

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5F

Council Meeting Date: May 26, 2026

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Richard Weaver, Chief Administrative Officer
Christy LeBatard, Director of Engineering

SUMMARY EXPLANATION:

Resolution authorizing entry into a Memorandum of Understanding with the Mississippi Department of Marine Resources ("MDMR"), and amending the municipal budget for fiscal year ending September 30, 2026 to recognize grant funds into the budget for Capital Project No. 1129: Lighthouse Boardwalk

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: Memorandum of Understanding

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
	Gray	___	___	___	___	Tisdale	___	___	___	___
	Marshall	___	___	___	___	Glavan	___	___	___	___
	Nail	___	___	___	___	Shoemaker	___	___	___	___
	Creel	___	___	___	___					

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING ENTRY INTO A MEMORANDUM OF UNDERSTANDING WITH THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES (“MDMR”), AND AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2026 TO RECOGNIZE GRANT FUNDS INTO THE BUDGET FOR CAPITAL PROJECT NO. 1129: LIGHTHOUSE BOARDWALK

WHEREAS, by Resolution No. 738-25, 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”) requesting GOMESA funding for Capital Project No. 1129: Lighthouse Boardwalk (“Project 1129”);

WHEREAS, the Application requested the sum of Two Million and 00/100 Dollars (\$2,000,000.00), with no match required;

WHEREAS, the Mississippi Legislature has authorized the award of grant funds for the purposes stated in the Application, in the total amount of Two Million and 00/100 Dollars (\$2,000,000.00), with no match required from the City;

WHEREAS, the goals of Project 1129 are consistent with the purposes for which the grant is being awarded;

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

WHEREAS, it is necessary and advisable that the City amend the municipal budget for fiscal year ending September 30, 2026, to recognize the sum of Two Million and 00/100 Dollars (\$2,000,000.00) in grant proceeds into the budget for Project 1129, revenue line item GOMESA3C-4439-C1129, expense line item GOMESA3C-6658-C1129;

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; and

WHEREAS, it is the recommendation of Christy LeBatard, Director of Engineering, that the City accept the grant award, enter the Agreement and amend the budget as described above.

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 Memorandum of Understanding, 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, 2026, is hereby amended to recognize the sum of Two Million and 00/100 Dollars (\$2,000,000.00) in grant proceeds into the budget for Capital Project No. 1129: Lighthouse Boardwalk, revenue line item GOMESA3C-4439-C1129, expense line item GOMESA3C-6658-C1129.

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



STATE OF MISSISSIPPI

Tate Reeves
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Joe Spraggins, Executive Director

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
AND
CITY OF BILOXI**

This Memorandum of Understanding (the "MOU") is entered into between the Mississippi Department of Marine Resources (hereinafter "MDMR") and the City of Biloxi (hereinafter "COB") for the purpose of establishing the agreed upon conditions under which MDMR may allocate funds to COB for the Lighthouse Boardwalk ("the Project") pursuant to the Gulf of Mexico Energy Security Act of 2006, Public Law 109-432 (hereinafter "GOMESA"). This MOU is entered into pursuant to and subject to the terms of GOMESA and relates to MDMR funds obtained through GOMESA, in the amount of Two Million Dollars and No Cents (\$2,000,000.00). The COB will use some or all of the funds, which will be provided on a reimbursement basis, to advance the Project.

RECITALS

WHEREAS, GOMESA authorizes the disbursement of funds for projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, infrastructure directly affected by coastal wetland losses, as well as mitigation of damage to fish, wildlife, or natural resources; and,

WHEREAS, funding for GOMESA is directed to the State of Mississippi through the Bureau of Ocean Energy Management within the Department of Interior; and,

WHEREAS, the Governor of the State of Mississippi has directed that MDMR will administer GOMESA funding for the State; and,

WHEREAS, MDMR is authorized to allocate and disburse GOMESA funds in accordance with GOMESA in a manner as determined by the MDMR; and,

WHEREAS, GOMESA funds are federal funds and cannot be used to match any other federal funds unless those programs specifically state that such funds can be used for matching; and,

WHEREAS, the COB will construct approximately 3,500 feet of dual-purpose boardwalk/erosion barrier of structural concrete, concrete flatwork, and composite decking from White Avenue to Porter Avenue. The boardwalk will be constructed atop the existing seawall and will include Timbe beach access stairs; and,

