<tr>
<td>Inter Modal Container Transfer Facility</td>
<td>As Required</td>
<td>Intermodal Container Transfer Facility</td>
<td>Shallow-Water Bottoms</td>
</tr>
</tbody>
</table>
2.0 ENVIRONMENTAL SETTING

The information presented in this section of the assessment is taken largely from the U.S. Army Corps of Engineers Final Environmental Impact Statement for the Gulfport Harbor Project (COE SAM/POFC-89/09). Other sources of information contained in this section include the Mississippi Sound and Adjacent Areas Study (COE SAM/PD/N 84-014) prepared by the U.S. Army Corps of Engineers, the Harrison County Soil Survey prepared by the Natural Resources Conservation Service (formerly the U.S. Soil Conservation Service), and the Cooperative Gulf of Mexico Estuarine Inventory - Mississippi, prepared by the Gulf Coast Research Laboratory.

The Port of Gulfport is an industrial, commercial deepwater seaport. The Port is located on the northern shore of the Mississippi Sound in the City of Gulfport, Mississippi. The Port is approximately 16 miles from the Gulf of Mexico shipping lanes and is located within the physiographic region commonly referred to as the Coastal Lowlands subdivision of the East Gulf Coastal Plain section of the Coastal Plain Province. This area has very little relief and is characterized by flat to gently undulating Coastal Lowlands underlain by alluvial, deltaic, estuarine, and coastal deposits.

2.1 General Environmental Conditions

The Mississippi Sound is a shallow coastal lagoon approximately 80 miles long by approximately 9 miles wide which is separated from the Gulf of Mexico by a chain of sandy barrier islands. The sound has a mean low water depth of only 10 feet, and more than 99% of the Mississippi Sound is shallower than 20 feet at mean low water. The Mississippi Sound receives both high salinity waters from the Gulf of Mexico and freshwater from coastal streams and rivers which drain approximately 20,000 square miles of land area. The high salinity water from the Gulf of Mexico enter the Mississippi Sound through deep passes between the barrier islands where they mix with freshwater runoff and river discharges to form a large estuarine basin.

The Gulfport area has a humid, warm-temperate to sub-tropical climate, but occasional subfreezing temperatures do occur. Air temperatures are influenced by the Gulf of Mexico, with averaged annual temperatures ranging from 60° to 70° F. Normal annual rainfall is among the highest in the United States. Rainfall amounts average between 55 to 64 inches and is fairly evenly distributed over the year. One of the dominant climatological features along the Mississippi Gulf coast is the hurricane. A hurricane is a tropical cyclone with wind velocities of 74 mph or greater. Hurricanes pose a definite threat to the Port facilities at Gulfport. High winds and storm surges which are associated with hurricanes can cause great structural damage and cause sedimentation in the navigation channel. Vessels docked at the Port are generally evacuated prior to the effects of the high winds and storm surges reaching the Port area.
Although wind direction tends to be variable throughout the year, the overall pattern is northerly winds from September through February and southerly winds the remainder of the year. Wind speeds average 7 - 10 knots throughout the year at Gulfport.

The Port of Gulfport is located in a densely developed area of Gulfport, Mississippi. The Port includes an East Terminal, Central Support Area, West Terminal, and Small Commercial Fishing Harbor. The Harbor Basin of the Port of Gulfport is divided into the Inner Harbor (depth 32 ft.) and the Outer Harbor (depth 36 ft.). Leading to the Port is a Federal Deepwater Channel (36 feet) and there is a Small Craft Channel (depth 8 feet) leading to the Small Commercial Fishing Harbor. (See Site Plan 2.1.0) Two major users of the Small Commercial Harbor are the commercial fishing fleet and the Grand Casino Gaming facilities. This complex which includes gaming barges, an entertainment barge, parking structure, and hotel complex is located on port lands not needed for the handling of general cargo activities. Located to the East of the Port of Gulfport is a small pleasure craft marina, yacht club, marine life aquarium, and an open public assembly area.

While no shoreline gaming establishments currently occur within this area, past development scenarios proposed gaming activities within this site. The northern border of the Port of Gulfport is U.S. Highway 90. Along this highway are a number of commercial and residential activities. Located to the West of the Port of Gulfport’s Commercial Fishing Harbor is open water and man-made public beaches.

2.2 Significant Environmental Resources

There are a number of significant living and non-living environmental resources within the immediate vicinity of the Mississippi State Port at Gulfport. A summary of the significant environmental resources is presented below.

2.2.1 Vegetation: Due to the developed nature of the area, vegetation such as emergent wetlands or forested areas are not present. There are no submerged grass beds in this area of the Mississippi Sound. Generally, the submerged grasses are restricted to the northern shores of the barrier islands south of the Gulfport Harbor. Typical submerged vegetation include turtle grass (Thalassia testudinum), manatee grass (Cymodocea manatoum), shoal grass (Halodule wrightii), and widgeon grass (Ruppia maritima).

2.2.2 Aquatic Resources: Shallow estuarine waterbottoms dominate the areas in the immediate vicinity of the Port of Gulfport. These areas range in depth from less than 1' at MLW to 10' at M.L.W, and contain a variety of aquatic species. The intertidal and subtidal bottoms are populated with benthic organisms commonly found on muddy-sand bottoms.
Typical benthic organisms found in the vicinity of the Port include polychaetes (Neanthes succinea, Streblospio benedicti, and Heteromastus sp.), amphipods (Melita niga and Gammarus palustris), and molluscs (Crassostrea virginica and Ranella cuneata). There are no known oyster reefs in the vicinity of the Port, and the closest identified oyster reef is the Kittywake Reef in Long Beach, Mississippi. The Mississippi Sound supports several major fisheries. Some of the major fisheries include menhaden (Brevoortia patronus), mullet (Mugil cephalus), croakers (Micropogonias undulatus), shrimp (Penaeus sp), crab (Callinectes sapidus), and oysters (Crassostrea virginica). Mississippi’s reported commercial landing of finfish and shellfish averaged over 145 million pounds with an estimated dockside value of over 41.7 million dollars.

2.2.3 Wildlife Resources: Wildlife resources in the vicinity of the Port are limited to shorebirds and wading birds. Common birds include herons, egrets, terns, gulls, and black skimmers. There are several nesting colonies of least terns (Sterna antillarum) which nest on the man-made beaches of Harrison County. The colonies are located both to the west of the Port of Gulfport, and two colonies are located east of the Port. Due to the developed nature of the Port and the City of Gulfport, very few terrestrial mammals can be found in the vicinity of the project area. Marine mammals typically found in the nearshore waters of the Mississippi Sound include the Atlantic Bottlenose Dolphin (Tursiops truncatus) and the Atlantic Spotted Dolphin (Stenella plagiodon). A number of whales are also known to occur offshore and occasionally within the Mississippi Sound, and a Florida Manatee (Tricheicus manatus latirostris) has been recorded from the estuarine waters of Mississippi on several occasions.

Although marine turtles occasionally enter estuaries, they generally prefer higher salinity waters such as those of the Gulf of Mexico. Five species of turtles, including the loggerhead (Caretta caretta), green turtle (Chelonia mydas), hawksbill (Eretmochelys imbricata), leatherback (Dermochelys coriacea), and the Atlantic ridley (Lepidochelys kempii) have been reported for the Mississippi Sound, and loggerhead turtles were reported nesting on Ship Island during the 1987 nesting season.

2.2.4 Endangered and Threatened Species: There are a number of federally and state listed endangered and threatened species which could occur within the Gulfport area. Examples of endangered and threatened species which have ranges that include the Gulfport area include the Florida Panther (Felis concolor), the Bald Eagle (Haliaeetus leucocephalus), the Brown Pelican (Pelecanus occidentalis), Bachmann's Warbler (Vermivora bachmani), the Ivory Billed Woodpecker (Campephilus principalis), the Red Cockaded Woodpecker (Picoides rubricollis), and the Eastern Indigo Snake (Drymarchon corais couperi). With the exception of the Brown Pelican, sightings of these species in the area of the Port would be very rare. Brown Pelicans can be observed along the shoreline of the Mississippi Sound, and their occurrence is becoming more common.
2.2.5 Air Quality: The Mississippi Department of Environmental Quality, Air Division reports that Harrison County is within State and Federal Ambient Air Quality Standards.

2.2.6 Water Quality: Water quality in the vicinity of the Mississippi State Port at Gulfport is good. With the exception of areas immediately adjacent to the shoreline and along the navigation channel, the Mississippi Sound is classified as recreational waters and for shellfish harvest. During periods of heavy rainfall, the water quality is degraded due primarily to the introduction of stormwater runoff. The stormwater runoff contains many contaminants and may cause a temporary reduction in the quality of the water.

2.2.7 Circulation: Circulation patterns within the nearshore areas of the Mississippi Sound are primarily from east to west. The Mississippi sound experiences diurnal tides with one high and one low tide within an average period of 24.8 hours. Strong winds from the north or south have a significant effect on water surface elevations within the Mississippi Sound. Northerly winds tend to depress water levels while southerly winds raise water levels.

2.2.8 Sediment Quality: Sediment in the vicinity of the Gulfport Harbor consists of firm clays, clay-sands, and sands. Past chemical studies of sediments from the Sound and the Gulfport area indicate relatively low concentrations of nutrients, total organic carbon, heavy metals, pesticides, phenols, and hydrocarbons. Toxicity and bioaccumulation studies indicate that the toxicity of the sediments tested was minimal.

2.2.9 Groundwater Resources: There are several groundwater aquifers which lie under the terrace and alluvial deposits along the Mississippi Gulf Coast. Sands of Miocene, Pliocene, Pleistocene and recent age are found below the surface and major groundwater resources are found in the Pascagoula, Graham Ferry, and Citronelle formations.

2.2.10 Land Resources and Use: The Mississippi State Port at Gulfport is located in the central business district of the City of Gulfport, Mississippi. Residential areas are located on either side of the CBD and there are also a number of commercial and industrial areas within a 10 mile radius of the Port. In addition to the commercial, industrial, and residential areas, there are several major recreational areas, parks, and military installations in the vicinity of the Port. The most significant recreational feature is the 26 miles of man-made sand beach which extends to the east and west of the Port. The U.S. Navy Construction Battalion at Gulfport is located within 2 miles of the Port and is a major military installation from both a local, regional and national level.
2.2.11 Mineral Exploration and Production: Currently there are no mineral exploration or production activities ongoing in the immediate vicinity of the Gulfport Harbor. Chevron USA, drilled an exploratory gas well in the western portion of the Mississippi Sound in the late 1980's, but the well was capped and abandoned.

2.2.12 Demography: The Mississippi Gulf Coast continues to grow at a very rapid pace. Although most growth appears to be in Jackson County, Harrison County and Gulfport, Mississippi have experienced recent upward trends in growth. Industrial and commercial development, and recently enacted gaming regulations which allow dockside gaming have been major strengths which lead to the attractiveness of the coastal counties.

2.2.13 Economy: Harrison County enjoys the greatest per capita income of the three coastal counties. This income is earned mainly from wholesale/retail trade, government and professional employment. The Port of Gulfport is a significant part of the local economy. The Port is a major shipping port specializing in the import of containerized fresh and canned fruits from South America.

2.2.14 Recreational Opportunities: The Mississippi Gulf Coast offer a diversity of recreational opportunities. The 26 miles of man-made sand beach, the barrier islands, and numerous boating, fishing and swimming opportunities entertain both tourist and local residents alike. There are several historical landmarks which offer an opportunity to enjoy the cultural heritage of the coast, and the tourist industry has experienced tremendous growth in the past 10 years.

2.2.15 Aesthetics: The City of Gulfport, and the Mississippi Gulf Coast has an aesthetic appeal that is heavily influenced by its architecture, coastal setting, live oaks, and people. One of the most interesting features of the coast and Gulfport, is the historic homes which front on U.S. Highway 90 facing the beach and the Mississippi Sound. These homes, many of which are over 100 years old, are beautifully landscaped and feature large live oak trees draped with Spanish moss.

2.2.16 Noise: Noise problems consist primarily of those associated with day-to-day activities, such as vehicular traffic, marine traffic, and ship loading and unloading activities. U.S. Highway 90, which is a major east/west corridor, is a major source of noise.

2.2.17 Transportation: Gulfport, Mississippi and the cities of the Mississippi Gulf Coast are linked by a major U.S. Highway to the south and an Interstate Highway to the north. U.S. Highway 90 is a major east/west corridor along the coast, and Interstate Highway 10 is a major east/west corridor approximately 8 miles north of the shoreline. State Highway 49 is a major north/south corridor. Gulfport is home to the Biloxi/Gulfport Regional Airport which provides air service to major U.S. cities. The Port of Gulfport is served by the CSXT and Kansas City Southern railroads.
2.2.18 Cultural Resources: The City of Gulfport is a relatively new city compared to its sister cities of Biloxi to the east and Pass Christian to the west. Incorporated in 1899, the origins of the city are linked to the timber industry of the late 19th century, the development of the railroad, and the unique natural harbor provided at Ship Island. A number of sites that are listed or eligible for listing on the National Register of Historic Places (NRHP) are located in the immediate vicinity of the Port at Gulfport. There are several buildings in downtown Gulfport which are listed on the NRHP, including the Hewes Building, the U.S. Post Office, and the Milner House.

3.0 PROBABLE ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

The probable environmental impact of the proposed actions are identified in the Environmental Impact Checklist shown in Table 3.0.1. Each element of the Port's proposed master development plan was evaluated to determine the types of impacts that may affect the existing environment.

TABLE 3.0.1 Environmental Impact Checklist

<table>
<thead>
<tr>
<th>ENVIRONMENTAL RESOURCES</th>
<th>WILL BE IMPACTED</th>
<th>MAY BE IMPACTED</th>
<th>WILL NOT BE IMPACTED</th>
<th>REF</th>
</tr>
</thead>
<tbody>
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<td>VEGETATION</td>
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<td></td>
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<td>AQUATIC RESOURCES</td>
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<td></td>
<td>3.1.2</td>
</tr>
<tr>
<td>WILDLIFE RESOURCES</td>
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<td>CULTURAL RESOURCES</td>
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</tr>
</tbody>
</table>
3.1 Discussion of Impacts

The following is a discussion of all probable impacts the proposed Strategic Plan may or will have on environmental resources within the area.

3.1.1 Vegetation: The implementation of the Strategic Plan will not have a direct impact on terrestrial, wetlands, or submerged aquatic vegetation. Implementation of the mitigation plan proposed for this project should increase the wetlands values in certain areas of the Mississippi Gulf Coast, and result in an increase of the wetlands resources.

The Strategic Master Plan will impact a portion of the current Port mitigation plan which would provide for emergent wetlands vegetation to be planted at the 4.2 acre West Pier Stormwater Detention Pond. Under the current Strategic Plan, the West Pier Stormwater Detention Pond will be relocated and redesigned. Because of the change in design, the depth of the relocated pond will not allow for the planting of 2.5 acres of emergent vegetation as originally planned. The Port proposes to provide for some emergent vegetation planting along the margin of the relocated pond, but the area will be less than originally proposed. Based on current plans only .5 acres of vegetation will be planted in the newly relocated pond. The balance of the emergent vegetation 2.5 acres that was to be planted will be planted at the Port's Wetlands Mitigation Area at Bayou Portage.

