

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4A

Council Meeting Date: September 2026

ITEM TITLE: Ordinance 2nd Reading

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO

Jerry Creel Director of Community Development

SUMMARY EXPLANATION:

Ordinance to amend the Biloxi Land Development Ordinance, specifically to amend section 23-43-(d)(9)e pertaining to Auto Wrecker Service.

Case No. 26-041-PC, City of Biloxi

Resolution ☒ Ordinance ☐ Public Hearing ☐ Routine Agenda ☐

Exhibits for Review

Contract ☐ Minutes ☒ Plans/Maps ☐ Deed ☐ Lease ☐

Other (Specify): application, case fact sheet

Submittal Authorization: Council President ☐ Mayor ☒

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Gray Second By: Creel

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Gray	___	___	___	___	Tisdale	___	___	___	___
	Marshall	___	___	___	___	Glavan	___	___	___	___
	Nail	___	___	___	___	Shoemaker	___	___	___	___
	Creel	___	___	___	___					

ACTION TAKEN: First reading on Aug. 25, 2026

cdl/082526apc

Ordinance No.

ORDINANCE TO AMEND THE BILOXI LAND DEVELOPMENT ORDINANCE,
SPECIFICALLY TO AMEND SECTION **23-4-3-(D)(9)e** PERTAINING TO
AUTO WRECKER SERVICE

WHEREAS, on Thursday, August 6, 2026, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 26-041-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi has proposed a Text Amendment to the Biloxi Land Development Ordinance, to amend Section 23-4-3-(D)(9)e concerning Auto Wrecker Service within the Land Development Ordinance; and

WHEREAS, on August 6, 2026, the Biloxi Planning Commission, upon much discussion of this text change, voted (14-0) to amend Section 23-4-3-(D)(9)e of the Land Development Ordinance, specifically to change/modifications as follows:

Section 23-4-3-(D) (9)e Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school, or day care center.
2. The number of vehicles stored on-site shall be limited to 50 ~~45~~ vehicles.
3. Vehicles shall not be stored for more than twelve months ~~90 days~~.
4. Vehicles shall be stored to the rear of the principal structure, and screened from public view in accordance with Section 23-6-3(G), Screening.
5. Access aisles must be maintained as required by this Ordinance and the International Fire Code; and

WHEREAS, the Biloxi City Council, having read and fully understood this proposed Text Change, approved the amendment to Section 23-4-3-(D)(9)e of the Land Development Ordinance as follows:

Section 23-4-3-(D) (9)e Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school, or day care center.
2. The number of vehicles stored on-site shall be limited to 50 ~~45~~-vehicles.
3. Vehicles shall not be stored for more than twelve months ~~90 days~~.
4. Vehicles shall be stored to the rear of the principal structure, and screened from public view in accordance with Section 23-6-3(G), Screening.
5. Access aisles must be maintained as required by this Ordinance and the International Fire Code; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF BILOXI, MISSISSIPPI, THAT THE FOLLOWING SECTIONS OF THE
LAND DEVELOPMENT ORDINANCE BE AMENDED, AS FOLLOWS:

Section 23-4-3-(D) (9)e Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school, or day care center.
2. The number of vehicles stored on-site shall be limited to 50 ~~45~~-vehicles.
3. Vehicles shall not be stored for more than twelve months ~~90 days~~.
4. Vehicles shall be stored to the rear of the principal structure, and screened from public view in accordance with Section 23-6-3(G), Screening.
5. Access aisles must be maintained as required by this Ordinance and the International Fire Code; and

SECTION 1. All other sections of the Biloxi Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION 2. Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this

Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

.....A

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO AMEND THE
LAND DEVELOPMENT ORDINANCE, SPECIFICALLY TO AMEND SECTION **23-4-3-**
(D)(9)e PERTAINING TO AUTO WRECKER SERVICE

WHEREAS, on Thursday, August 6, 2026, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 26-041-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi has proposed a Text Amendment to the Biloxi Land Development Ordinance, to amend Section 23-4-3-(D)(9)e concerning Auto Wrecker Service within the Land Development Ordinance; and

