

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5 Q

Council Meeting Date: September 10, 2024

ITEM TITLE: RESOLUTION
INTRODUCED BY: Mayor Andrew "FoFo" Gilich
CONTACT PERSON: E. Michael Leonard, CAO
 Peter Abide, City Attorney

SUMMARY EXPLANATION:

Resolution authorizing entry into an Amendment to the Memorandum of Understanding between Harrison County, Mississippi and the City of Biloxi regarding the "Save Our Sound Coalition Fund"

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: Amendment to the Memorandum of Understanding

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

<u>Vote:</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>AFR</u>	<u>ABST</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>AFR</u>	<u>ABST</u>
	Lawrence	_____	_____	_____	_____	Tisdale	_____	_____	_____	_____
	Gines	_____	_____	_____	_____	Glavan	_____	_____	_____	_____
	Newman	_____	_____	_____	_____	Shoemaker	_____	_____	_____	_____
	McGilvary	_____	_____	_____	_____					

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING ENTRY INTO AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN HARRISON COUNTY, MISSISSIPPI AND THE CITY OF BILOXI REGARDING THE “SAVE OUR SOUND COALITION FUND”

WHEREAS, in the wake of the 2019 openings of the Bonnet Carrè Spillway that diverted nutrient-rich, “fresh” Mississippi River water into the Mississippi Sound devastating Coast seafood and tourism industries, Harrison County, Mississippi, the City of Biloxi, and other local entities formed an ad hoc “Mississippi Sound Coalition” (the “Coalition”) as advisory committee to seek ways and means to protect and restore the Sound;

WHEREAS, by Resolution No. 390-23, the City of Biloxi (the “City”) approved entry into a Memorandum of Understanding (the “MOU”) with Harrison County, Mississippi (the “County”) regarding funding and management of further litigation and advocacy related to this matter in order to protect and restore the Mississippi Sound;

WHEREAS, under the MOU, the City and the County each obligated a total of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) to the Save Our Sound Coalition Fund during fiscal year ending September 30, 2024;

WHEREAS, actual expenditures for the City reimbursed to the County during fiscal year ending September 30, 2024, total Ninety-Four Thousand Two Hundred Eight and 84/100 Dollars (\$94,208.84) to date;

WHEREAS, with the end of both the City and County’s fiscal year on September 30, 2024, it is necessary and advisable that the City and County enter and Amendment to the Memorandum of Understanding (the “Amendment”), in the form attached hereto as Exhibit “A,” to obligate funding Save Our Sound Coalition Fund during fiscal year ending September 30, 2025;

WHEREAS, under the Amendment, each of the County and City will obligate an additional Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) to the Save Our Sound Coalition, with the intent to carry over into their respective budgets for the fiscal year ending September 30, 2025 and thereafter in succeeding fiscal years any unspent amount of this mutual; and

WHEREAS, it is the recommendation of Peter C. Abide, Director of the Legal Department and City Attorney, that the City enter the Amendment.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI THAT:

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

SECTION TWO: The Mayor, on behalf of the City of Biloxi, is hereby authorized to execute the Amendment to the Memorandum of Understanding, attached hereto as Exhibit "A," with Harrison County, Mississippi.

SECTION THREE: The City hereby reserves and restricts Two Hundred Fifty Thousand Dollars (\$250,000.00) of its Economic Development and Security Fund for use in paying bills for reimbursement to the County according to the provisions of the Memorandum of Understanding, as amended.

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

AMENDMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN HARRISON COUNTY, MISSISSIPPI,
AND CITY OF BILOXI, MISSISSIPPI



WHEREAS, Harrison County, Mississippi ("County") and the City of Biloxi, Mississippi ("City") entered a Memorandum of Understanding effective on July 14, 2023, attached as Ex. "A" to this Amendment, for support of the Save Our Sound Coalition Harrison County Fund #016-100; and

WHEREAS, the County and the City desire to commit additional funding in their respective budgets, to continue to carry out the intent and purposes of the Memorandum of Understanding, as amended ("Amended MOU");

NOW THEREFORE, the County and the City agree and hereby do each obligate an additional \$250,000.00 to the Save Our Sound Coalition Harrison County Fund #016-100, with the intent to carry over into their respective budgets for the Fiscal Year ending September 30, 2025 and thereafter in succeeding fiscal years any unspent amount of this mutual commitment of an additional \$250,000 each, to carry out the intent and purposes described in the Amended MOU and the resolutions approving it and the original MOU.

WITNESS our signatures on the dates stated beside our signatures below:

CITY OF BILOXI, MISSISSIPPI:

BY: _____ DATE: _____
A.M. GILICH, MAYOR

ATTEST: _____ DATE: _____
MUNICIPAL CLERK

HARRISON COUNTY, MISSISSIPPI:

BY: _____ DATE: _____

ATTEST: _____ DATE: _____
CHANCERY CLERK

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING BETWEEN HARRISON COUNTY, MISSISSIPPI,
AND CITY OF BILOXI, MISSISSIPPI

For and in consideration of the mutual promises made herein, Harrison County, Mississippi and the City of Biloxi, Mississippi, agree as follows:


1. County shall establish and administer a "SAVE OUR SOUND COALITION FUND" account in the County's book of accounts and budget to carry out the intent and purposes described in the recitals of the resolution approving this MOU, which are adopted as part of this MOU.
2. County shall procure and pay for legal services and expenses for joint litigation that the County and City may from time to time approve for filing in appropriate forums and for joint advocacy, education, applications for grants, and drafting state and federal legislation described in the recitals of the resolution approving this MOU.
3. County will bill the City for reimbursement of one-half the amount of each payment of legal services and expenses made by the County under this MOU. In the event other entities join in funding the purposes of this MOU, then the County's invoice to the City, and likewise the County's share of the expenses, shall be adjusted according to a mutually agreed, written, formula for sharing expenses to be reimbursed by participants to the County.
4. City will pay respective reimbursements to the County within thirty (30) days of receipt of each bill.
5. Total expenses paid jointly by County and City under this MOU shall not exceed Five Hundred Thousand Dollars (\$500,000.00), with the City and County each obligated each for \$250,000.00 for the fiscal year ending September 30, 2023.
6. The parties may extend this MOU and obligate additional funds for future fiscal years by mutually acceptable, written amendment.

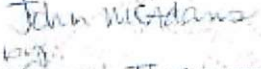
WITNESS our signatures and agreement effective on the date of the last signature below.

CITY OF BILOXI, MISSISSIPPI

BY:  DATE: June 14, 2023
A.M. GILICH, JR.

HARRISON COUNTY, MISSISSIPPI

BY:  DATE: May 22, 2023
Rebecca Powers, President
Harrison County Board of Supervisors

 DATE: May 22, 2023
Angela Thomas, Chief Deputy
Chancery Clerk