3.1.2. Aquatic Resources: The construction of the eighty-four (84) acres expansion for the container storage, on-dock traffic circulation, and intermodal container transfer facilities will cause permanent loss of shallow waterbottoms and a permanent loss of aquatic habitat in the immediate vicinity. The filling will also cause a temporary increase in turbidity which may adversely impact primary production. However, the temporary impacts should not cause a significant decrease in overall primary productivity of the Mississippi Sound.

Dredging associated with the expansion project (New Berth and Relocation of Small Craft Harbor) will cause a loss of bottom dwelling organisms such as polychaetes (*Neanthes succinea*, *Streblospio benedicti*, and *Heteromastus sp.*), amphipods (*Mellite nitida* and *Gammarus palustris*), and small molluscs (i.e. *Rangia cuneata*). The benthic organisms should repopulate the area after dredging and studies indicate that this repopulation occurs within six (6) months. The dredging will not impact any commercial oyster resources in the Mississippi Sound. Mobile marine organisms such as fish, shrimp, and crabs should be able to avoid the area of the dredging and should return to the site after dredging is complete. Marine mammals that might also occur in the vicinity of the project should be able to avoid the impacts associated with the project. Since marine turtles are not expected to occur in this area of the Mississippi sound, no impacts to marine turtles are anticipated.
Pile Driving associated with the expansion project (New Berth) will not cause a significant impact to organisms or water quality. Once the pilings are installed, they will provide a substrate for epifaunal organisms such as barnacles and algae.

3.1.3. Air Quality: Short term air quality impacts associated with the dredging operations are anticipated. Additionally there will be increased air emissions from additional vessel, train, and truck traffic associated with the Port’s expanded operations. However, with the construction of an on-dock ICTF, the Port will reduce the number of trucks used for the transshipment of containers from the on-dock Container Yard to an intermodal rail yard, thus reducing potential air quality impacts.

Of the projected 275,000 TEU’s associated with the Port’s expansion project, fifty percent (50%) is estimated to move by rail.

3.1.4 Water Quality: Long term water quality should not be adversely affected by the port expansion project. There may be some short term water quality impacts associated with the construction activities during the construction of the various expansion projects, however, these impacts will be localized. The Mississippi State Port Authority has developed a stormwater management plan for all stormwater which falls on the port property. A significant component of the plan is the construction of a 4.2 acre Stormwater Detention Pond on the West Pier. Under the Strategic Plan, the 4.2 acre West Pier Stormwater Detention Pond will be relocated to allow for more efficient use of the newly created land at the West Pier. The 4.2 acre stormwater pond will be relocated to the north Buffer Zone and modified to handle the stormwater run-off from the West Pier as well as other areas of the Port. While the relocated Stormwater Pond will remain 4.2 acres in size, the depth of the pond will be greater to accommodate the increased stormwater run-off from the expanded terminal areas. As discussed in Section 3.1.1 of this report, the deeper pond will not be accommodate the same amount of emergent vegetation proposed for the West Pier Pond. However, the Port Authority proposes to plant the balance of the wetland vegetation required to be planted at their Mitigation Site. In association with the deeper pond, the Port Authority proposes to construct a viewing platform to create an overall public space with maritime features.

3.1.5 Land Resources and Use: Land resources at the Port are limited and the implementation of the Port’s Strategic Master Plan will insure maximum use of these very valuable land resources. Gaming activities associated with the Port Authority’s central support area may be adversely impacted as a result of the Strategic Plan Expansion. The combination of the Dole Fresh Fruit container operations remaining on the East Pier and the establishment of a Central Gate Operation may interfere with the traffic flow surrounding the existing gaming vessel. The Port Authority is aware of potential conflicts between traditional port use and gaming activities.
3.1.6 Recreational Opportunities: Gaming activities associated with the Mississippi Coast are considered recreational opportunities. As stated in paragraph 3.1.5., gaming activities may be adversely impacted as a result of the Strategic Plan Expansion. However, the Port's Strategic Master Plan proposes to improve the Buffer Zone of the Port to provide a pedestrian corridor to encourage pedestrian traffic between the Grand Casino Recreational Complex, the Small Craft Harbor Area, the Marine Life Aquarium, and the City's recreational area east of the maritime port facilities.

3.1.7 Transportation: Increase activities at the Port of Gulfport will have an adverse impact on the inland transportation network. Table 3.1.7 identifies the existing Port Traffic and the proposed traffic impacts.

Table 3.1.7 Truck Impacts

<table>
<thead>
<tr>
<th>TRAFFIC TYPE</th>
<th>CURRENT 1995</th>
<th>MID-TERM 2000</th>
<th>LONG-TERM 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truck Traffic (Inbound and Outbound)</td>
<td>100,000</td>
<td>200,000</td>
<td>300,000</td>
</tr>
</tbody>
</table>

The Port Authority proposes the following program to reduce the impact of truck traffic on the surrounding communities.

1. Establishment of an on-dock ICTF to accommodate direct transfer of containers from vessel to rail without over the road dray.
2. Creation of a freight corridor, incorporating intelligent highway technologies, between the Port's Central Gate and I-10. The establishment of this freight corridor will separate truck traffic from local passenger traffic.
3. Support the creation of a special Freight Transportation Plan in association with a regional surface transportation plan as part of the Intermodal Surface Transportation Efficiency Act (ISTEA) reauthorization.
4. Support specific congestion management programs (designation of truck routes, establishing non-peak times for receiving cargo, signalization on specific routes, and gate reservation system for the Port) to reduce truck traffic during peak traffic times.
While the use of rail will have a positive impact on air quality and transportation the on-dock ICTF may impact east-west traffic on Highway 90 and other City of Gulfport east-west corridors during certain times. Crossing of east-west surface roads by the unit train will be scheduled in non-peak hours to avoid traffic congestion. Railroad crossing signalization will be reviewed and installed as operations and safety require.

3.2 Impact Summary

The implementation of the Master Development Plan should not have adverse environmental effects on the long term productivity of the Mississippi Sound and adjacent areas. The most adverse environmental effects of the proposed project consists of filling of shallow-water bottoms to create the maritime expansion for the Port of Gulfport. The expansion is to the west of the existing West Terminal or alternatively to the south of Inner Harbor area. Adverse impacts will be offset through the implementation of various on-site and off-site mitigation actions including enhancement, restoration, and preservation mitigation.

The implementation of the Master Plan will have positive impacts in the following areas:

- Expansion of the Port of Gulfport will have a positive impact on the economy of Harrison County and the State of Mississippi. Currently, the Port’s maritime activities account for 3,757 jobs and $529.9 million of economic impact. With the expansion of the Port, these impacts will increase.

- Expansion of the Port of Gulfport will extend the current life of the existing public investment in public port facilities for the uses originally intended at the time the Port was constructed.

- Expansion of the Port of Gulfport will have a positive impact on the national defense transportation and logistics activities by providing the US Navy with potential lay-belts and roll-on/roll off berths in close proximity to the US Navy Seabee Base at Gulfport. This base is one of two in the nation to support defense, humanitarian, and natural disaster response activities of the US Navy.

- Development of Intermodal (Vessel-Rail) will reduce truck traffic on public streets.

- Development of a Central Gate operations with a limited access freight corridor will separate freight truck traffic from passenger vehicles.

- Development of a "Buffer Zone" at the northern boundary of the Port will improve the aesthetics and public view of the Port.

- Expansion at the Port of Gulfport, which is currently an active deepwater commercial seaport, reduces the necessity to create new industry port channels and facilities in areas currently not being used for deepwater seaport activities.
4.0 PROJECT ALTERNATIVES

Several project alternatives and combinations of alternatives were evaluated as part of the project assessment. The project alternatives including the "No Action" alternative are discussed below.

4.1 No Project Alternative

The "No Project Alternative" would mean that the Mississippi State Port Authority at Gulfport not expand beyond the current expansion projects. The "No Project Alternative" would result in the Port having a Maximum Throughput Capability of approximately 1,200,000 short tons of bulk and break-bulk cargo, and a container capability of 100,000 TEU's. The Port is currently reaching 74% of the current capacity for the storage capacity for all modes of traffic. As the port reaches its current capacity, the Port Authority is unable to attract new maritime users to the Port. Failure to continue to expand will result in existing customers diverting cargo and seeking other Gulf ports with a higher throughput capability. Diversion of cargo from Gulfport will have an adverse economic impact on the surrounding communities. Further, diversion of cargo will result in reduction in maritime revenues and place a higher burden on the Port's non-maritime revenues to meet current bond debt service.

4.2 Inland Port Alternative

As part of the Port's Strategic Master Plan, the Port Authority evaluated an inland port alternative for the storage and distribution of container cargo. The Port Authority selected a proposed inland site and calculated the environmental and economic impact of the inland location. The results of the analysis of the inland port alternative was that environmental impacts were not reduced significantly (e.g. the Port continued to require shallow water fill for the container terminal expansion) and the costs associated with the dray, improvement, and operations of the inland location were not economically feasible. The Port Authority was unable to obtain a reasonable pay back on the investment. If the Port's container terminal is not economically competitive for the logistics of movement of container cargo, the Port will be unable to attract the appropriate level of business. An adverse environmental impact of the inland port alternative is that all inbound and outbound containers will have to be trucked to and from the Port. With an inland Port Alternative, the Port would have to maintain a container-chassis operation. This is the less productive cargo handling technique (most land intensive and requires the greatest amount of land fill). The Strategic Master Plan with an on-dock intermodal transfer facility will permit the Port to ground at least 50% of its containers. The stacking of containers will permit better land utilization. Due to the cargo handling techniques required for the inland port alternative, the amount of shallow water fill may not be reduced.
4.3 East Pier Alternative

As part of the Port's Strategic Master Plan, the Port Authority evaluated an additional berth and harbor filling to expand gaming operations on the East Pier. This Alternative was not accepted by the Port Authority because it required dedication of deepwater facilities for non-port related uses.

4.4 Inner Harbor Alternative

The Inner Harbor Alternative involves a 12 acre fill expansion at the north end of the harbor in the area currently occupied by a gaming tenant (See Sections 1.1.A and 1.1.B). While this alternative will result in the same area of fill, a portion of the filling will occur within the Harbor, thus reducing the amount of filling in shallow water bottoms in the expansion area west of the Port. This alternative would adversely impact the current gaming operation at the Inner Harbor area of the Port. At the time of preparation of this assessment, negotiations were proceeding with the tenant. If negotiations are successful, the Inner Harbor alternative will be further evaluated.

5.0 MITIGATION

Mitigation actions considered for the implementation of the Port's recommended development plan include both avoidance and minimization of impacts, and on-site and off-site mitigation in the form of habitat creation, restoration, enhancement, and preservation measures. Impacts associated with the proposed development include eighty-four (84) acres of shallow water bottoms and the elimination of a proposed 2.0 acre created wetland area proposed for the previously permitted stormwater retention pond for the West Pier 29 acre fill project.

5.1 Phased Development

The Mississippi State Port Authority evaluated various options for implementing the expansion of the Strategic Master Plan. A key element of the implementation is to implement specific phases of the project as the market conditions require. As an alternative to immediate implementation of an eight-four (84) acre expansion, the Port proposes to implement container expansion based upon the market demands as follows:

PHASE I EXPANSION: Phase I expansion of the West Terminal will commence immediately upon receipt of the permits from the state and federal regulatory agencies. In addition to the expansion of the container yard, the Port Authority will proceed to implement the additional berth and the Navy Lay Berth at the south end of the West terminal and relocate the commercial navigation channel. This expansion is estimated to be approximately thirty (30) acres, and is estimated to handle 50% of the proposed 150,000 TEU expansion capability (75,000 TEU's).
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

PHASE II EXPANSION: Upon the Port reaching approximately 74% of the Maximum Practical Capacity of 250,000 TEU's, or upon the Port signing an agreement with a new carrier that would require additional storage capacity, the Port will request approval to proceed with the second thirty (30) acre fill at the West Pier to achieve the maximum level of storage identified in the Strategic Master Plan.

ICTF EXPANSION: The Port's Intermodal Container Transfer Facilities (approximately 24 acres) will commence immediately in conjunction with the upgrade of the mainline between Gulfport and Hattiesburg to accommodate intermodal container traffic or upon the Port entering into an agreement with a Port users requiring on-dock intermodal transfer capabilities.

This phased approach to development will minimize the shallow water fill until market conditions require full implementation.

5.2 On-Site Mitigation

In establishing the amount of shallow water fill, the Mississippi Strategic Master Plan stressed full utilization and efficiency measures for the container terminal to minimize the amount of fill required for the throughput market requirements. On-Site Mitigation will consist primarily of the full implementation of a comprehensive stormwater management plan to reduce the adverse impacts of stormwater run-off from the Port property. The relocation of the stormwater retention basin which was to be constructed at the West Pier and vegetated with wetlands vegetation as part of the original mitigation plan for the 29 acre fill project will be included in the current mitigation plan.

5.3 Off-Site Mitigation

Off-Site Mitigation will consist of several projects conducted over time to establish, enhance, restore and preserve wetlands and aquatic resources of the Mississippi Sound and adjacent estuarine areas. In all cases the mitigation measures are presented as minimum requirements based on current opportunities and costs. The Port Authority will implement the Off-Site Mitigation Plan concurrent with or in advance of the proposed development projects to insure maximum mitigation for all environmental impacts.

5.3.1 Wetlands Creation: The Mississippi State Port Authority currently owns approximately 150 acres of land adjacent to Bayou Portage, and has created approximately 10 acres of tidal marsh as part of the mitigation for the previous 29 acre fill project. The Port Authority proposes to create 15 acres of wetlands at the Bayou Portage site. The 15 acres creation will be conducted in phases with 5 acres of wetlands created concurrently with each phase of the West Pier Expansion.
5.3.2 Wetlands Restoration: The Port Authority proposes to restore a minimum of 15 acres of wetlands that have been disturbed by previous activities of man. As in the case of the Creation Mitigation discussed in Section 5.3.1, the restoration activities will be conducted in 5 acre increments concurrent with each phase of the West Pier Expansion. Two sites in Bayou Portage have been tentatively identified as restoration sites.

The Port Authority will begin negotiations with land owners and acquire the sites prior to any construction. The site restoration plan will be developed and submitted to the regulatory agencies for approval prior to acquiring the restoration site. Once the site has been approved, the Port Authority will acquire the land and implement the restoration plan.

5.3.3 Oyster Reef Creation: The Port Authority proposes to enhance existing aquatic resources in the Mississippi Sound to off-set the impacts associated with the fill projects by creating 120 acres of new oyster reefs in the Mississippi sound. The reef sites will be selected by the Mississippi Department of Marine Resources (MSDNR), and the new reefs will be established according to the MSDNR requirements. Oyster reef creation mitigation will be conducted in 40 acre increments concurrent with each phase of the West Pier Expansion.