WHEREAS, on August 6, 2026, the Biloxi Planning Commission, upon much discussion of this text change, voted (14-0) to amend Section 23-4-3-(D)(9)e of the Land Development Ordinance, specifically to change/modifications as follows:

Section 23-4-3-(D) (9)e Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school, or day care center.
2. The number of vehicles stored on-site shall be limited to 50 15 vehicles.
3. Vehicles shall not be stored for more than twelve months 90 days.
4. Vehicles shall be stored to the rear of the principal structure, and screened from public view in accordance with Section 23-6-3(G), Screening.
5. Access aisles must be maintained as required by this Ordinance and the International Fire Code; and

WHEREAS, the City Council of the City of Biloxi, Mississippi, having given the Planning

Commission's recommendation full consideration, has determined that this is a matter of general public concern, and being so, it is in the best interest of the community to hold a public hearing on this matter before the City Council.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to Case No. 26-041-PC, City of Biloxi, on a date to be set and in accordance with all requirements as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

..... B

RESOLUTION NO. _____

RESOLUTION TO DENY A TEXT AMENDMENT TO THE LAND DEVELOPMENT
ORDINANCE, SPECIFICALLY TO AMEND SECTION **23-4-3-(D)(9)E** PERTAINING TO
AUTO WRECKER SERVICE

WHEREAS, on Thursday, August 6, 2026, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 26-041-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi has proposed a Text Amendment to the Biloxi Land Development Ordinance, to amend Section 23-4-3-(D)(9)e concerning Auto Wrecker Service within the Land Development Ordinance; and

WHEREAS, on August 6, 2026, the Biloxi Planning Commission, upon much discussion of this text change, voted (14-0) to amend Section 23-4-3-(D)(9)e of the Land Development Ordinance, specifically to change/modifications as follows:

Section 23-4-3-(D) (9)e Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school, or day care center.
2. The number of vehicles stored on-site shall be limited to 50 ~~45~~ vehicles.
3. Vehicles shall not be stored for more than twelve months ~~90 days~~.
4. Vehicles shall be stored to the rear of the principal structure, and screened from public view in accordance with Section 23-6-3(G), Screening.
5. Access aisles must be maintained as required by this Ordinance and the International Fire Code; and

WHEREAS, the Biloxi City Council, after careful review, hereby rejects the report and

findings of the Biloxi Planning Commission, and in so doing, determines that the Text Changes proposed to the City of Biloxi Land Development Ordinance, as presented, are not appropriate.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given the Planning Commission's recommendation full consideration, hereby rejects said recommendation and hereby denies the proposed Text Change to the City of Biloxi Land Development Ordinance, as provided by Case No. 26-041-PC, City of Biloxi, based upon a determination that_____

.....C

Scheduled for
August 6, 2026
PC Meeting

City of Biloxi
Case No. 26-041-PC
Text Amendment to the LDO
Section 23-4-3(D)(9)e Use Standards



**Planning Commission
Case Fact Sheet**

Case No.:	26-041-PC
Name of Applicant:	City of Biloxi
Address of Property:	N/A
Tax Parcel/Ward:	N/A

Request:	Text Amendment
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Purpose of Request:	To consider a Text Amendment to the Land Development Ordinance related to Section 23-4-3-(D)(9)e , concerning Auto Wrecker Service.
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Size of Property:	N/A
Present Zoning:	N/A
Present Use:	N/A
Most Nearly Bounded By (streets):	N/A

Adverse Influences:	N/A
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Positive Influences:	This Text Change, as presented, would amend certain requirements for Auto Wrecker Services.
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Concerns stated:	The Planning Division Office has not received any communication related to this case as of July 30, 2026.
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Comments/ Recommendations:	The section of text to be considered for change/modifications is as follows:
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Section 23-4-3-(D) (9)e
(D) Commercial Uses

(9) Vehicles Sales and Service

e. Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school, or day care center.
2. The number of vehicles stored on-site shall be limited to 50-45 vehicles.
3. Vehicles shall not be stored for more than twelve months 90 days.
4. Vehicles shall be stored to the rear of the principal structure, and screened from public view in accordance with Section 23-6-3(G), Screening.
5. Access aisle must be maintained as required by this Ordinance and the International Fire Code.

