

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5 CC

Council Meeting Date: November 21, 2023

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *EL*

Christy LeBatard, Director of Engineering

SUMMARY EXPLANATION:

Resolution authorizing entry into Tidelands Award Grant Agreement with the Mississippi Department of Marine Resources ("MDMR") and amending the municipal budget for fiscal year ending September 30, 2024 to recognize grant funds into the budget for Capital Project No. 1111: Causeway Pier Removal and Repair

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: Tidelands Award Grant Agreement

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	___	___	___	___	Tisdale	___	___	___	___
	Gines	___	___	___	___	Glavan	___	___	___	___
	Newman	___	___	___	___	Barrett	___	___	___	___
	Deming	___	___	___	___					

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING ENTRY INTO TIDELANDS AWARD GRANT AGREEMENT WITH THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES (“MDMR”) AND AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2024 TO RECOGNIZE GRANT FUNDS INTO THE BUDGET FOR CAPITAL PROJECT NO. 1111: CAUSEWAY PIER REMOVAL AND REPAIR

WHEREAS, by Resolution No. 432-22, the governing authorities of the City of Biloxi (the “City”) authorized submission of a grant application (the “Application”) to the Mississippi Department of Marine Resources (“MDMR”) Tidelands Trust Fund Program for the purposes of repairing and/or demolishing section of a pier in Poppys Ferry Causeway Park damaged in Tropical Storm Cristobal;

WHEREAS, the Application requested the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), with no matching funds required from the City;

WHEREAS, the Mississippi Legislature has authorized the award of grant funds for the purposes stated in the Application, in the total amount of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), with no match required from the City;

WHEREAS, the goals of the City’s Capital Project No. 1111: Causeway Pier Removal and Repair (“Project 1111”), are consistent with the purposes for which the grant is being awarded;

WHEREAS, in order to accept said grant funds, it is necessary that the City enter into the Tidelands Award Grant Agreement (the “Agreement”), the form of which is attached hereto as Exhibit “A”;

WHEREAS, it is necessary and advisable that the City recognize the grant into the municipal budget for fiscal year ending September 30, 2024, making the sum of Five Hundred

Thousand and 00/100 Dollars (\$500,000.00) in grant proceeds available in the budget for Project 1111, revenue line item TIDELD3C-4434-C1111, expense line item TIDELD3C-6658-C1111; and

WHEREAS, Section 21-35-25 of the Mississippi Code of 1972, Annotated, provides authorization for the governing authorities of a municipality to amend the budget of such municipality, provided there be funds in the treasury of the municipality not appropriated by the budget and there is a deficit in any one (1) or more items provided for in the budget;

WHEREAS, it is the recommendation of Christy LeBatard, Director of Engineering, that the City enter the Agreement and amend the municipal budget for fiscal year ending September 30, 2024 to recognize the Tidelands grant proceeds described herein into the budget for Project 1111.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: The findings, conclusions and statements of fact contained in the preamble are hereby adopted, ratified and incorporated herein.

SECTION TWO: The Mayor is hereby authorized to execute, on behalf of the City of Biloxi, the Tidelands Award Grant Agreement, attached hereto as Exhibit "A," with the Mississippi Department of Marine Resources;

SECTION THREE: The municipal budget of the City of Biloxi for fiscal year ending September 30, 2024, is hereby amended to recognize the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) in grant proceeds into the budget for Capital Project No. 1111: Causeway Pier Removal and Repair, revenue line item TIDELD3C-4434-C1111, expense line item TIDELD3C-6658-C1111.

SECTION FOUR: This resolution shall take effect and be in force from and after adoption.

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES****Tidelands Grant Agreement
City of Biloxi
FISCAL YEAR 2023**

City of Biloxi hereby agrees to expend funds as authorized by the Mississippi Legislature in H.B. 1636 2023 Regular Session and Mississippi Code Section 29-15-9.

The Mississippi Department of Marine Resources will disburse funds in the amount of \$ 500,000 for the Popp's Ferry Causeway, upon (1) receipt of this signed document; (2) MDMR possession of amended application with complete and final project designs and plans; (3) release of funds from the Mississippi Department of Finance and Administration; and (4) availability of said funds. The Mississippi Department of Marine Resources shall make progress payments in installments based on work completed and material used in the performance of a Tidelands project only after receiving written verification using Form TTF-3 and Form TTF-4 or Form TTF-5.