5.3.4 Oyster Reef Enhancement: The Port Authority proposes to enhance existing aquatic resources in the Mississippi Sound to off-set the impacts associated with the fill projects by enhancing 180 acres of existing oyster reefs in the Mississippi Sound. The reef sites will be selected by the MSDNR, and the existing reefs will be enhanced according to the MSDNR requirements. Oyster reef enhancement mitigation will be conducted in 60 acre increments concurrent with each phase of the West Pier Expansion.

5.3.5 Preservation: Recognizing the importance of preserving the natural habitat of the coastal wetlands and adjacent upland resources, the Port Authority proposes to acquire or provide funds to the MSDNR to acquire approximately of 300 acres of land in selected Coastal Preserve Sites. Acquisition for Preservation Mitigation will be conducted in 100 acre increments concurrent with each phase of the West Pier Expansion. Sites will be selected from MSDNR identified coastal preserve sites and all acquisitions will be approved by the MSDNR. Once the sites are acquired, the Port will establish a conservation easement on each parcel.

5.3 SUMMARY

The mitigation options proposed by the Mississippi State Port Authority include both On-Site and Off-Site mitigation projects. The mitigation plan has been designed to off-set impacts associated with the current expansion projects as well as partial credit for the stormwater pond that was to be constructed as part of the previous 29 acre fill.
The On-Site Mitigation is limited in scope and addresses the potential impacts to water quality associated with stormwater run-off. The Off-Site mitigation projects are more comprehensive, and provide the major environmental benefits which are needed to off-set the impacts of the Port expansion project. The mitigation proposed will be conducted concurrent with or in advance of the impacts which are anticipated.

Table 5.6.1 summarizes the proposed measures to mitigate the possible environmental impacts associated with the implementation of the Mississippi State Port Authority's Strategic Master Plan. Based on the assumption that 84 mitigation units will be needed to offset the impacts discussed in this report, and 2 mitigation units will be needed to replace the mitigation credits associated with the stormwater pond, the Port Mitigation Plan provides two mitigation credits for every mitigation unit needed. The mitigation ratios used in the summary table below are based on previous mitigation ratios used for mitigation of project impacts associated with the 29 acre fill project (COE Permit MS88-00954).

Table 5.6.1 Summary of Proposed Mitigation

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<tr>
<th>MITIGATION MEASURE</th>
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<td>Creation of Wetlands</td>
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</tr>
<tr>
<td>Restoration of Disturbed Wetlands</td>
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<td>15 Acres</td>
<td>15</td>
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<td>Enhancement of Existing Oyster Reefs</td>
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<tr>
<td>Establish New Oyster Reefs</td>
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<td>120 Acres</td>
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<td>Preservation of Coastal Habitat</td>
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</tr>
<tr>
<td>TOTAL</td>
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<td>630 Acres</td>
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MSPA-ENVIRONMENTAL ASSESSMENT
Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE.
- Supervisor LARRY BENEFIELD voted AYE.
- Supervisor DAVID V. LAROSA, SR. voted AYE.
- Supervisor ROBIN ALFRED MIDCALF voted AYE.
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved the adoption of the following Resolution:

RESOLUTION OF THE HARRISON COUNTY BOARD OF SUPERVISORS ENDORSING AND SUPPORTING THE PROPOSED EXPANSION OF 30TH AVENUE TO INTERSTATE 10 VIA CANAL ROAD.

The Harrison County Board of Supervisors finds the extension of 30th Avenue in Gulfport, Mississippi, from the State Port to Interstate 10 via Canal Road, and

Whereas the Board of Supervisors recognizes the benefit of expanding the highway access to the State Port from Interstate Highway 10 to augment commerce and,

Whereas, the Board recognizes the potential to promote further economic development in the vicinity of the 30th Avenue/I-10 corridor,

Be it resolved that the Harrison County Board of Supervisors hereby endorses and supports the proposed expansion of 30th Avenue to Interstate 10 via Canal Road.

Be it further resolved that the Board of Supervisors hereby recognizes and thanks the Mississippi Department of Economic and Community Development for committing up to $6 million in funds to initiate this project to further economic development for our State Port, Harrison County, and the State of Mississippi.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Resolution, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE
Supervisor LARRY BENEFIELD voted AYE
Supervisor DAVID V. LAROSA, SR. voted AYE
Supervisor ROBIN ALFRED MIDCALF voted AYE
Supervisor C.T. SWITZER, JR. voted AYE

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Resolution adopted.

THIS, the 6th day of January 1997.
There came on for consideration by the Board the matter of a request for the Board to provide adequate street lighting by installing street lights as hereafter listed, located in Supervisor's Voting District 2, whereupon Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER AUTHORIZING AND DIRECTING INSTALLATION OF STREET LIGHTS, AS LISTED, IN SUPERVISOR'S VOTING DISTRICT 2, AND ASSUMING THE RESPONSIBILITY FOR ELECTRICAL BILLS ON SAME

WHEREAS, the Board of Supervisors of Harrison County, Mississippi hereby finds that the Board shall install street lights at the each of the following locations in Supervisor's Voting District 2, Harrison County, Mississippi, and assume responsibility for electrical bills on same, to-wit:

1) 18457 Dogwood Lane, Supervisor's Voting District 2.
2) 14655 North Swan Road, Supervisor's Voting District 2.
3) 18584 Old Highway 49, Supervisor's Voting District 2.
4) 17571 Old Highway 49, Supervisor's Voting District 2.
5) Intersection of Robinwood Drive and Old Highway 49, Supervisor's Voting District 2.

IT IS, THEREFORE, ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI that the Board does HEREBY APPROVE installation of street lights at each of the following locations:

1) 18457 Dogwood Lane, Supervisor's Voting District 2.
2) 14655 North Swan Road, Supervisor's Voting District 2.
3) 18584 Old Highway 49, Supervisor's Voting District 2.
4) 17571 Old Highway 49, Supervisor's Voting District 2.
5) Intersection of Robinwood Drive and Old Highway 49, Supervisor's Voting District 2.

IT IS FURTHER ORDERED BY THE BOARD that the Clerk of the Board be, and he is HEREBY AUTHORIZED AND DIRECTED to advise the electrical company involved that the County will assume payment for all future electrical bills, effective this date, for the above street light, to be paid from ROAD FUND.
Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Members present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order

ORDER APPROVINC PAYMENT OF ACCIDENT CLAIMS, AS LISTED

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE payment of the following accident claims:

1: Associated Adjusters in the amount of $156.00 for services rendered in claim of Todd Duplantis.

2: Alfred Holt in the amount of $147.69, as recommended by Safety Officer, District 3.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER DENYING PAYMENT OF ACCIDENT CLAIM IN THE AMOUNT OF $155.90 TO DONALD G. LADNER, AS RECOMMENDED BY SAFETY OFFICER, DISTRICT 3

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY DENY payment of accident claim in the amount of $155.90 to Donald G. Ladner, as recommended by Safety Officer, District 3.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,

Supervisor LARRY BENEFIELD voted AYE,

Supervisor DAVID V. LAROSA, SR. voted AYE,

Supervisor ROBIN ALFRED MIDCALF voted AYE,

Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

*   *   *
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF POLICE REPORT FOR THE THEFT OF EQUIPMENT FROM THE ISIAH FREDERICKS CIVIC CENTER, AUTHORIZING THE INVENTORY CLERK TO REMOVE ASSET 8223 (COMPUTER) FROM ACTIVE INVENTORY, AND AUTHORIZING THE BOARD PRESIDENT TO EXECUTE NECESSARY AFFIDAVIT

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of police report for the theft of equipment from the Isiah Fredericks Civic Center, same being as follows, to-wit:
**GULFPORT POLICE DEPARTMENT**

**OFFENSE FORM 1**

**Case Number:** 96-11-79-4

<table>
<thead>
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<th>Case Number</th>
<th>Name (Last, First, Middle)</th>
</tr>
</thead>
<tbody>
<tr>
<td>96-11-79-4</td>
<td>Smith, John Doe</td>
</tr>
</tbody>
</table>

### Offense Information

- **Type:** Vandalism
- **Location:** Gulfport, Mississippi
- **Date of Offense:** 12/11/1996

### Arrest Information

- **Name:** Smith, John Doe
- **Age:** 25
- **Sex:** Male
- **Race:** White
- **Soc. Sec. #:** 123-45-6789

### Additional Details

- **Weapon:** Knife
- **Casualty:** None
- **Evidence:** Knife

### Property Description

- **Stolen:** Knife
  - **Serial #:** 123-456789
  - **Value:** $500

### Arresting Officer

- **Name:** Smith, John Doe
- **Rank:** Officer

---

This form is used to record the details of a vandalism case involving John Doe Smith in Gulfport, Mississippi, on December 11, 1996. The case number is 96-11-79-4, and the arresting officer is Smith, John Doe. The details include the type of offense, location, date, and additional information such as the weapon used and the value of the property lost.
On 12-11-96, at approximately 5:00 P.M., R/P reported that the police precincts community center had been broken into. Upon arrival, R/P observed the following:

- The facility was turned off. R/P believed the offenders entered the facility and then filled the room with a body bag to make it look like the facility was in use.
- R/P's office was forced open. Several items were taken.
- Along the area of the door, R/P's office was damaged and it appeared that the offenders were missing.
- R/P also stated that two speakers were missing from the stage area.
- R/P found the two speakers in the vicinity of 534 Ridgeview Ave., where one was left on the side of the street and the other was in an abandoned van.
- R/P returned the speakers to R/P's office. R/P also found a broken lock on the door leading to the computer room, but entry was not gained, and a telephone was missing from the office area.
- R/P recovered several, but not all, fingerprints, and several photographs of the recovered stolen property were taken. R/P further stated that he would be setting up a list of valuable and serial numbers and providing then to R/P.
To: Mrs. Pam Ulrich, County Administrator
From: Mr. Harvey Evans, Superintendent
Date: December 12, 1996
Subject: Break in at Isiah Fredricks Community Center

Today Dec. 12, 1996 at 8:05 a.m. when entering the building I notice that the building was in total darkness.Totally aware that I never turn all the lights off. As I proceed to walk to my office, I notice that someone had broken into my office. The computer, the keyboard, two speakers from the sound system, and a one-line telephone was stolen. They cut all the breakers to the building with left the building in total darkness. They also tried to force their way into the Teen Court Office but didn't succeed. So for these are the only items missing. Andy is working with the Police Department and will secure a full police report. We still can’t understand how they got in, because all the doors were secured with padlocks. They manage to broke a back door window to enter the building. Police has discovered the two speakers that was stolen, but the officer says it will still be listed as missing but yet found in his reports.

Coordinally Yours,
Mr. Harvey Evans, Building Superintendent

[Stamp: Received Dec 12 1996]
IT IS FURTHER ORDERED that the Board does HEREBY AUTHORIZE the Inventory Clerk to remove asset 8223 (computer) from the active inventory, and the Board President is HEREBY AUTHORIZED to execute the necessary affidavit.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved the adoption of the following:

ORDER AUTHORIZING THE INVENTORY CLERK TO RE-ACTIVATE VARIOUS ASSETS AND ASSIGN SAME TO THE SHERIFF'S DEPARTMENT

WHEREAS, the Harrison County Fire Services Department turned in miscellaneous radio equipment to the Inventory Clerk and had same declared as junk by this Board in November, 1996, and

WHEREAS, the Sheriff's Department has requested several pieces of said equipment for use with their Explorer Program, rather than purchasing new radios.

IT IS THEREFORE ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Inventory Clerk is HEREBY AUTHORIZED to re-activate the following assets and assign same to the Sheriff's Department:

- 569 General Electric Radio
- 1874 Motorola Radio w/charger
- 3371 General Electric Radio
- 3416 General Electric Radio
- 4116 General Electric Radio
- 4235 General Electric Radio
- 4254 General Electric Radio
- 4323 General Electric Radio
- 4656 General Electric Radio
- 5766 Motorola Radio w/charger
- 5767 Motorola Radio w/charger
- 5768 Motorola Radio w/charger
- 5769 Motorola Radio w/charger
- 5770 Motorola Radio w/charger
- 5772 Motorola Radio w/charger
- 5774 Motorola Radio w/charger
- 5775 Motorola Radio w/charger
- 5779 Motorola Radio w/charger
- 5781 Motorola Radio w/charger
- 5782 Motorola Radio w/charger
- 5784 Motorola Radio w/charger
- 5785 Motorola Radio w/charger
- 5786 Motorola Radio w/charger
- 5790 Motorola Radio w/charger
- 5792 Motorola Radio w/charger
- 5794 Motorola Radio w/charger
- 6910 General Electric Radio
- 6911 General Electric Radio
- 6912 General Electric Radio
- 6915 General Electric Radio
- 6916 General Electric Radio
- 8247 General Electric Radio

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE
Supervisor LARRY BENEFIELD voted AYE
Supervisor DAVID V. LAROSA, SR. voted AYE
Supervisor ROBIN ALFRED MIDCALF voted AYE
Supervisor C.T. SWITZER, JR. voted AYE

The matter having received the affirmative vote from the majority of the Members present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January, 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF AND SPREADING UPON THE MINUTES OF THE BOARD THE FINAL JUDGMENT IN CIVIL ACTION NO. 1:93cv43GR,styled DONALD LEROY EVANS, ET AL. VS. HARRISON COUNTY, MISSISSIPPI, ET AL., AND APPROVING PAYMENT OF ATTORNEY FEES IN THE AMOUNT OF $31,259.97 UPON NOTICE FROM THE BOARD ATTORNEY

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of and spread upon the Minutes of the Board the Final Judgment in Civil Action No. 1:93cv43GR, styling Donald Leroy Evans, et al. vs. Harrison County, Mississippi, et al., same being as follows, to-wit:
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DONALD LEROY EVANS, ET AL.                              PLAINTIFFS
VS.                                                     CIVIL ACTION NO. 1:93cv43GR
HARRISON COUNTY, MISSISSIPPI; ET AL.                      DEFENDANTS

FINAL JUDGMENT

This cause comes before the Court on motion of the plaintiffs for award
of attorneys fees and costs [101-1]. The Court being fully advised in the
premises, and having read and considered the pleadings and exhibits contained
therein, pursuant to the Memorandum Opinion entered in this cause, this date,
incorporated herein by reference, finds the motion is well taken and should be
granted. It is therefore,

ORDERED AND ADJUDGED that plaintiffs' motion for award of attorneys fees
and costs be, and is hereby, granted. It is further,

ORDERED AND ADJUDGED that an award in the amount of $31,259.97 is
allowed

SO ORDERED AND ADJUDGED, this the 18th day of December, A.D., 1996.

[Signature]
UNITED STATES DISTRICT JUDGE
Joseph R. Meadows, Esq.
Meadows, Riley, Koenenn and Teel
1720 23rd Avenue
Gulfport, MS 39502

re: Evans v. Harrison County, Miss.