Options:

1. Recommend approval of this Text Amendment to the Land Development Ordinance, amending certain requirements for Auto Wrecker Service, as noted.
2. Recommend denial of this Text Amendment to the Land Development Ordinance, as offered.

BILOXI PLANNING COMMISSION MEETING

AUGUST 6, 2026

COMMUNITY DEVELOPMENT,

DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,

676 DR. MARTIN LUTHER KING JR. BOULEVARD,

BILOXI, MISSISSIPPI,

BEGINNING AT 2:02 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Charlie Dellenger, Chairman
 Ronnie Bogard
 Kyle Carron
 Robert Collier
 Dr. Larry Drawdy
 Harry Joachim
 Joe King
 Gary Lechner
 Debora Magee
 August Parker
 Jimmy Poulos
 Shante' Shaw
 John Snow
 David Stanovich

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Wayne Gray, Councilman Ward 1
 Kenny Glavan, Councilman Ward 6
 Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Migues

Simpson Burdine & Migues 228.388.3130

CHAIRMAN DELLENGER:

All right. It's a little after 2:00.

We're going to go ahead and get the Planning
 Commission meeting started.

We'll record the members present:

Mr. Lechner, Mr. Parker, Ms. Magee, Ms. Shaw,
 Mr. Stanovich, Mr. Bogard, Mr. Collier,
 Mr. Joachim --

UNIDENTIFIED SPEAKERS:

Can't hear you.

CHAIRMAN DELLENGER:

-- Dr. Drawdy, Mr. Carron, Mr. King,

Mr. Snow, Mr. Poulos and myself, Mr. Dellenger.

Mr. Parker, would you please lead us in
 a prayer?

(Moment of prayer.)

CHAIRMAN DELLENGER:

Please stand for the Pledge.

Mr. Collier, please lead us in the Pledge.

CHAIRMAN DELLENGER:

I also want to recognize Senior Planner

Felicia Serpas; Jerry Creel, Director of Community
 Development; Caryle Lena, Planner; Melissa
 Rodolfich, court reporter.

And I saw that Mr. Glavan and Mr. Gray

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C-O-N-T-E-N-T-S

CONTINUED PUBLIC HEARING(S) :

PAGE:

(None)

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NEW PUBLIC HEARING(S) :

26-040-PC

6

26-041-PC61

TREE HEARING(S) :

(None)

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are the council members in the audience,

Dr. Tisdale as well.

I don't see anybody else, so if you're
 out there, sorry I missed you.

We have a lot of people here today, so,
 you know, if you go up to the podium, speak one at
 a time. Please, if you're in the audience, can
 you please -- do not talk amongst yourselves. Our
 court reporter has to hear what the people
 speaking are saying so she can record it. So when
 everybody in the audience has their own
 conversations going on, it makes it really
 difficult to hear, so if you can please be
 respectful of that and please keep it quiet.
 Again, please turn off your cell phones as well if
 you have those. Please put them on silent.

If everyone has had a chance to read the
 Planning Commission minutes from the last meeting,
 if we could have a motion to approve those.

MR. POULOS:

So moved.

MR. CARRON:

Second by Mr. Carron.

CHAIRMAN DELLENGER:

Moved by Mr. Poulos; second by

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1 till next week for a workshop to discuss this.

2 And we'll take a break for two minutes
3 for everybody to be able to leave quietly, and
4 then we'll reconvene when everybody leaves.

5 (Off the record.)

6 CHAIRMAN DELLENGER:

7 All right. We're going to continue the
8 Planning Commission meeting.

9 The next case is Case Number 26-041-PC,
10 City of Biloxi, which is a text amendment to the
11 LDO to amend Section 23-4-3-(D) (9) (e) related to
12 auto wrecker services.