The **City of Biloxi** agrees to:

- 1) Expend monies for the project as designated by the Legislature in H.B. 1636 2023 Regular Session Popp's Ferry Causeway and Mississippi Code Section 29-15-9 and be subject to an audit by the State Auditor.
- 2) Provide the Department of Marine Resources with detailed reports beginning January 31, 2024, and every six months thereafter for the duration of project, using the attached form TTF-4. Project reports will include:

-Final project design and budget	- Description of Work Completed
-Benefits to the public and community	- Milestones for Completion
-Visual presentation (photographs) of project	- Funds expended (to include Tidelands and Matching Funds)
-Narrative description of project	
- 3) Provide the Department of Marine Resources with a Notification of Completion – TTF-5 (to be included in final payment request-Form TTF-3) to include a detailed final report of entire project, using the attached forms.
- 4) Erect a prominent, permanent sign to be displayed at all funded public access and construction related projects. The sign shall read "Funds for this project appropriated by the Mississippi Legislature, 2024 Tidelands Trust Fund, through the Secretary of State, Michael Watson, and the Mississippi Department of Marine Resources."
- 5) To comply with the Stop Work Order Provisions listed below:
 1. *Order to Stop Work:* The MDMR may, by written order to the Grantee at any time, and without notice to any surety, require Grantee to stop all or any part of the work called for by this Grant Agreement. This order shall be for a specified period not exceeding 90 days after the order is delivered to Grantee unless the parties agree to any further period. Any such order shall be identified specifically as a stop work order issued pursuant to this clause. Upon receipt of such an order, the Grantee shall forthwith comply with its terms and take all reasonable steps to minimize the occurrence of costs allocable to the work covered by the order during the period of work stoppage. Before the stop work order expires, or within any further period to which the parties shall have agreed, the MDMR shall either:

2. cancel the stop work order; or,
3. terminate the work covered by such order by terminating the Grant Agreement, in whole or in part.
4. *Cancellation or Expiration of the Order:* If a stop work order issued under this clause is canceled at any time during the period specified in the order, or if the period of the order or any extension thereof expires, Grantee shall have the right to resume work. An appropriate adjustment shall be made in the time required for completion of the work, and the Grant Agreement shall be modified in writing accordingly, if the Grantee asserts a claim for such adjustment within 30 days after the period of work stoppage; provided that if the MDMR determines that the facts justify such action, any such claim asserted may be received and acted upon at any time prior to final payment under this Grant Agreement. In no event will the MDMR be responsible for additional costs allocable to the work covered by the order during the period of work stoppage.

On behalf of the **City of Biloxi** I have read, understand, and agree to all terms listed above, and recognize that failure to comply with any portion of this Grant Agreement could jeopardize the receipt of any future Tidelands Trust Funds Appropriations.


Joe Spraggins 10/30/2023 17:10 CDT

Joe Spraggins, Executive Director
Department of Marine Resources

Oct 30, 2023

Date

Andrew "FoFo" Gilich, Mayor
City of Biloxi

Date

Popp's Ferry Causeway Agreement (1) 10-30-2023

Final Audit Report

2023-10-30

Created:	2023-10-30
By:	Sonja Slater (sonja.slater@dmr.ms.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvMEYtRzEPWoPEyeue4EIPiLPitUDJaMD

"Popp's Ferry Causeway Agreement (1) 10-30-2023" History


-  Document created by Sonja Slater (sonja.slater@dmr.ms.gov)
2023-10-30 - 8:46:07 PM GMT- IP address: 69.60.32.16
-  Document emailed to Joe Spraggins (joe.spraggins@dmr.ms.gov) for signature
2023-10-30 - 8:46:34 PM GMT
-  Email viewed by Joe Spraggins (joe.spraggins@dmr.ms.gov)
2023-10-30 - 10:09:56 PM GMT- IP address: 166.137.19.42
-  Document e-signed by Joe Spraggins (joe.spraggins@dmr.ms.gov)
Signature Date: 2023-10-30 - 10:10:07 PM GMT - Time Source: server- IP address: 166.137.19.42
-  Agreement completed.
2023-10-30 - 10:10:07 PM GMT

EXHIBIT A

City of Biloxi



Resolution Number:

Date: November 21, 2023

Budget Amendment

FROM: (or credit)

<i>Revenue or Expense</i>	<i>Category</i>	<i>Org Code</i>	<i>Object</i>	<i>Project</i>	<i>\$ Amount</i>
Revenue	Other	TIDELD	4434	C1111	\$500,000.00
Total From:					\$500,000.00

TO: (or debit)

<i>Revenue or Expense</i>	<i>Category</i>	<i>Org Code</i>	<i>Object</i>	<i>Project</i>	<i>\$ Amount</i>
Expense	Capital Outlay	TIDELD	6658	C1111	\$500,000.00
Total To:					\$500,000.00

Explanation:

To amend FY 2024's budget to recognize Tidelands grant from MS Department of Marine Resources for Project 1111 Causeway Pier Removal & Repair.

Department Head

Accounting Department