Dear Joe:

Please allow this letter to confirm that I will not appeal the recent order issued by Judge Gex compelling the county to pay attorney's fees in this case. It is my understanding that the county nor the sheriff will notice an appeal and that a check will be issued this week. If possible, please make the check payable to my employer, the Louisiana Crisis Assistance Center.

Thank you and take care.

Sincerely,

David J. Utter
IT IS FURTHER ORDERED that the Board does HEREBY APPROVE payment of attorney fees in the amount of $31,259.97 upon notice from the Board attorney.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER APPROVING PAYROLL FOR JANUARY 1997

ORDERED by the Board of Supervisors of Harrison County, Mississippi, that the Board does HEREBY APPROVE the payroll for January 1997.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER DESIGNATING THE PURCHASE CLERK AND THE FIRE
COORDINATOR AS THE BOARD'S REPRESENTATIVES TO
RECEIVE BID #97-0101 - 18 TO 20 800 MHZ MOBILE RADIO
FM TRANSCEIVERS WITH EXTRA SPEAKERS, ANTENNA,
PROGRAMMING AND INSTALLATION FOR THE FIRE SERVICES
DEPARTMENT ON FRIDAY, JANUARY 24, 1997

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,
MISSISSIPPI, that the Board does HEREBY DESIGNATE the Purchase Clerk and the
Fire Coordinator as the Board's representatives to receive Bid #97-0101 - 18 to
20 800 MHZ Mobile Radio FM Transceivers with extra speakers, antenna,
programming and installation for the Fire Services Department on Friday,
January 24, 1997.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the
above and foregoing Order, whereupon the President put the question to a
vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of
the Supervisors present, the President then declared the motion carried and
the Order adopted.

THIS, the 6th day of January 1997.
The following items came on for discussion by the Board.

1: Letter from the Mississippi Department of Marine Resources under date of December 18, 1996 pertaining to establishing, constructing, maintaining and purchasing Slow/No Wake Zone signs in marine waters of the state of Mississippi. The Board attorney will review the letter for further discussion at the next Board meeting.

2: The matter styled Ronnie E. Bowen, et al. v. Board of Supervisors of Harrison County, et al. This matter to be taken up at the next meeting.

3: The Sheriff reported that 936 persons are held at the Harrison County Detention Center, and that 112 arrests were made during the weekend.
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER APPROVING PAYMENT IN THE AMOUNT OF $122,547.00 TO SOUTH MISSISSIPPI WORKERS' COMPENSATION FUND FOR THE 1997 ASSESSMENT

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE payment in the amount of $122,547.00 to South Mississippi Workers' Compensation Fund for the 1997 assessment, said assessment being as follows, to-wit:
TO: Members - South MS Workers' Compensation Fund

FROM: J. Gil Israel, Administrator

DATE: December 18, 1996

SUBJECT: 1997 Assessments

Enclosed you will find a payment request for the 2nd Assessment of the South MS Workers' Compensation Fund.

I am pleased to report that following an actuarial review in August by Casualty Actuary Consultants, the ultimate losses have been reduced by approximately $1.5 million. This has resulted in a recalculation of the assessment needed. Each of you should see a reduction in your total assessment from what was previously presented to you. I have included supporting documentation from the actuarial report that helps to explain the revised assessment calculations. You will receive a debit (credit) for the remaining underpayment (overpayment) of premium for the short 1995 year. The Board of Directors has decided that collecting 65% of the net assessment will meet the current financial needs of the Fund. Any future collection of the remaining 35% will be at the discretion of the Board. Payment should be made no later than January 15, 1997.

As of today, there are approximately 35 cases remaining on the books with an outstanding reserve of approximately $1.4 million. Most, if not all, of these cases will involve litigation so the probability of these reserves changing are very high. However, we feel very confident that the current assessment will go a long way towards financing the remaining claims.

When we began handling the runoff of South MS Workers' Compensation Fund in July of 1995 there were over 200 claims to be settled. We are very pleased with the pace of resolving those claims. We want to assure you as members of the Fund that we will continue to push to resolve the remaining claims as quickly as possible.

As always, should you have any questions concerning this assessment or any other matter regarding the runoff of the Fund please do not hesitate to contact me.

Also, the next scheduled Board meeting of the Fund directors has been set for
January 31, 1997 at 10:30 A.M. at the Gulfport School District Building. We encourage your attendance and participation.

cc: Mr. Boyd Letcher, Chairman
    Mr. Paul Breazeale, CPA
    Mr. Billy Hood, Attorney
SOUTH MS WORKERS' COMPENSATION FUND
1997 ASSESSMENT

Harrison County

Original Assessment 1,524,661

Revised Assessment (From 8/96 Actuarial Report) 828,015

Deductions

1) Previous Assessment Payment 550,634

2) Underpayment (Overpayment) 1995 Premium (88,847)

Net Assessment 188,534

*Amount of Assessment Payable now (65%) 122,547

PAYMENT IS DUE NO LATER THAN JANUARY 15, 1997

PAYMENT TO SOUTH MS WORKERS' COMPENSATION FUND

c/o MS MUNICIPAL SERVICE COMPANY
600 E AMITE STREET, SUITE 200
JACKSON, MS 39201

*Board of Directors has elected to collect 65% of the net assessment.

Approved For Payment in the Amount of $122,547.00

Larry Benefield, President
Harrison County Board of Supervisors
**MINUTE BOOK**

**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**

**JANUARY 1997 TERM**

---

**Table 12**

**SOUTH MISSISSIPPI WORKERS’ COMPENSATION FUND**

**ESTIMATED ULTIMATE ASSESSMENT (REFUND) BY MEMBER**

<table>
<thead>
<tr>
<th>Member</th>
<th>2/1/92-1</th>
<th>2/1/93-2</th>
<th>2/1/94-5</th>
<th>2/1/95-6</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biloxi Public Schools</td>
<td>6,500</td>
<td>45,448</td>
<td>141,751</td>
<td>24,223</td>
<td>$217,920</td>
</tr>
<tr>
<td>City of D’Iberville</td>
<td>90</td>
<td>192</td>
<td>1,137</td>
<td>745</td>
<td>1,994</td>
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<tr>
<td>George County Schools</td>
<td>6,123</td>
<td>52,270</td>
<td>7,291</td>
<td>65,884</td>
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<tr>
<td>Gulfport School District</td>
<td>12,139</td>
<td>25,293</td>
<td>60,590</td>
<td>174,520</td>
<td>295,485</td>
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<tr>
<td>Hancock County School District</td>
<td>5,498</td>
<td>48,079</td>
<td>16,720</td>
<td>70,297</td>
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<tr>
<td>Harrison County Board of Super.</td>
<td>123,440</td>
<td>186,738</td>
<td>82,271</td>
<td>115,879</td>
<td>828,015</td>
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<tr>
<td>Harrison County Library System</td>
<td>223</td>
<td>4,001</td>
<td>610</td>
<td>4,836</td>
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<td>Harrison County School District</td>
<td>30,208</td>
<td>196,724</td>
<td>46,207</td>
<td>272,639</td>
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</tr>
<tr>
<td>Hattiesburg/Laurel Regional Airport</td>
<td>8,003</td>
<td>1,281</td>
<td>9,284</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Henderson Point/PC Isles</td>
<td>382</td>
<td>488</td>
<td>1,516</td>
<td>2,460</td>
<td></td>
</tr>
<tr>
<td>Jackson County Port Authority</td>
<td>6,656</td>
<td>13,024</td>
<td>37,444</td>
<td>75,462</td>
<td>57,630</td>
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<tr>
<td>Jackson County School District</td>
<td>11,029</td>
<td>119,365</td>
<td>11,860</td>
<td>142,254</td>
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<tr>
<td>Mississippi Gulf Coast Comm. Coll.</td>
<td>48,203</td>
<td>146,448</td>
<td>6,673</td>
<td>209,511</td>
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<tr>
<td>Mississippi State Port Authority</td>
<td>9,875</td>
<td>43,067</td>
<td>11,393</td>
<td>75,361</td>
<td></td>
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<tr>
<td>Ocean Springs School District</td>
<td>21,368</td>
<td>68,043</td>
<td>2,914</td>
<td>95,574</td>
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<tr>
<td>Pass Christian School District</td>
<td>19,607</td>
<td>178,416</td>
<td>49,899</td>
<td>248,012</td>
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<tr>
<td>Pearl River Community College</td>
<td>10,168</td>
<td>31,842</td>
<td>12,034</td>
<td>55,055</td>
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<tr>
<td>Pearl River Community Schools</td>
<td>3,990</td>
<td>32,516</td>
<td>2,484</td>
<td>38,999</td>
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<tr>
<td>Total*</td>
<td>126,285</td>
<td>385,765</td>
<td>585,956</td>
<td>82,952,111</td>
<td></td>
</tr>
</tbody>
</table>

* Estimated ultimate assessment (refund) allocated to members based on the percentages of premium in Appendix B, Exhibit 1.
  **Estimated ultimate assessment (refund) estimated in Section B of Table 11.
Table 13
SOUTH MISSISSIPPI WORKERS’ COMPENSATION FUND
ESTIMATED OUTSTANDING ASSESSMENT (REFUND) BY MEMBER AS OF 8/9/96

<table>
<thead>
<tr>
<th>Member</th>
<th>Estimated Ultimate Assessment (Refund)</th>
<th>Estimated Outstanding Assessment as of 8/9/96</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biloxi Public Schools</td>
<td>$217,920</td>
<td>$111,087</td>
</tr>
<tr>
<td>City of D’Iberville</td>
<td>1,965</td>
<td>1,281</td>
</tr>
<tr>
<td>George County Schools</td>
<td>65,684</td>
<td>65,684</td>
</tr>
<tr>
<td>Gulfport School District</td>
<td>295,489</td>
<td>116,057</td>
</tr>
<tr>
<td>Hancock County School District</td>
<td>70,297</td>
<td>31,012</td>
</tr>
<tr>
<td>Harrison County Board of Super.</td>
<td>828,015</td>
<td>277,381</td>
</tr>
<tr>
<td>Harrison County Library System</td>
<td>4,836</td>
<td>3,375</td>
</tr>
<tr>
<td>Harrison County School District</td>
<td>272,689</td>
<td>167,999</td>
</tr>
<tr>
<td>Hattiesburg/Laurel Regional Airport</td>
<td>9,284</td>
<td>5,308</td>
</tr>
<tr>
<td>Henderson Point/PC Isles</td>
<td>2,460</td>
<td>1,449</td>
</tr>
<tr>
<td>Jackson County Port Authority</td>
<td>57,836</td>
<td>26,300</td>
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<td>Jackson County School District</td>
<td>142,254</td>
<td>84,036</td>
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<tr>
<td>Mississippi Gulf Coast Comm. Coll.</td>
<td>205,611</td>
<td>97,012</td>
</tr>
<tr>
<td>Mississippi State Port Authority</td>
<td>75,816</td>
<td>36,280</td>
</tr>
<tr>
<td>Ocean Springs School District</td>
<td>95,994</td>
<td>44,338</td>
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<td>Pass Christian School District</td>
<td>55,605</td>
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<td>Pearl River Community College</td>
<td>76,668</td>
<td>37,826</td>
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<td>39,799</td>
</tr>
<tr>
<td></td>
<td>$2,852,111</td>
<td>$1,312,314</td>
</tr>
</tbody>
</table>

Provided by Breazeale, Saunders & O’Neil, Ltd.

August, 1996

Casualty Actuarial Consultants, Inc.
Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
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(Supervisor Eleuterius out on vote.)

Supervisor C.T. SWITZER, JR. moved adoption of the following Order:

ORDER AUTHORIZING THE BOARD ATTORNEY TO FILE A
DISCLAIMER IN CAUSE NO. C-4201-96-02897, STYLED
LAMAR T. NECAISE VS. THE CITY OF LONG BEACH,
MISSISSIPPI, HARRISON COUNTY, MISSISSIPPI, AND ANY
AND ALL OTHER PERSONS

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,
MISSISSIPPI, that the Board does HEREBY AUTHORIZE the Board attorney to file
a disclaimer for Cause No. C-4201-96-02897, styled Lamar T. Necaise vs. The City
of Long Beach, Mississippi, Harrison County, Mississippi, and any and all other
persons.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the
above and foregoing Order, whereupon the President put the question to a
vote with the following results:

Supervisor BOBBY ELEUTERIUS voted (OUT ON VOTE)
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of
the Supervisors present, the President then declared the motion carried and
the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER AUTHORIZING THE BOARD ATTORNEY TO FILE A DISCLAIMER IN CAUSE NO. C2401-96-02920, STYLED ROBERT J. HANBURY VS. HARRISON COUNTY, MISSISSIPPI, BY AND THROUGH ITS BOARD OF SUPERVISORS, ET AL.

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY AUTHORIZE the Board attorney to file a disclaimer in Cause No. C2401-96-02920, styled Robert J. Hanbury vs. Harrison County, Mississippi, by and through its Board of Supervisors, et al.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted (OUT ON VOTE)
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

(Supervisor Eleuterius out on vote.)

Supervisor C.T. SWITZER, JR. moved adoption of the following Order:

ORDER AUTHORIZING THE BOARD ATTORNEY TO FILE A DISCLAIMER IN CAUSE NO. C2401-96-03166, STYLED ALFRED F. FRAYLE, JR. & DANIELLE P. FRAYLE VS. STATE OF MISSISSIPPI, HARRISON COUNTY, MISSISSIPPI, ET AL.

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY AUTHORIZE the Board attorney to file a disclaimer in Cause No. C2401-96-03166, styled Alfred F. Frayle, Jr. & Danielle P. Frayle vs. State of Mississippi, Harrison County, Mississippi, et al.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted (OUT ON VOTE)
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor C.T. SWITZER, JR. moved adoption of the following Order:

ORDER APPROVING CHANGES TO THE BILOXI VOTING PRECINCT 6, MOVING FROM GORENFLO ELEMENTARY SCHOOL TO THE CARL M. OHR FIRE STATION LOCATED AT 784 ELDER STREET, BASED UPON APPROVAL OF THE BILOXI CITY COUNCIL

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE changes to the Biloxi Voting Precinct 6, moving from Gorenflo Elementary School to the Carl M. Ohr Fire Station located at 784 Elder Street, based upon approval of the Biloxi City Council, per request from Biloxi Mayor A. J. Holloway, as follows:
December 16, 1996

Harrison County Board of Supervisors
Post Office Drawer CC
Gulfport, MS 39502

Re: Change in Polling Place for Biloxi Precinct 6

Dear Boardmembers:

The City of Biloxi has been requested by the Biloxi School District to change the designations as polling places of certain public schools within the City. Apparently election activities, while necessary, can be disruptive of school activities, and the School District has asked us to use other facilities where they are available. The two schools affected are Beauvoir Elementary School and Gorenflo Elementary School.