13 Jerry, is this just to clean up the
14 language about --

15 MR. CREEL:

16 It is. There is some language in here
17 that -- actually, Rachel was supposed to be here
18 today to present.

19 Actually, what it does is puts in some
20 new requirements and allowances for a wrecker
21 service. So this recommendation came from the
22 police department and from Rachel, and that's
23 what's being presented to y'all today.

24 CHAIRMAN DELLENGER:

25 Do we have a motion to approve the text

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1 Mr. Bogard.

2 Discussion.

3 MR. CARRON:

4 Jerry, I've got a question for you.
5 Once we change the ordinance in the LDO, is it
6 going to affect existing wrecker services?

7 MR. CREEL:

8 No. It will not. Anytime that the
9 Planning Commission recommends a change and the
10 City Council votes on that change, any legally
11 existing and licensed operations, regardless of
12 what it is, that have a legitimate business
13 license are grandfathered in. This would only
14 affect new applications coming forward.

15 MR. CARRON:

16 My question is about the distances that
17 are changed in that. The distance has increased.
18 We'll probably have some wrecker services that are
19 storing their vehicles within that limit there.

20 MR. CREEL:

21 If they're existing, they can continue
22 to operate, yes, sir.

23 MR. CARRON:

24 Okay. I just didn't know if they had to
25 follow the 250 in the district -- the distance

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1 amendment to the LDO?

2 MR. CREEL:

3 We have to open the floor for comment.

4 CHAIRMAN DELLENGER:

5 Is there anyone in the audience to speak
6 in favor of this?

7 (No response.)

8 CHAIRMAN DELLENGER:

9 Is there anyone to speak in opposition?

10 (No response.)

11 CHAIRMAN DELLENGER:

12 All right. We'll consider that hearing
13 closed.

14 MR. CARRON:

15 Discussion.

16 CHAIRMAN DELLENGER:

17 I need a motion and a second.

18 MS. SHAW:

19 I will make the motion.

20 MS. MAJEE:

21 Second.

22 MR. BOGARD:

23 Second.

24 CHAIRMAN DELLENGER:

25 Motion by Ms. Shaw; second by

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1 from like the residential area.

2 MR. CREEL:

3 Well, I mean, think about it from this
4 standpoint. You've got a wrecker service that's
5 located less than 250 feet from residential
6 districts here or whatever and they don't meet the
7 distance requirements. You can't shut that
8 business down. You can't take somebody's business
9 license away from them.

10 MR. CREEL:

11 Okay. That's basically what I wanted to
12 find out.

13 CHAIRMAN DELLENGER:

14 Grandfathered. Kind of like the one on
15 Caillavet.

16 MR. CREEL:

17 One of the things -- let me just mention
18 something about wrecker services. This is what we
19 run into a lot. The wrecker services operate on a
20 cycle, where they're on the police department's
21 list for calling for wrecker services whenever
22 they have a wreck or broken down car or whatever
23 it happens to be.

24 So to increase the frequency, the number
25 of calls the wrecker services get, what they'll do

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1 is they will divide their property up into three
2 separate businesses so that they've got their name
3 more on the rotating list that the police
4 department calls.

5 So that's -- now, if there is an
6 existing -- if there is an existing wrecker
7 service, and they come in to open a new one on
8 that same piece of property and it does not meet
9 the distance requirement, that application can be
10 denied because of what's down there.

11 You cannot -- on a legal non-conforming
12 situation, a grandfathered-in situation, the code
13 is very clear. You cannot expand or extend that
14 operation unless you come into full compliance
15 with the LDO.

16 MR. CARRON:

17 So does that change with ownership?

18 MR. CREEL:

19 A grandfathered situation does not.
20 Let's just say there is a quicker service and they
21 sell it to someone else, a grandfathered in
22 situation is not negated based upon the fact that
23 it got sold. The only thing that does not apply
24 to is a bed and breakfast for whatever reason. If
25 a bed and breakfast -- and somebody sells that bed

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1 We also had the first reading of
2 extending an existing leisure district, which is
3 the open carry district. That was the first
4 reading.