WHEREAS, COB's goals for the project are to reduce erosion of sand by creating a physical barrier, to continue the City's "kneewall" boardwalk program to support access to the public beach, and to reduce the driving hazards created by sand on U.S. Highway 90; and,

WHEREAS, the MDMR requests COB maintain on file all documentation related to the receipt, investment and expenditure of the funds provided for the Project, and furnish any such documentation to the MDMR upon request; and,

WHEREAS, COB agrees to expend the funds in accordance with the purposes as outlined in GOMESA; and,

WHEREAS, COB agrees to provide quarterly and final reports to MDMR that summarize the expenditure of the funds reimbursed by MDMR and the status of the Project until such time as the final expenditure of these funds has been made; and,

WHEREAS, MDMR finds, consistent with GOMESA, that it is in the best interest of the State of Mississippi that funds made available from GOMESA should be allocated to COB, on a reimbursement basis, for the Project.

NOW THEREFORE, IT IS MUTUALLY AGREED BY THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES AND THE CITY OF BILOXI, AS FOLLOWS:

SECTION 1. Each and all of the facts and findings set forth in the preamble clauses of this memorandum are hereby found and determined to be true and accurate and are incorporated herein by this reference thereto as though set forth again in words and figures.

SECTION 2. This MOU shall be effective from July 1, 2026 to June 30, 2031 for a total of five (5) years, unless terminated earlier. The term may be extended prior to expiration upon the written agreement of both parties.

SECTION 3. MDMR, pursuant to GOMESA, shall provide funds received from Mississippi's allocation of GOMESA funding in an amount up to Two Million Six Dollars and No Cents (\$2,000,000.00) to COB, on a reimbursement basis, for the purpose of providing funds to accomplish the Project as described herein.

SECTION 4. COB shall request payment of funds hereunder for Project costs on a reimbursement basis (such requests, "Reimbursement Requests"), unless otherwise directed by MDMR. COB shall submit written Reimbursement Requests no more frequently than monthly and

no less frequently than quarterly. Each Reimbursement Request must be accompanied by detailed supporting documentation of costs incurred as required by MDMR. All Reimbursement Requests for time periods ending June 30 of any year during the term of this MOU shall be submitted no later than July 31 of that same year. MDMR will pay all properly documented Reimbursement Requests within forty-five (45) days after MDMR's receipt of same, except for any amounts disputed by MDMR in good faith. Reimbursement Requests shall be sent to Russell Weatherly, GOMESA Project Manager, Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, MS 39530, russell.weatherly@dmr.ms.gov.

SECTION 5. COB agrees to use all funds received from MDMR as allocated from GOMESA funding solely for the purposes set forth herein and authorized by GOMESA and upon the terms and provisions of this MOU; and further, by execution of this MOU, COB does hereby certify that all GOMESA funds it receives from the MDMR shall be used exclusively for the Project. COB understands that failure on its part to adhere to any provision within this MOU may result in termination of this MOU by the MDMR and in immediate action by the State to recover any improperly expended funds.

SECTION 6. COB agrees to comply with all applicable provisions of 2 C.F.R. § 200, *et seq.*, including § 200.501 which states that a non-Federal entity that expends One Million Dollars and No/100 (\$1,000,000.00) or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year.

SECTION 7. COB agrees to comply with all applicable provisions of Section 70914 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58), also known as the Build America, Buy America Act.

SECTION 8. COB agrees to maintain on file all documentation in accordance with the recitals of this MOU and to submit such documentation to MDMR upon request.

SECTION 9. COB agrees to provide MDMR quarterly reports summarizing expenditure of GOMESA funds received from MDMR for the Project and the status of the Project until such time as the final expenditure or final investment of the funds has been made. The first quarterly report shall be provided within ninety (90) days of the effective date of this MOU, and thereafter within thirty (30) days of each calendar quarter end. COB shall also provide MDMR with a final report summarizing the expenditures and use of the funds upon completion of the Project and final expenditure. Failure to timely submit reports may result in delay of payment of Reimbursement Requests. Reports shall be sent to Russell Weatherly, GOMESA Project Manager, Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, MS 39530, russell.weatherly@dmr.ms.gov.

SECTION 10. COB agrees to maintain copies of all invoices and documentation related to the funds allocated by MDMR for the Project sufficient to satisfy and confirm, to MDMR's satisfaction, that such funds have been expended solely for the purposes provided in GOMESA.

SECTION 11. COB shall comply with and all activities under this MOU shall be subject

to all applicable Federal, State, and local laws and regulations, as now existing and as may be amended or modified.