I am presenting the City Council with an ordinance changing the municipal polling place from the Beauvoir School to the West Biloxi Library on Pass Road. As it turns out, the City does not utilize Gorenflo School as a polling place, that is a County designation. I understand it is designated as Biloxi Precinct 6.

Now that renovations to the Carl M. Ohr Fire Station at 784 Elder Street are complete, that facility is available to be used in County and State elections. I am now passing along to you the request of the Biloxi School District to make that change in your designation of the polling place for Biloxi Precinct 6. I am also presenting the City Council with a resolution authorizing the use of that facility as a polling place for County, State, and Federal elections. If that resolution is adopted, and I do not anticipate any problem, I will forward a certified copy of the resolution to you.

Sincerely yours,

A.J. Holloway
Mayor

AJH/bbj
Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor **C.T. SWITZER, JR.** moved adoption of the following Order:

Enter CLOSED SESSION to discuss whether or not to enter Executive Session to discuss:

1. Personnel matters (County Library, County Administrator, District 4 Supervisor).
2. Appeal of Judge Whitfield's assessment of $28,000.00 sanction against the District Attorney and the State Crime Laboratory.
4. Discuss acquisition of property for the purpose of development.
5. Donald Leroy Evans Judgment.
6. Possible litigation in Robinson vs. Harrison County.
7. Possible future litigation.

The Board voted, by unanimous show of hands, to enter Executive Session.

**ALL ORDERED AND DONE, this the 6th day of January 1997.**

* * *

A **RECESS** was taken until 1:30 p.m. to have lunch at the Cooperative Extension Service and receive their annual report. The Board immediately reconvened into Executive Session thereafter.

* * *

Supervisor **BOBBY ELEUTERIUS** moved adoption of the following:

**RECONVENE from EXECUTIVE SESSION.** The Board Attorney reported that the Board received reports and no action was taken on the following:

1) Personnel matters.
2) Possible litigation in Robinson vs. Harrison County.

3) Possible future litigation.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing, and the motion having received the affirmative vote of the majority of the members of the Board, the President declared the motion carried.

ALL ORDERED AND DONE, this the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER JOINING THE APPEAL OF THE DISTRICT ATTORNEY'S OFFICE OPPOSING THE SANCTION IMPOSED TO THAT OFFICE BY JUDGE WHITFIELD

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY JOIN in the appeal of the District Attorney's office in opposing the sanction imposed to that office by Judge Whitfield.

Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER APPROVING SETTLEMENT IN CAUSE NO. B2401-94-00730, STYLED CHARLES E. HOLMES VS. OAK PHARMACY, AND JOHNNY RAY HOLMES VS. WILLIE MAE POTTS, IN THE AMOUNT OF $8,000.00

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE settlement in Cause No. B2401-94-00730, styled Charles E. Holmes vs. Oak Pharmacy, and Johnny Ray Holmes vs. Willie Mae Potts, in the amount of $8,000.00, Harrison County's share being one-fourth of the $32,000.00 total settlement.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER AUTHORIZING THE BOARD ATTORNEY TO NEGOTIATE THE PURCHASE OF FOUR (4) PARCELS OF LAND FOR DEVELOPMENT BY HARRISON COUNTY

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY AUTHORIZE the Board attorney to negotiate the purchase of four (4) parcels of land for development by Harrison County.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER APPROVING PAYMENT OF MORAN, SEYMOUR & ASSOC., INC.'S INVOICE NO. 96-087-12/96 IN THE AMOUNT OF $20,000.00 FOR SERVICES RENDERED ON THE HARRISON COUNTY WATER & SEWER STUDY

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE payment of Moran, Seymour & Assoc., Inc.'s Invoice No. 96-087-12/96 in the amount of $20,000.00 for services rendered on the Harrison County Water & Sewer Study.

Supervisor BOBBY ELEUTERIUS seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER ACKNOWLEDGING RECEIPT OF THE RESOLUTIONS OF THE LONG BEACH WATER MANAGEMENT DISTRICT AUTHORIZING PROCEEDINGS TO ACQUIRE EASEMENTS FROM JAMES Q. WEDWORTH AND SANDRA D. WEDWORTH IN THE AMOUNT OF $3,350.00, AND FROM DANNY R. AND CANDI D. HOLLOWAY IN THE AMOUNT OF $750.00, FOR THE CANAL NO. 2/3 WIDENING AND IMPROVEMENT PROJECT, AND AUTHORIZING ISSUANCE OF CHECKS TO THE CHANCERY CLERK FOR SAID AMOUNTS, PAYABLE FROM THE LONG BEACH WATER MANAGEMENT DISTRICT FUND

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of the Resolutions of the Long Beach Water Management District authorizing proceedings to acquire easements from James Q. Wedworth and Sandra D. Wedworth in the amount of $3,350.00, and from Danny R. and Candi D. Holloway in the amount of $750.00, for the Canal No. 2/3 Widening and Improvement Project, said Resolutions being as follows, to-wit:
There came on for consideration at a duly constituted meeting of the Commissioners of the Long Beach Water Management District held on the 10th day of December, 1996, the following Resolution:

A RESOLUTION OF THE LONG BEACH WATER MANAGEMENT DISTRICT AUTHORIZING PROCEEDINGS TO ACQUIRE EASEMENT(S) FROM JAMES Q. WEDWORTH AND SANDRA D. WEDWORTH FOR COMPENSATION ESTABLISHED BY APPRAISALS FOR THE CANAL NO. 2/3 WIDENING AND IMPROVEMENT PROJECT.

WHEREAS, the Long Beach Water Management District is in the land acquisition phase of the Long Beach Watershed Canal No. 2/3 Project; and the Commissioners of the Long Beach Water Management District ("Governing Authority") have been advised that acquisition needs to be completed within strict guidelines of the U.S.D.A. Natural Resources Conservation Service; and

WHEREAS, Parcel No. 85 owned by James Q. Wedworth and Sandra D. Wedworth is particularly described in survey plat attached hereto as Schedule "A".

WHEREAS, said parcel has been appraised at the instance of the Long Beach Water Management District by Everette E. Ladner, Real Estate Appraiser, and said appraisal has been reviewed and confirmed by Sydney L. Cullifer, Real Estate Appraiser, and reasonable compensation for said parcel has been determined on the basis of the fair market value of the land and improvements established by said appraisal, as follows:

Parcel 85 - $3,350.00

WHEREAS, an offer has been made by the Long Beach Water Management District's commissioners and/or counsel on Long Beach Water Management District's behalf, to the property owner for said parcel identified above on the basis of the values established by the appraisal report, said offer being contingent upon approval by the Governing Authority, and the Governing Authority finds that it is necessary to the project, and in the best interest of the Long Beach Water Management District that authorization be given to the District's counsel for the District to proceed by eminent domain, or legal alternate method of acquisition, or settlement in lieu of eminent domain or alternate method of acquisition, to acquire said
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE
LONG BEACH WATER MANAGEMENT DISTRICT AS FOLLOWS:

Section 1. The Commissioners of the Long Beach Water
Management District, find that the construction, operation,
improvement and maintenance of Canal No. 2/3 is a matter of public
use and necessity and that it is in best interest of the general
public within the Long Beach Water Management District.

Section 2. The Long Beach Water Management District is hereby
authorized to acquire right-of-way easements from the owner
together with all other parties in interest for reasonable
compensation based on the above mentioned appraisal, as follows:

Parcel 86A from James Q. Wedworth and Sandra D. Wedworth for
the sum of $3,350.00.

Section 3. The Long Beach Water Management District’s counsel
is hereby authorized and ordered to commence acquisition
proceedings in accordance with the provisions of Section 51-29-39,
et seq., Mississippi Code of 1972, as amended, and to exercise its
right of possession as allowed in Section 51-29-43, et seq.,
Mississippi Code of 1971, as amended, for the purpose of acquiring
the easements identified above, and/or to negotiate settlement in
lieu of eminent domain or alternate method of acquisition, on the
basis of the statement of compensation for said parcel as
established by said appraisal.

Section 4. The Long Beach Water Management District is hereby
authorized to certify their appraisement of said parcel to a court
of competent jurisdiction and further, to pay unto the clerk of
said court, the amount of said appraisement.

Section 5. This Resolution shall be in full force and effect
immediately upon its passage and enactment according to law.
The above and foregoing Resolution, after having been first reduced to writing, was introduced by Commissioner ____________, seconded by Commissioner ____________, and was adopted by the following roll call vote:

AYES
  When
  Skinner

NAYS

WHEREUPON, the Chairman declared the motion carried and the Resolution adopted, this the 19th day of December, 1996.

ATTEST: ____________________________

ADOPTED: ____________________________

CHAIRMAN
There came on for consideration at a duly constituted meeting of the Commissioners of the Long Beach Water Management District held on the 3rd day of January, 1997, the following Resolution:

A RESOLUTION OF THE LONG BEACH WATER MANAGEMENT DISTRICT AUTHORIZING PROCEEDINGS TO ACQUIRE EASEMENT(S) FROM DANNY R. AND CANDI D. HOLLOWAY FOR COMPENSATION ESTABLISHED BY APPRAISALS FOR THE CANAL NO. 2/3 WIDENING AND IMPROVEMENT PROJECT.

WHEREAS, the Long Beach Water Management District is in the land acquisition phase of the Long Beach Watershed Canal No. 2/3 Project; and the Commissioners of the Long Beach Water Management District ("Governing Authority") have been advised that acquisition needs to be completed within strict guidelines of the U.S.D.A. Natural Resources Conservation Service; and

WHEREAS, Parcel No. 85C owned by Danny R. And Candi D. Holloway is particularly described in survey plat attached hereto as Schedule "A".

WHEREAS, said parcel has been appraised at the instance of the Long Beach Water Management District by Everette E. Ladner, Real Estate Appraiser, and said appraisal has been reviewed and confirmed by Sydney L. Cullifer, Real Estate Appraiser, and reasonable compensation for said parcel has been determined on the basis of the fair market value of the land and improvements established by said appraisal, as follows:

Parcels 85C - $750.00

WHEREAS, an offer has been made by the Long Beach Water Management District's commissioners and/or counsel on Long Beach Water Management District's behalf, to the property owner for said parcel identified above on the basis of the values established by the appraisal report, said offer being contingent upon approval by the Governing Authority, and the Governing Authority finds that it is necessary to the project, and in the best interest of the Long Beach Water Management District that authorization be given to the District's counsel for the District to proceed by eminent domain, or legal alternate method of acquisition, or settlement in lieu of eminent domain or alternate method of acquisition, to acquire said
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE
LONG BEACH WATER MANAGEMENT DISTRICT AS FOLLOWS:

Section 1. The Commissioners of the Long Beach Water
Management District, find that the construction, operation,
improvement and maintenance of Canal No. 2/3 is a matter of public
use and necessity and that it is in best interest of the general
public within the Long Beach Water Management District.

Section 2. The Long Beach Water Management District is hereby
authorized to acquire right-of-way easements from the owner
together with all other parties in interest for reasonable
compensation based on the above mentioned appraisal, as follows:

Parcel 85C from Danny R. And Candi D. Holloway for the sum of
$750.00.

Section 3. The Long Beach Water Management District’s counsel
is hereby authorized and ordered to commence acquisition
proceedings in accordance with the provisions of Section 51-29-39,
et seq., Mississippi Code of 1972, as amended, and to exercise its
right of possession as allowed in Section 51-29-43, et seq.,
Mississippi Code of 1971, as amended, for the purpose of acquiring
the easements identified above, and/or to negotiate settlement in
lieu of eminent domain or alternate method of acquisition, on the
basis of the statement of compensation for said parcel as
established by said appraisal.

Section 4. The Long Beach Water Management District is hereby
authorized to certify their appraisement of said parcel to a court
of competent jurisdiction and further, to pay unto the clerk of
said court, the amount of said appraisement.

Section 5. This Resolution shall be in full force and effect
immediately upon its passage and enactment according to law.
The above and foregoing Resolution, after having been first reduced to writing, was introduced by Commissioner Wren, seconded by Commissioner Skinner, and was adopted by the following roll call vote:

AYES: Wren, Skinner

NAYS:

WHEREUPON, the Chairman declared the motion carried and the Resolution adopted, this the 10th day of December, 1996.

ATTEST: ADOPTED:

[Signatures]
CHAIRMAN
IT IS FURTHER ORDERED that the Board does HEREBY AUTHORIZE issuance of checks to the Chancery Clerk for the aforesaid amounts, payable from the Long Beach Water Management District Fund.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER REQUESTING THE PERSONNEL DIRECTOR AND THE INSURANCE COORDINATOR TO RESEARCH THE EFFECTS OF EVENTUAL IMPLEMENTATION OF OSHA REGULATIONS IN HARRISON COUNTY AND REPORT THEIR FINDINGS TO THE BOARD AT A LATER DATE

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY REQUEST the Personnel Director and the Insurance Coordinator to research the effects of eventual implementation of OSHA Regulations in Harrison County and report their findings to the Board at a later date.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER REAPPOINTING DEWAYNE MALLINI AS A MEMBER OF THE HENDERSON POINT - PASS CHRISTIAN ISLE WATER & SEWER DISTRICT NO. 1 FOR A TERM ENDING JANUARY 26, 2001

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY REAPPOINT Dewayne Mallini as a member of the Henderson Point - Pass Christian Isle Water & Sewer District No. 1 for a term ending January 26, 2001, he having previously been appointed to serve from January 11, 1993 through January 26, 1996 and having continued serving at the pleasure of the Board.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- Supervisor BOBBY ELEUTERIUS voted AYE,
- Supervisor LARRY BENEFIELD voted AYE,
- Supervisor DAVID V. LAROSA, SR. voted AYE,
- Supervisor ROBIN ALFRED MIDCALF voted AYE,
- Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.

* * *
Supervisor DAVID V. LAROSA, SR. moved adoption of the following Order:

ORDER APPOINTING CHARLES MELSON AS A MEMBER OF THE HENDERSON POINT - PASS CHRISTIAN ISLES WATER & SEWER DISTRICT NO. 1 FOR A TERM ENDING JANUARY 26, 2002

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPOINT Charles Melson as a member of the Henderson Point - Pass Christian Isles Water & Sewer District No. 1 for a term ending January 26, 2002, replacing William A. Blaney whose term expires January 26, 1997.

Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor C.T. SWITZER, JR. moved adoption of the following Order:

ORDER APPOINTING LARRY BENEFIELD TO SERVE ON THE BOARD OF DIRECTORS OF THE SOUTHERN MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT FOR A ONE-YEAR TERM ENDING JANUARY 31, 1998

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPOINT Larry Benefield to serve on the Board of Directors of the Southern Mississippi Planning and Development District for a one-year term ending January 31, 1998.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor ROBIN ALFRED MIDCALF moved adoption of the following Order:

ORDER REAPPOINTING MRS. FRANCES FREDERICKS TO SERVE AS HARRISON COUNTY'S MINORITY REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE SOUTHERN MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT FOR A ONE-YEAR TERM ENDING JANUARY 31, 1998

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY REAPPOINT Mrs. Frances Fredericks to serve as Harrison County's minority representative on the Board of Directors of the Southern Mississippi Planning and Development District for a one-year term ending January 31, 1998, she having previously been appointed to serve from February 12, 1996 to January 31, 1997.