SECTION 12. COB understands and acknowledges that if the Mississippi State Legislature fails to pass an appropriation bill for the MDMR and the prior year's appropriation bill expires, or if the Legislature fails to give MDMR the authority to expend funds, or if funds are otherwise unavailable, then the MDMR may, in its sole discretion, terminate this agreement or issue a Stop Work Order to COB in lieu of termination. If a Stop Work Order is issued, COB agrees to adhere to its terms.

SECTION 13. This MOU shall be governed by and construed in accordance with the laws of the State of Mississippi, excluding its conflict of laws provisions, and any litigation with respect thereto shall be brought in the state courts of Harrison County, Mississippi.

SECTION 14. Attached hereto as Attachment A and incorporated herein by reference is the document supporting the request for GOMESA funding submitted by COB. This document outlines the scope of work to be completed for the Project. Any change in the scope of work is subject to approval by the MDMR in writing and may require an amendment to this MOU and written approval of the GOMESA Committee and others.

SECTION 15. Attached hereto as Attachment B and incorporated herein by reference is the budget for the Project submitted by COB.

SECTION 16. Attached hereto as Attachment C and incorporated herein by reference is the Project Selection Form approved and executed by the GOMESA Committee. In the event of a discrepancy between Attachment A and Attachment C, Attachment C will govern.

SECTION 17. All notices or information required or permitted to be given pursuant to this MOU shall be in writing and personally delivered or sent by Certified United States mail, postage prepaid, return receipt requested, to the party to whom the notice should be given at the address set forth below. Notice shall be deemed given when actually received or when refused. The parties agree to promptly notify each other in writing of any change of address.

For COB:

City of Biloxi
Attention: Christy LeBatard
P.O.Box 429
Biloxi, MS 39530
clebatard@biloxi.ms.gov

For MDMR:

Mississippi Department of Marine Resources
Attention: Joe Spraggins, Executive Director
1141 Bayview Ave.
Biloxi, Mississippi 39530
Email: crystal.matta@dmr.ms.gov

IN WITNESS WHEREOF, the parties have affixed their signatures on the dates indicated below.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
Joe Spraggins, Executive Director

Date: _____

CITY OF BILOXI

By: _____
A.M. Gilich, Jr. - Mayor

Date: _____



GOMESA PHASE II PROJECT FUNDING

Request for Funding FY2026

Submission ID: #202509301379

PROJECT SUMMARY

1. Title of Project

Lighthouse Boardwalk

2. Location of Project

Along the sand beach in Biloxi, MS with White Avenue being the westernmost point and Porter Avenue being the eastern most point.

3. Requesting Organization:

City of Biloxi, Mississippi

4. Requesting Agency Representative

- a. Name: Christy LeBatard
- b. Phone: 228-435-6179
- d. Email: clebatard@biloxi.ms.us
- c. Address: P.O. Box 429

Biloxi Mississippi

5. Funding Requested:

\$2000000.00

6. Have any other State or Federal funding sources been identified for the project?

No

7. If yes, enter amount and source of additional funds:

\$

Source of Additional Funds:

8. Total Project Funds

\$1999999



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GOMESA PHASE II PROJECT FUNDING

Request for Funding FY2026

Submission ID: #202509301379

9. Provide Brief Project Description/Overview:

The City intends to construct approximately 3,500 feet of dual-purpose boardwalk/erosion barrier of concrete and composite decking from White Avenue to Porter Avenue. The boardwalk will be constructed atop the existing seawall. Some amenities will include structural concrete, concrete flatwork, composite decking and timber beach access stairs.

10. LIST Project Goals/Objectives:

Project goals include:

1. Coastal conservation - reduce erosion of sand by creating a physical barrier
2. Public access - continue the City's "kneewall" boardwalk program to support access and enjoyment of the public beach
3. Public safety - reduce the driving hazards created by sand on U.S. Highway 90

11. Which of the following authorized uses set forth in the GOMESA Act does this project fall under? Explain SPECIFICALLY and in detail how the project meets the required criteria. Check all that apply - At least one must be checked.

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses

Coastal conservation - reduce erosion of sand by creating a physical barrier.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or conservation management plan



GOMESA PHASE II PROJECT FUNDING

Request for Funding FY2026

Submission ID: #202509301379

(D) Mitigation of the impact of Outer Continental Shelf activities through funding of onshore infrastructure projects.

12. Project Timetable/Milestones:

After execution of grant agreement, design and permitting will be complete within 1 year with construction completed within a year after design is complete.

13. Project Timing

Short-term (3 year or less)



GOMESA PHASE II PROJECT FUNDING

Request for Funding FY2026

Submission ID: #202509301379

APPLICATION SUMMARY QUESTIONNAIRE

14. Current status of architectural/engineering plans & specifications for this project (if applicable):

Group 1:

Design to begin upon execution of grant agreement

Group 2:

Funds not budgeted

15. In what way does this project meet the goals and objectives of the Department of Marine Resources, which includes enhancing, protecting and conserving the marine interest of Mississippi for present and future generations.?

The dual-purpose boardwalk/erosion will reduce the erosion of sand from the beach by creating a physical barrier.

16. Estimated number of years to completion:

2

17. Estimated Completion Date:

October 2028

18. Prioritize if your agency has submitted multiple projects:

This is the City of Biloxi's first priority GOMESA project.



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GOMESA PHASE II PROJECT FUNDING Request for Funding FY2026

Submission ID: #202509301379

BUDGET

Category	Total
Salaries	
Travel	
Architecture & Engineering	250000
Legal	
Consulting	
Construction	1750000
Site Work	
Equipment	
Indirects	
Other	
Total	2000000

Attachments

I hereby certify under penalty of perjury that all information contained in this application packet is true and correct. I have not knowingly or intentionally provided any false information. I understand that a false statement on this application may be grounds for rejection of my application or termination of the award. In addition, a false statement may be punishable under applicable state or federal laws, which may also result in a fine and/or imprisonment.

I certify that the above referenced agency / entity has given me the authority to submit this application.

Name	Phone	Date
Christy LeBatard	228-435-6179	09/30/2025



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Attachment C

GOMESA Phase II Funding Project Selection Form

Applicant: Christy LeBatard - City Engineer
First Name Last Name

Business/Agency: City of Biloxi

Address: 140 Lameuse Street - Biloxi, MS 39530

Phone: 2284356179 Email: clebatard@biloxi.ms.us

Project Name: Lighthouse Boardwalk

Anticipated Budget: 2000000.00 Anticipated Timeline: 7/1/2026 to 6/30/2029

Projects must meet at least one of the GOMESA criteria listed below. Please check all that apply. Additional justification may be requested.

Column A

- Coastal protection of natural resources
- Mitigation of natural or marine resources
- Conservation management
- Onshore infrastructure projects resulting from coastal damage

Column B


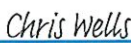
- Coastal restoration and resiliency efforts
- Ecological restoration

PROPOSED PROJECT NARRATIVE

The City intends to construct approximately 3,500 feet of dual-purpose boardwalk/erosion barrier of concrete and composite decking from White Avenue to Porter Avenue. The boardwalk will be constructed atop the existing seawall. Some amenities will include structural concrete, concrete flat work, composite decking and timber beach access stairs.

REQUIRED SIGNATURES

GOMESA Committee:

MDMR Committee Representative	<u></u> <small>Joe Spradley (Apr 13, 2026 12:32:17 CDT)</small> <i>Signature</i>	Executive Director	April 13, 2026
		<i>Title</i>	<i>Date</i>
MDA Committee Representative	_____ <i>Signature</i>	_____ <i>Title</i>	_____ <i>Date</i>
MDEQ Committee Representative	<u></u> <small>Chris Wells (Apr 13, 2026 13:20:17 CDT)</small> <i>Signature</i>	Executive Director	April 13, 2026
		<i>Title</i>	<i>Date</i>

Signature: Bill Cork
Bill Cork (Apr 13, 2026 13:13:44 CDT)
Email: bcork@mississippi.org

Signature: Chris Wells
Chris Wells (Apr 13, 2025 13:20 17 CDT)
Email: cwells@mdeq.ms.gov



City of Biloxi

EXHIBIT A

Budget Amendment

Resolution Number: _____

Date: May 26, 2026

FROM: (or credit)

Revenue or Expense	Category	Org Code	Object	Project	\$ Amount
Revenue		GOMESA3C	4439	C1129	\$2,000,000.00

Total From: \$2,000,000.00

TO: (or debit)

Revenue or Expense	Category	Org Code	Object	Project	\$ Amount
Expense	Capital Outlay	GOMESA3C	6658	C1129	\$2,000,000.00

Total To: \$2,000,000.00

Explanation:

To amend FY 2026's budget to recognize grant proceeds for Capital Project 1129 Lighthouse Boardwalk.

Department Head

DGT 5/20/26

Accounting Department