Supervisor DAVID V. LAROSA, SR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER ACCEPTING LOW BID OF J.O. COLLINS IN THE AMOUNT OF $216,000.00 FOR BASE BID, AND ALTERNATE #4 IN THE AMOUNT OF $68,000.00, AND ALTERNATE #5 IN THE AMOUNT OF $56,800.00 FOR THE CONSTRUCTION OF THE NEW RECREATION FACILITY FOR HARRISON COUNTY, LOCATED IN D’IBERVILLE, AS RECOMMENDED BY MORAN, SEYMOUR & ASSOC., INC., ARCHITECT, AND AUTHORIZING THE BOARD PRESIDENT TO EXECUTE CONTRACT

WHEREAS, the Board of Supervisors does hereby find as follows:

1. That this Board, at a meeting heretofore held on the 12th day of November 1996, adopted an Order authorizing and directing the Clerk of the Board to cause publication to be made of Legal Notice of Invitation for Bids for New Recreational Facility for Harrison County, located in D’Iberville, Harrison County, Mississippi.

2. That as directed in the aforesaid Order, said Notice of Invitation for Bids was published in The Sun Herald newspaper, a newspaper published and having a general circulation in Harrison County, Mississippi for more than one (1) year next immediately preceding the date of said Order directing publication of said Notice, and that the Publisher’s Affidavit of Proof of Publication has been filed with the Clerk of this Board, by said Clerk exhibited to the Board, and shows that said Notice was published on the 28th day of November 1996 and the 3rd day of December 1996.

3. That publication of said notice has been made once each week for two (2) consecutive weeks, the last of which was at least seven (7) working days prior to January 6, 1997, the day fixed for receiving said bids in the Order identified in paragraph (1) thereof, said Proof of Publication being in the following form, words, and figures, to-wit:
PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared Shannon Purcell, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

Sun Paper Vol. 113 No. 59 dated 28 day of Nov., 1996
Sun Paper Vol. 113 No. 64 dated 03 day of Dec., 1996
Sun Paper Vol. __ No. __ dated __ day of __, 19__
Sun Paper Vol. __ No. __ dated __ day of __, 19__
Sun Paper Vol. __ No. __ dated __ day of __, 19__
Sun Paper Vol. __ No. __ dated __ day of __, 19__
Sun Paper Vol. __ No. __ dated __ day of __, 19__

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Shannon B. Purcell
Clerk

Sworn to and subscribed before me this 3rd day of
November, 1996

A.D., 1996

Notary Public

Printer's Fee .................................................. $41.34
Furnishing proof of publication ....................... $2.00
TOTAL ........................................................... $43.34

4. That the following bids were received at the time and place and in the manner provided in said Notice of Invitation for Bids, at which time said bids were opened and read aloud and are as follows:
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

MORAN, SEYMOUR & ASSOCIATES, INC.

BID FORM - STIPULATED PRICE
SECTION 00311

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
D'Iberville, Mississippi

Date: 1/06/97

Submitted by: J. O. Collins Contractors, Inc.
(full name)

(full address) P.O. Box 1205
206 Iberville Drive
Biloxi, MS 39533

1. OFFER

Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by Engineer for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:

$216,000.00

in lawful money of the United States of America.

We have included, the required security Bid Bond as required by the Instruction to Bidders.

All applicable federal taxes are included and State of Mississippi taxes are included in the Bid Sum.

All Cash and Contingency Allowances described in Section 01019 - Contract Considerations are included in the Bid Sum.

2. ACCEPTANCE

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
This offer shall be open to acceptance and is irrevocable for thirty days from the bid closing date.

If this bid is accepted by the Owner within the time period stated above, we will:
- Execute the Agreement within 30 days of receipt of acceptance of this bid.
- Furnish the required bonds within 30 days of receipt of acceptance of this bid in the form described in Supplementary Conditions.
- Commence work within 7 days after written Notice to Proceed.

If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to the Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.

In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

3. CONTRACT TIME

If this Bid is accepted, we will:
- Complete the Work in 120 calendar days from Notice to Proceed.

4. CHANGES TO THE WORK

When the Engineer establishes that the method of valuation for Changes in the Work will be a percentage fee in accordance with General Conditions, our percentage fee will be:

1.5%, percent overhead and profit on the net cost of our own Work;
1.0%, percent on the cost of work done by any Subcontractor.

On work deleted from the Contract, our credit to the Owner shall be the Engineer approved net cost plus ....% of the overhead and profit percentage noted above.
5. ADDENDA

The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

Addendum # ... Dated .../02/97...
Addendum # .... Dated ..............

6. APPENDICES

Submit Document 00400 - Supplements to Bid Forms (and Appendices) at the time for receiving Bids.

7. BID FORM SIGNATURE(S)

The Corporate Seal of J. O. Collins Contractors, Inc.

(Bidder - print the full name of your firm)
was hereunto affixed in the presence of:

[Signature]
Charles F. Collins
Secretary/Treasurer

If the Bid is a joint venture or partnership, add additional forms of execution for each member of the joint venture in the appropriate form or forms as above.

END OF SECTION - 00311
SUPPLEMENTS TO BID FORM
SECTION 00400

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
D'Iberville, Mississippi

Date: 1/06/97

Submitted by: J. O. Collins Contractors, Inc.

In accordance with Document 00105 - Instructions to Bidders and Document 00311 - Bid Form - Stipulated Price, we include the Supplements To Bid Form Appendices listed below. The information provided shall be considered an integral part of the Bid Form.

These Appendices are as follows:

Document 00401 - Appendix A - Subcontractors: Include the names of all Subcontractors and the portions of the Work they will perform.

Document 00403 - Appendix C - Alternatives: Include the cost variation to the Bid Price applicable to the Work described in Section [______].

Document 00404 - Appendix D - List of Separate Prices: Include a list of separate prices as specifically requested in the Contract Documents.

Document 00409 - Appendix I - List of Tax Rebate Items.

The Corporate Seal of

J. O. Collins Contractors, Inc.
MORAN, SEYMOUR & ASSOCIATES, INC.

SUPPLEMENTS TO BID FORM
SECTION 00400

(Bidder - please print the full name of your Proprietorship, Partnership, or Corporation)
J. O. Collins Contractors, Inc.
was hereunto affixed in the presence of:

Charles F. Collins Secretary/Treasurer

(Seal)

END OF SECTION - 00400
APPENDIX A - LIST OF SUBCONTRACTORS
SECTION 00401

Herewith is the list of Subcontractors referenced in the bid submitted by:


(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated 1/6/97 and which is an integral part of the Bid Form.

The following work will be performed (or provided) by Subcontractors and coordinated by us:

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<thead>
<tr>
<th>WORK SUBJECT</th>
<th>NAME</th>
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</tbody>
</table>
APPENDIX C - LIST OF ALTERNATIVES
SECTION 00403

The following is the list of Alternatives referenced in the bid submitted by:
(Bidder) J. O. Collins Contractors, Inc.
(Owner) HARRISON COUNTY BOARD OF SUPERVISORS
Dated January 09, 1997, and which is an integral part of the Bid Form.

The following amounts shall be added to or deducted from the Bid Sum. Refer to Section 01030 - Alternates: Schedule of Alternates.

BASE BID - BLDG. "A", with wood floor joists, metal roof, 36" residential hood.
BUILDING "A" - LITTLE LEAGUE CONCESSION BUILDING

Alternate # 1 (Add) $11,114.95
- Metal joists, deck, concrete 2nd floor framing in lieu of wood framing & 3/4" plywood deck.

Alternate # 2 (Deduct) $6,908.00
- Timberline composition shingle roof in lieu of metal roof.

Alternate # 3 (Add) $14,902.00
- Equipment hood, fresh air intake, exhaust, fan & related ductwork in lieu of 36" re-circulating hood.

BUILDING "B" - COLT LEAGUE CONCESSION BUILDING.
Alternate # 4 (Add) $68,002.60

BUILDING "C" - SOCCER FIELD CONCESSION BUILDING.
Alternate # 5 (Add) $56,820.00
APPENDIX D - LIST OF SEPARATE PRICES
SECTION 00404

The following is the list of Separate Prices referenced in the bid submitted by:

(Bidder) HARRISON COUNTY BOARD OF SUPERVISORS

Dated 11/06/97 and which is an integral part of the Bid Form.

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Separate Price # 1:</td>
<td>$.........</td>
</tr>
<tr>
<td>[ N/A ]</td>
<td></td>
</tr>
<tr>
<td>Separate Price # 2:</td>
<td>$.........</td>
</tr>
<tr>
<td>[ N/A ]</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX I - LIST OF TAX REBATE ITEMS
SECTION 00409

The following is the list of Tax Rebate Items referenced in the bid submitted by:

(Bidder) J. O. Collins Contractors, Inc.
(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated ....................... and which is an integral part of the Bid Form.

<table>
<thead>
<tr>
<th>EQUIPMENT, COMPONENTS OR ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ N/A ]</td>
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<td>[ N/A ]</td>
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<td>[ N/A ]</td>
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<td>[ N/A ]</td>
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</tbody>
</table>
UNITED STATES FIDELITY AND GUARANTY COMPANY

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

J.O. Collins Contractor, Inc.

THAT

of Biloxi, MS

as Principal, and UNITED STATES FIDELITY AND GUARANTY COMPANY, a Maryland corporation, as Surety, are held and firmly bound unto

Harrison County Board of Supervisors

as Obligee, in the full and just sum of

Five Percent of amount of bid (5%) of

Dollars, lawful money of the United States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal is herewith submitting its proposal

New Recreational Facilities Project #96-064
LITTLE LEAGUE CONCESSION BUILDING & BABE RUTH CONCESSION BUILDING
Harrison County, MS

THE CONDITION OF THIS OBLIGATION is such that if the aforesaid Principal shall be awarded the contract the said Principal will, within the time required, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of the contract, then this obligation to be void; otherwise the Principal and Surety will pay unto the Obligee the difference in money between the amount of the bid of the said Principal and the amount for which the Obligee legally contracts with another party to perform the work if the latter amount be in excess of the former, but in no event shall liability hereunder exceed the penal sum hereof,

Signed, sealed and delivered January 6, 1997

J.O. Collins Contractor, Inc.

Charles F. Collins

Secretary/Treasurer

D. Patrice Bankston

Attorney-in-fact

Contract 11 (Revised 1-74)
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

UNITED STATES FIDELITY AND GUARANTY COMPANY

POWER OF ATTORNEY

NO. 106556

KNOW ALL MEN BY THESE PRESENTS: That United States Fidelity and Guaranty Company, a corporation organized and existing under the laws of the State of Maryland and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

D. Patrick Bambrick

as its true and lawful Attorney(s)-in-Fact, with full power of substitution and revocation, to sign, execute and acknowledge all and every instrument in the nature of contracts, conveyances and other writings necessary to be signed, executed and acknowledged by said company, and to do and perform all other acts, deeds and things whatsoever to be done by said company in the premises and by virtue of the power of attorney herein granted, all in the name and on behalf of said company, and in the said attorney's name, or in the name of the person or persons who shall at any time be or become his or their respective substitute or substitutes.

In witness whereof, the said United States Fidelity and Guaranty Company has caused this instrument to be signed by its corporate seal, duly attested by the signatures of its Vice President and Assistant Secretary, this 8th day of January, A.D. 1993.

[Signature]
Vice President

[Signature]
Assistant Secretary

STATE OF MARYLAND

Baltimore City

On this 8th day of January, A.D. 1993, before me personally appeared Robert J. Lamendola, Senior Vice President of United States Fidelity and Guaranty Company, and Paul D. Sims, Assistant Secretary of said company, both of whom I am personally acquainted, who being by me legally sworn, said that the said Robert J. Lamendola and Paul D. Sims, were respectively, the Vice President and the Assistant Secretary of the said United States Fidelity and Guaranty Company, and that they executed the foregoing power of attorney, in the presence of me, and that it was affixed to and acknowledged by each of them.

In Witness Whereof, I have hereunto set my hand and the seal of the United States Fidelity and Guaranty Company on this 8th day of January, A.D. 1993.

[Signature]
Assistant Secretary

Notary Public

1215188

POWER OF ATTORNEY

NO. 106556

KNOW ALL MEN BY THESE PRESENTS: That United States Fidelity and Guaranty Company, a corporation organized and existing under the laws of the State of Maryland and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

D. Patrick Bambrick

as its true and lawful Attorney(s)-in-Fact, each in their respective capacity if more than one is named above, to sign in his name only, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other writings instruments in the nature of contracts, on behalf of the Company in its business of guaranteeing the fidelity of persons guaranteeing the performance of contracts; and executing or guaranteeing bonds and undertakings required or permitted in any action or proceedings allowed by law.

In Witness Whereof, the said United States Fidelity and Guaranty Company has caused this instrument to be signed by its corporate seal, duly attested by the signatures of its Senior Vice President and Assistant Secretary, this 8th day of January, A.D. 1993.

[Signature]
Senior Vice President

[Signature]
Assistant Secretary

STATE OF MARYLAND

Baltimore City

On this 8th day of January, A.D. 1993, before me personally appeared Robert J. Lamendola, Senior Vice President of United States Fidelity and Guaranty Company, and Paul D. Sims, Assistant Secretary of said company, both of whom I am personally acquainted, who being by me legally sworn, said that the said Robert J. Lamendola and Paul D. Sims, were respectively, the Vice President and the Assistant Secretary of the said United States Fidelity and Guaranty Company, and that they executed the foregoing power of attorney, in the presence of me, and that it was affixed to and acknowledged by each of them.

In Witness Whereof, I have hereunto set my hand and the seal of the United States Fidelity and Guaranty Company on this 8th day of January, A.D. 1993.

[Signature]
Assistant Secretary

Notary Public

1215188
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

MORAN, SEYMOUR & ASSOCIATES, INC.

BID FORM - STIPULATED PRICE
SECTION 00311

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
D'Iberville, Mississippi

Date: January 1997

Submitted by: Gulf Coast Contractors, Inc.
(full name)
(full address)

1. OFFER

Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by Engineer for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:

$291,700.00

We have included, the required security Bid Bond as required by the Instruction to Bidders.

All applicable federal taxes are included and State of Mississippi taxes are included in the Bid Sum.

All Cash and Contingency Allowances described in Section 01019 - Contract Considerations are included in the Bid Sum.

2. ACCEPTANCE

HARRISON COUNTY NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
APPENDIX C - LIST OF ALTERNATIVES
SECTION 00403

The following is the list of Alternatives referenced in the bid submitted by:

(Bidder)

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated January 8, 1997, and which is an integral part of the Bid Form.

The following amounts shall be added to or deducted from the Bid Sum. Refer to Section [01019 - Contract Considerations] [01030 - Alternates]: Schedule of Alternates.

BASE BID - BLDG. "A", with wood floor joists, metal roof, 36" residential hood.

BUILDING "A" - LITTLE LEAGUE CONCESSION BUILDING

Alternate # 1 (Add) $8,000.00
- Metal joists, deck, concrete 2nd floor framing in lieu of wood framing & 3/4" plywood deck.

Alternate # 2 (Deduct) $12,000.00
- Timberline composition shingle roof in lieu of metal roof.

Alternate # 3 (Add) $14,300.00
- Equipment hood, fresh air intake, exhaust, fan & related ductwork in lieu of 36" re-circulating hood.

BUILDING "B" - COLT LEAGUE CONCESSION BUILDING.

Alternate # 4 (Add) $74,300.00

BUILDING "C" - SOCCER FIELD CONCESSION BUILDING.

Alternate # 5 (Add) $58,000.00

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
This offer shall be open to acceptance and is irrevocable for thirty days from the bid closing date.

If this bid is accepted by the Owner within the time period stated above, we will:

- Execute the Agreement within 30 days of receipt of acceptance of this bid.
- Furnish the required bonds within 30 days of receipt of acceptance of this bid in the form described in Supplementary Conditions.
- Commence work within 7 days after written Notice to Proceed.

If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to the Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.

In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

3. CONTRACT TIME

If this Bid is accepted, we will:

- Complete the Work in 120 calendar days from Notice to Proceed.

4. CHANGES TO THE WORK

When the Engineer establishes that the method of valuation for Changes in the Work will be a percentage fee in accordance with General Conditions, our percentage fee will be:

- percent overhead and profit on the net cost of our own Work;
- percent on the cost of work done by any Subcontractor.

On work deleted from the Contract, our credit to the Owner shall be the Engineer approved net cost plus of the overhead and profit percentage noted above.
5. ADDENDA

The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

Addendum # ... Dated Jan., 1997

Addendum # ...... Dated .................

6. APPENDICES

Submit Document 00400 - Supplements to Bid Forms (and Appendices) at the time for receiving Bids.

7. BID FORM SIGNATURE(S)

The Corporate Seal of Gulf Coast Contractors, INC

(Bidder - print the full name of your firm)

was hereunto affixed in the presence of:

[Signature]

(Authorized signing officer Title)

(Seal)

(Authorized signing officer Title)

If the Bid is a joint venture or partnership, add additional forms of execution for each member of the joint venture in the appropriate form or forms as above.

END OF SECTION - 00311
SUPPLEMENTS TO BID FORM
SECTION 00.400

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
D'Iberville, Mississippi

Date: Jan.6, 96.

Submitted by:
(full name)
(full address)

In accordance with Document 00105 - Instructions to Bidders and Document 00311 - Bid Form - Stipulated Price, we include the Supplements To Bid Form Appendices listed below. The information provided shall be considered an integral part of the Bid Form.

These Appendices are as follows:

Document 00401 - Appendix A - Subcontractors: Include the names of all Subcontractors and the portions of the Work they will perform.

Document 00403 - Appendix C - Alternatives: Include the cost variation to the Bid Price applicable to the Work described in Section [______].

Document 00404 - Appendix D - List of Separate Prices: Include a list of separate prices as specifically requested in the Contract Documents.

Document 00409 - Appendix I - List of Tax Rebate Items.

SUPPLEMENTS TO BID FORM SIGNATURE(S)

The Corporate Seal of

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
APPENDIX A - LIST OF SUBCONTRACTORS
SECTION 00401

Herewith is the list of Subcontractors referenced in the bid submitted by:

(Bidder)

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated ..................... and which is an integral part of the Bid Form.

The following work will be performed (or provided) by Subcontractors and coordinated by us:

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<tr>
<th>WORK SUBJECT</th>
<th>NAME</th>
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</tbody>
</table>
MORAN, SEYMOUR & ASSOCIATES, INC.

SUPPLEMENTS TO BID FORM
SECTION 00400

[Bidder - please print the full name of your Proprietorship, Partnership, or Corporation]

was hereunto affixed in the presence of:

(Authorized signing officer
Title)
(Seal)

(Authorized signing officer
Title)
(Seal)

END OF SECTION - 00400
APPENDIX D - LIST OF SEPARATE PRICES
SECTION 00404

The following is the list of Separate Prices referenced in the bid submitted by:

(Bidder)  
(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated .................. and which is an integral part of the Bid Form.

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>VALUE</th>
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</thead>
<tbody>
<tr>
<td>Separate Price # 1:</td>
<td>$ ...........</td>
</tr>
<tr>
<td>Separate Price # 2:</td>
<td>$ ...........</td>
</tr>
</tbody>
</table>

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
APPENDIX I - LIST OF TAX REBATE ITEMS
SECTION 00409

The following is the list of Tax Rebate Items referenced in the bid submitted by:

(Bidder)

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated .................. and which is an integral part of the Bid Form.

EQUIPMENT, COMPONENTS OR ITEMS

[ ]

[ ]

[ ]

[ ]

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
KNOW ALL MEN BY THESE PRESENTS, that we GULF COAST CONTRACTORS, INC.
as Principal, and Frontier Insurance Company, Rock Hill, New York 12775, a corporation duly organized under the
laws of the State of New York as Surety, are held and firmly bound unto
HARRISON COUNTY BOARD OF SUPERVISORS, GULFPORT, MS
as Obligee, in the sum of
FIVE PERCENT (5%) OF THE AMOUNT BID NOT TO EXCEED $600,000.00, AND THE PENALTY OF THIS
BOND SHALL NOT EXCEED $30,000.00----------- Dollars ($ ),
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our
heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for
NEW RECREATIONAL FACILITIES FOR HARRISON COUNTY IN D'IBERVILLE, MS

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract
with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the
bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for
the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the
Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference
not to exceed the penalty theretof between the amount specified in said bid and such larger amount for which the
Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation
shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 6TH day of JANUARY 1996

GULF COAST CONTRACTORS, INC.
(Principal)

FRONTIER INSURANCE COMPANY
(Surety)

Edna M. Keiz
Attorney-in-Fact
Mississippi Resident Agent
POWDER OF ATTORNEY

STATE OF NEW YORK
COUNTY OF SULLIVAN


IN TESTIMONY WHEREOF, I HAVE HEREUNTO Set My HAND, AND AFFIXED My OFFICIAL SEAL AT ROCK HILL, NEW YORK, THE DAY AND YEAR ABOVE WRITTEN.

CHRISTINE I. LANE
NOTARY PUBLIC STATE OF NEW YORK
SULLIVAN COUNTY CLERK'S NO. 1996
COMMISSION EXPIRES MAY 2, 1998

CERTIFICATION

I, JOSEPH P. LOUGHLIN, Secretary of FRONTIER INSURANCE COMPANY OF Rock Hill, New York, do hereby certify that the foregoing Resolution adopted by the Board of Directors of this Corporation and the Powers of Attorney issued pursuant thereto, are true and correct, and that both the Resolution and the Powers of Attorney are in full force and effect.


JOSEPH P. LOUGHLIN, Secretary
BID FORM - STIPULATED PRICE
SECTION 00311

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
D'Iberville, Mississippi

Date: January 6, 1997

Submitted by: LLOYD T. MOON INCORPORATED

Physical Address: 282 Lameuse St. Biloxi, MS 39530
Mailing Address: P. O. Box 1165, Biloxi, MS 39533

1. OFFER

Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by Engineer for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:

$2,000,000.00

in lawful money of the United States of America.

We have included, the required security Bid Bond as required by the Instruction to Bidders.

All applicable federal taxes are included and State of Mississippi taxes are included in the Bid Sum.

All Cash and Contingency Allowances described in Section 01019 - Contract Considerations are included in the Bid Sum.

2. ACCEPTANCE

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
5. ADDENDA

The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

Addendum # 1 .... Dated 1/2/97 ....
By Fax 1/2/97  

Addendum #2 .... Dated 1/3/97 .... pertaining to "Kawneer" windows.
By Fax 1/3/97 - pertaining to "Alenco" windows.

6. APPENDICES

Submit Document 00400 - Supplements to Bid Forms (and Appendices) at the time for receiving Bids.

7. BID FORM SIGNATURE(S)

The Corporate Seal of LLOYD T. MOON INCORPORATED

(Bidder - print the full name of your firm)

was hereunto affixed in the presence of:

Lloyd T. Moon, President

Norma C. Thibodeaux, Vice President

If the Bid is a joint venture or partnership, add additional forms of execution for each member of the joint venture in the appropriate form or forms as above.

END OF SECTION - 00311
These Appendices are as follows:

Document 00401 - Appendix A - Subcontractors: Include the names of all Subcontractors and the portions of the Work they will perform.

Document 00403 - Appendix C - Alternatives: Include the cost variation to the Bid Price applicable to the Work described in Section [______].

Document 00404 - Appendix D - List of Separate Prices: Include a list of separate prices as specifically requested in the Contract Documents.

Document 00409 - Appendix I - List of Tax Rebate Items.

SUPPLEMENTS TO BID FORM SIGNATURE(S)

The Corporate Seal of

LLOYD T. MOON INCORPORATED

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

SUPPLEMENTS TO BID FORM
SECTION 00400

(Bidder - please print the full name of your Proprietorship, Partnership, or Corporation)

LLOYD T. MOON INCORPORATED

was hereunto affixed in the presence of:

Lloyd T. Moon, President

(Norma C. Thibodeaux, Vice President

MORAN, SEYMOUR & ASSOCIATES, INC.

END OF SECTION - 00400

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
APPENDIX A - LIST OF SUBCONTRACTORS
SECTION 00401

Hereewith is the list of Subcontractors referenced in the bid submitted by:

(Bidder) LLOYD T. MOON INCORPORATED

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated January 1997, and which is an integral part of the Bid Form.

The following work will be performed (or provided) by Subcontractors and coordinated by us:

<table>
<thead>
<tr>
<th>WORK SUBJECT</th>
<th>NAME</th>
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<tbody>
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HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
APPENDIX C - LIST OF ALTERNATIVES
SECTION 00403

The following is the list of Alternatives referenced in the bid submitted by:

(Bidder) LLOYD T. MOON INCORPORATED
(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated Jan. 6, 1997, and which is an integral part of the Bid Form.

The following amounts shall be added to or deducted from the Bid Sum. Refer to Section 01019 - Contract Considerations: Schedule of Alternatives.

BASE BID - BLDG. "A", with wood floor joists, metal roof, 36" residential hood.

BUILDING "A" - LITTLE LEAGUE CONCESSION BUILDING
Alternate # 1 (Add) $540,000.00
- Metal joists, deck, concrete 2nd floor framing in lieu of wood framing & 3/4" plywood deck.
Alternate # 2 (Deduct) $540,000.00
- Timberline composition shingle roof in lieu of metal roof.
Alternate # 3 (Add) $540,000.00
- Equipment hood, fresh air intake, exhaust, fan & related ductwork in lieu of 36" re-circulating hood.

BUILDING "B" - COLT LEAGUE CONCESSION BUILDING.
Alternate # 4 (Add) $127,000.00

BUILDING "C" - SOCCER FIELD CONCESSION BUILDING.
Alternate # 5 (Add) $457,000.00
APPENDIX D - LIST OF SEPARATE PRICES
SECTION 00404

The following is the list of Separate Prices referenced in the bid submitted by:

(Bidder)  LLOYD T. MOON INCORPORATED

(Owner)  HARRISON COUNTY BOARD OF SUPERVISORS

Dated JANUARY 1997 and which is an integral part of the Bid Form.

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APPENDIX I - LIST OF TAX REBATE ITEMS
SECTION 00409

The following is the list of Tax Rebate Items referenced in the bid submitted by:

(Bidder)    LLOYD T. MOON INCORPORATED
(Owner)     HARRISON COUNTY BOARD OF SUPERVISORS

Dated November 1996 and which is an integral part of the Bid Form.

EQUIPMENT, COMPONENTS OR ITEMS

- NONE

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-064
NOVEMBER 1996
United States Fidelity and Guaranty Company
Baltimore, Maryland
A Stock Company

Bid Bond

Know All Men By These Presents:

That ___________________________ of _________________, ________________, ________________., as Principal, and United States Fidelity and Guaranty Company, a Maryland corporation, as Surety, are held and firmly bound unto ___________________________, the Board of Supervisors of ________________, in the full and just sum of ___________________________, Dollars, lawful money of the United States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas the said Principal is herewith submitting its proposal for:

CONSTRUCTION OF THE NEW RECREATIONAL FACILITIES FOR HARRISON COUNTY, MISSISSIPPI LOCATED IN D'IBERVILLE, MISSISSIPPI.

The Condition Of This Obligation is such that if the aforesaid Principal shall be awarded the contract the said Principal will, within the time required, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of the contract, then this obligation to be void, otherwise the Principal and Surety will pay unto the Obligee the difference in money between the amount of the bid of the said Principal and the amount for which the Obligee legally contracts with another party to perform the work if the latter amount be in excess of the former, but in no event shall liability hereunder exceed the penal sum hereof.

Signed, sealed and delivered ____________________________

[Signature]

Lloyd T. Moon, Incorporated
[Signature]

United States Fidelity and Guaranty Company
[Signature]

Edna W. Keim
Mississippi Resident Agent
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

United States Fidelity and Guaranty Company
Power of Attorney
No. 109827

Know all men by these presents: That United States Fidelity and Guaranty Company, a corporation organized and existing under the laws of the State of Maryland and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint Edna M. Kein, Jim Eley Brasher, Charles W. Baumeister, Troy P. Wagener and Belinda Tubbs of the City of Biloxi, State of Mississippi, its true and lawful Attorney(s) in Fact, each in their respective capacity if more than one is named above, to sign its name as aforesaid, and to execute, seal and acknowledge and all bonds, undertakings, contracts and other written instruments in the name and on behalf of the Company in its business of guarantying the fidelity of persons; guaranteeing the performance of contracts, and executing or guaranteeing bonds and undertaking or permitted in any actions or proceedings allowed by law.

In Witness Whereof, the said United States Fidelity and Guaranty Company, has caused this instrument to be signed with its corporate seal, duly attested by the signatures of its Vice President and Assistant Secretary, the 19th day of April, 1996.

United States Fidelity and Guaranty Company,
(Signed) By ____________________________
Vice President
State of Maryland 1897
Baltimore City 1

On the 19th day of April, A.D. 1996, the personal appearance of Gary A. Wilson, Vice President of United States Fidelity and Guaranty Company, and Thomas J. Fitzgerald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me duly sworn, said, that they, the said Gary A. Wilson and Thomas J. Fitzgerald, the respective Vice President and Assistant Secretary of the said United States Fidelity and Guaranty Company, the corporation described in and required to be guarantying bonds and undertaking, to wit, that they have before the seal of said corporation, that the said individual, to wit, said Power of Attorney was such corporate seal, such seal as aforesaid to be that of the Board of Directors of the Company, and that they signed their names thereto by the order of Vice President and Assistant Secretary, respectively, of the Company.

My Commission expires the 1st day of August, A.D. 1998.
(Signed) By ____________________________
Notary Public

This Power of Attorney is granted under and is subject to all of the following resolutions adopted by the Board of Directors of the United States Fidelity and Guaranty Company on September 24, 1992:

Resolved, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s) in Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Power(s) of Attorney(s) shall, and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or an Executive Vice President, or a Senior Vice President, or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such Officer(s) may be engraved, printed or typewritten. The signature of each of the foregoing officers and the seal of the Company may be affixed by him(s) to any Power of Attorney or to any certificate relating thereto, signing Attorney(s) in Fact for purposes only of executing such bonds and undertaking, and other writings obligatory in the nature thereof, and, unless subsequently revoked and subject to any limitations set forth therein, are such Power(s) of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

Resolved, that Attorney(s) in Fact shall have the power and authority, unless subsequently revoked and, in any case, subject to the terms and limitations of the Power of Attorney issued to it, to execute and deliver on behalf of the Company and on behalf of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s) in Fact shall be as binding upon the Company as if signed by an Executive Officer and attested and acknowledged by the Secretary of the Company.

I, Thomas J. Fitzgerald, an Assistant Secretary of the United States Fidelity and Guaranty Company, do hereby certify that the foregoing are true excerpts from the Resolutions of the said Company as adopted by its Board of Directors on September 24, 1992 and that these Resolutions are in full force and effect.

In testimony Whereof, I have hereunto set my hand and the seal of the United States Fidelity and Guaranty Company.

The 6th day of January, 1997

Assistant Secretary
MORAN, SEYMOUR & ASSOCIATES, INC.

BID FORM - STIPULATED PRICE
SECTION 00311

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
D'Iberville, Mississippi

Date: 01/06/97

Submitted by:
(full name) STARKS CONTRACTING CO., INC.

(full address) PO BOX 6756
BILOXI, MS 39532-6756

1. OFFER

Having examined the Place of the Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by Engineer for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:


We have included, the required security Bid Bond as required by the Instruction to Bidders.

All applicable federal taxes are included and State of Mississippi taxes are included in the Bid Sum.

All Cash and Contingency Allowances described in Section 01019 - Contract Considerations are included in the Bid Sum.

2. ACCEPTANCE

HARRISON COUNTY
NEW RECREATIONAL FACILITIES
PROJECT # 96-054
NOVEMBER 1996
APPENDIX C - LIST OF ALTERNATIVES
SECTION 00403

The following is the list of Alternatives referenced in the bid submitted by:

(Bidder) STARKS CONTRACTING CO., INC.

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated ...01/06/97 and which is an integral part of the Bid Form.

The following amounts shall be added to or deducted from the Bid Sum. Refer to Section [01019 - Contract Considerations] [01030 - Alternates]: Schedule of Alternates.

BASE BID - BLDG. "A", with wood floor joists, metal roof, 36" residential hood.

BUILDING "A" - LITTLE LEAGUE CONCESSION BUILDING

Alternate # 1 (Add) $4,140.00

- Metal joists, deck, concrete 2nd floor framing in lieu of wood framing & 3/4" plywood deck.

Alternate # 2 (Deduct) $20,000.00

- Timberline composition shingle roof in lieu of metal roof.

Alternate # 3 (Add) $4,000.00

- Equipment hood, fresh air intake, exhaust, fan & related ductwork in lieu of 36" re-circulating hood.

BUILDING "B" - COLT LEAGUE CONCESSION BUILDING.

Alternate # 4 (Add) $6,500.00

BUILDING "C" - SOCCER FIELD CONCESSION BUILDING.

Alternate # 5 (Add) $7,160.00
This offer shall be open to acceptance and is irrevocable for thirty days from the bid closing date.

If this bid is accepted by the Owner within the time period stated above, we will:

- Execute the Agreement within 30 days of receipt of acceptance of this bid.
- Furnish the required bonds within 30 days of receipt of acceptance of this bid in the form described in Supplementary Conditions.
- Commence work within 7 days after written Notice to Proceed.

If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to the Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.

In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

3. CONTRACT TIME

If this Bid is accepted, we will:

- Complete the Work in 120 calendar days from Notice to Proceed.

4. CHANGES TO THE WORK

When the Engineer establishes that the method of valuation for Changes in the Work will be a percentage fee in accordance with General Conditions, our percentage fee will be:

20. percent overhead and profit on the net cost of our own Work;
1.5. percent on the cost of work done by any Subcontractor.

On work deleted from the Contract, our credit to the Owner shall be the Engineer approved net cost plus ...1.0.... of the overhead and profit percentage noted above.
5. ADDENDA

The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

Addendum #1... Dated 03/06/97

Addendum #.... Dated .....

6. APPENDICES

Submit Document 00400 - Supplements to Bid Forms (and Appendices) at the time for receiving Bids.

7. BID FORM SIGNATURE(S)

The Corporate Seal of

STARKS CONTRACTING CO., INC.

(Bidder - print the full name of your firm)

was hereunto affixed in the presence of:

WELDON P. STARKS, PRESIDENT

(Seal)

If the Bid is a joint venture or partnership, add additional forms of execution for each member of the joint venture in the appropriate form or forms as above.

END OF SECTION - 00311
APPENDIX A - LIST OF SUBCONTRACTORS
SECTION 00401

Herewith is the list of Subcontractors referenced in the bid submitted by:

(Bidder) STARKS CONTRACTING CO., INC.
(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated ..........01/06/97 and which is an integral part of the Bid Form.

The following work will be performed (or provided) by Subcontractors and coordinated by us:

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<th>WORK SUBJECT</th>
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SUPPLEMENTS TO BID FORM
SECTION 00400

To: HARRISON COUNTY BOARD OF SUPERVISORS

Project: New Recreational Facilities for Harrison County, Mississippi
          D'Iberville, Mississippi

Date: 01/06/97

Submitted by:
(full name) STARKS CONTRACTING CO., INC.
(full address) PO BOX 6756
             BILOXI, MS 39532-6756

In accordance with Document 00105 - Instructions to Bidders and Document 00311 - Bid Form - Stipulated Price, we include the Supplements To Bid Form Appendices listed below. The information provided shall be considered an integral part of the Bid Form.

These Appendices are as follows:

Document 00401 - Appendix A - Subcontractors: Include the names of all Subcontractors and the portions of the Work they will perform.

Document 00403 - Appendix C - Alternatives: Include the cost variation to the Bid Price applicable to the Work described in Section (______).

Document 00404 - Appendix D - List of Separate Prices: Include a list of separate prices as specifically requested in the Contract Documents.

Document 00409 - Appendix I - List of Tax Rebate Items.

The Corporate Seal of
STARKS CONTRACTING CO., INC.
MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JANUARY 1997 TERM

MORAN, SEYMOUR & ASSOCIATES, INC.

SUPPLEMENTS TO BID FORM
SECTION 00400

(Bidder - please print the full name of your Proprietorship, Partnership, or Corporation)

STARKS CONTRACTING CO., INC.
was hereunto affixed in the presence of:

WELDON P. STARKS, PRESIDENT

(Seal)

(Authorized signing officer Title)

END OF SECTION - 00400
APPENDIX D - LIST OF SEPARATE PRICES
SECTION 00404

The following is the list of Separate Prices referenced in the bid submitted by:

(Bidder) STARKS CONTRACTING CO., INC.

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated 01/06/97, and which is an integral part of the Bid Form.

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APPENDIX I - LIST OF TAX REBATE ITEMS
SECTION 00409

The following is the list of Tax Rebate Items referenced in the bid submitted by:

(Bidder) STARKS CONTRACTING CO., INC.

(Owner) HARRISON COUNTY BOARD OF SUPERVISORS

Dated 9/1/96/97, and which is an integral part of the Bid Form.

EQUIPMENT, COMPONENTS OR ITEMS

[ ] NONE
United States Fidelity and Guaranty Company
Baltimore, Maryland
A Stock Company

Bid Bond

Know All Men By These Presents:

That ... STARKS CONTRACTING COMPANY, INC. ... 

OF P. O. BOX 6756, BILoxI, MS 39532 ...

as Principal, and United States Fidelity and Guaranty Company, a Maryland corporation, as Surety, are held and firmly bound unto ... HARRISON COUNTY BOARD OF SUPERVISORS ...

as Obligee, in the full and just sum of \( \text{FIVE PERCENT (5\%)} \) OF THE AMOUNT BID \( \text{Dollars} \), lawful money of the United States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents:

Whereas the said Principal is herewith submitting its proposal for: 

NEW RECREATIONAL FACILITIES FOR HARRISON COUNTY

The Condition Of This Obligation is such that if the aforesaid Principal shall be awarded the contract the said Principal will, within the time required, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of the contract, then this obligation to be void; otherwise the Principal and Surety will pay unto the Obligee the difference in money between the amount of the bid of the said Principal and the amount for which the Obligee legally contracts with another party to perform the work if the latter amount be in excess of the former, but in no event shall liability hereunder exceed the penal sum hereof.

Signed, sealed and delivered . JANUARY 6, 1997

STARKS CONTRACTING COMPANY, INC. ... Seal

By: ... Seal

UNITED STATES FIDELITY AND GUARANTY COMPANY

Edna M. Kein ... Attorney-in-fact
Mississippi Resident Agent
United States Fidelity and Guaranty Company

Power of Attorney

No. 109627

Know all men by these presents: That United States Fidelity and Guaranty Company, a corporation organized and existing under the laws of the State of Maryland and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint Edna H. Keim, Jim Eley Brasher, Charles W. Rameisster, Troy P. Wagener and Belinda Tubbs of the City of Biloxi, State of Mississippi its true and lawful Attorney-in-Fact, each in their separate capacity, if more than one is named above, to sign its name as same is, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Company in its business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertaking required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, the said United States Fidelity and Guaranty Company, has caused this instrument to be sealed with its corporate seal, duly executed by the signatures of its Vice President and Assistant Secretary, this 19th day of April, A.D. 1996.

United States Fidelity and Guaranty Company

(Signed) By ________________________

Vice President

(Signed) By ________________________

Assistant Secretary

State of Maryland

Baltimore City

On this 19th day of April, A.D. 1996, before me personally appeared Gary A. Wilson, Vice President of United States Fidelity and Guaranty Company, and Thomas J. Fitzgerald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me sworn, said that they are the true and lawful Attorney-in-Fact of the said United States Fidelity and Guaranty Company, the corporation described in and which executed the foregoing Power of Attorney, that they are the true and lawful officers and agents of the said corporation and that they signed their names thereto, or a Senior Vice President, or an Assistant Vice President, jointly or a Senior Vice President, or an Assistant Vice President, in said capacity, and have executed the said Power of Attorney in the manner and form set forth in said instrument and have caused the same to be sealed, acknowledged, and certified by such facsimile signatures and facsimile seals.

This Power of Attorney is granted under and by authority of the following resolutions adopted by the Board of Directors of the United States Fidelity and Guaranty Company on September 24, 1992:

Resolved, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other written instruments relating to said business may be signed, executed and acknowledged by persons or persons appointed as Attorney-in-Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Powers of Attorney are hereby executed in the name and on behalf of the Company, on behalf of the Company, either by the Chairman, or the President, or an Executive Vice President, a Senior Vice President, or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of each of such officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or any certificate relating thereto appointed Attorney-in-Fact for purposes only of executing in and attesting bonds and undertakings and other writings obligatory in the nature thereof, and, unless subsequently revoked and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so invested and certified by such facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

Resolved, That Attorney-in-Fact shall have the power and authority, unless subsequently revoked and in so far as the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company and to appear the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and attested to by the Secretary of the Company.

I, Thomas J. Fitzgerald, Assistant Secretary of the United States Fidelity and Guaranty Company, do hereby certify that the foregoing are true and correct copies of the Resolutions of the said Company as adopted by its Board of Directors on September 24, 1992 and that these Resolutions are in full force and effect.

I, the undersigned Assistant Secretary of the United States Fidelity and Guaranty Company, do hereby certify that the foregoing Power of Attorney is in full force and effect and has not been revoked.

In Testimony Whereof, I have hereunto set my hand and the seal of the United States Fidelity and Guaranty Company, this 6th day of January 1996.

[Signature of Assistant Secretary]
5. The Board does hereby find that the bid of J.O. Collins, in the amount of $216,000.00 for base bid, and Alternate 4 in the amount of $68,000.00, and Alternate 5 in the amount of $56,800.00, is the lowest bid meeting specifications and, therefore, the best received for the construction of the New Recreation Facility for Harrison County, located in D'Iberville, as recommended by Moran, Seymour & Assoc., Inc., Architect, and that said bid is reasonable and fair and should be accepted. It is, therefore,

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the bid of J.O. Collins be, and the same is HEREBY ACCEPTED for construction of the New Recreation Facility for Harrison County, located in D'Iberville, at and for a consideration of $216,000.00 for base bid, and Alternate 4 in the amount of $68,000.00, and Alternate 5 in the amount of $56,800.00, and the Board does HEREBY AUTHORIZE the President and the Clerk of the Board to execute contract for said project.

Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Members present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER APPROVING $5,000.00 APPROPRIATION TO THE GEORGE E. OHR MUSEUM, PURSUANT TO SECTION 39-15-1 OF THE MISS. CODE OF 1972, AS AMENDED, AND PAYABLE FROM ESCROW FUNDS

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE $5,000.00 appropriation to the George E. Ohr Museum, pursuant to Section 39-15-1 of the Miss. Code of 1972, as amended, payable from Escrow Funds.

Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted AYE,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER CORRECTING ORDER ADOPTED NOVEMBER 4, 1996, AS APPEARS IN MINUTE BOOK 289, PAGE 333

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY CORRECT the Order adopted November 4, 1996, appearing in Minute Book 289, page 333, to read as follows:

ORDER ACCEPTING THE OFFER OF GRAND CASINO, GULFPORT, MISSISSIPPI, IN THE AMOUNT OF $285,000.00, FOR THE PURCHASE OF COUNTY SURPLUS PROPERTY LOCATED AT 1020 32ND AVENUE, WHICH PRESENTLY HOUSES S.M.P.D.D.

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT the offer of Grand Casino, Gulfport, Mississippi, in the amount of $285,000.00, for the purchase of County surplus property located at 1020 32nd Avenue, which presently houses S.M.P.D.D.

Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE,
Supervisor LARRY BENEFIELD voted AYE,
Supervisor DAVID V. LAROSA, SR. voted AYE,
Supervisor ROBIN ALFRED MIDCALF voted NAY,
Supervisor C. T. SWITZER, JR. voted AYE.

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 6th day of January 1997.
ORDERED that the Board RECESS IN THE FIRST JUDICIAL DISTRICT until Monday, January 27, 1997, to reconvene in the meeting room of the Board of Supervisors in the First Judicial District Courthouse in the city of Gulfport, Harrison County, Mississippi.

THIS, the 6th day of January 1997.

[Signature]

PRESIDENT