5 And then at the next meeting, which was
6 held on the 28th, we had the second reading on
7 both of those. And the changes to the tree
8 ordinance were approved 7/0, and the changes to
9 the leisure, the specific recreation and leisure
10 district was approved 7/0.

11 And then at the last meeting this past
12 week, the City Council voted seven to zero to
13 approve the transitional living facility, the
14 conditional use for that, located at 2793 Fernwood
15 Road right at the corner of Fernwood and Debuys
16 Road.

17 Also, at this last meeting, Harry
18 Joachim was approved as the new Planning
19 Commission member for Ward 5, which we probably
20 should have announced at the beginning of the
21 meeting. And also, it was approved that Steve
22 Delahousey will now be the Ward 5 representative
23 at the Architectural Historical Review Commission,
24 so basically they just changed places. Steve went
25 to the AHRC and Harry Joachim came to the Planning

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1 and breakfast to somebody else, then the new
2 person has to come in and we have to go through
3 the public hearing and all the requests for it
4 again. But on anything else that is a conditional
5 use, the conditional use transfers when it's sold
6 to the new person.

7 MR. CARRON:

8 Thank you.

9 CHAIRMAN DELLENGER:

10 Is there any other discussion?

11 Okay. There being no other discussion,
12 we have a motion to approve and a second.

13 All those in favor, please signify by
14 raising your hand.

15 Mr. Lechner, Mr. Parker, Ms. Magee,
16 Ms. Shaw, Mr. Stanovich, Mr. Regard, Mr. Collier,
17 Mr. Joachim, Dr. Drawdy, Mr. Carron, Mr. King,
18 Mr. Snow, Mr. Poulos and myself, Mr. Dellenger.

19 We have no new tree hearings.

20 Jerry, any City Council action?

21 MR. CREEL:

22 We did have action at the Council. Let
23 me pull it up.

24 On July 21st, we had the first reading
25 of the changes to the tree ordinance.

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1 Commission.

2 Also, at the meeting, three current
3 members' terms were renewed, Mike Todaro, Ward 1;
4 Gary Lechner, who is the at-large member; and Kyle
5 Carron, who is the Ward 6 member. Their terms
6 have been extended through 2030.

7 CHAIRMAN DELLENGER:

8 Thank you, Jerry.

9 MR. JOACHIM:

10 Mr. Chairman, it sounds like I'm a
11 (inaudible) on the Planning Commission and ended
12 up on the raw end of that. Thank you, anyway.

13 CHAIRMAN DELLENGER:

14 We'll say that's yet to be determined.

15 MR. CARRON:

16 You came on a good day. That's why.

17 CHAIRMAN DELLENGER:

18 Mr. Joachim, we're glad to have you and
19 welcome to your first meeting.

20 Is there any old business to bring
21 before the Planning Commission?

22 Any old business?

23 (No response.)

24 CHAIRMAN DELLENGER:

25 Is there any new business?

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(No response.)

CHAIRMAN DELLENGER:

Okay. Are there any citizens' comments?

Okay. There being no citizens' comments, the next scheduled meeting for the Biloxi Planning Commission will be held at 2:00 p.m., here in the municipal auditorium August 20th at 2:00. And with that, we're adjourned.

MS. LENA:

And the workshop is next week.

CHAIRMAN DELLENGER:

Yes. The workshop is next week at 2:00.

(Adjourned at 3:23 p.m.)

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CERTIFICATE OF COURT REPORTER

I, MELISSA BURDINE-RODOLFICH, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct copy of my stenotype notes and/or electronic tape recording of the public hearing(s), as taken by me at the time and place heretofore stated, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the 12th day of August, 2026.



Melissa Burdine-Rodolfich

Melissa Burdine-Rodolfich
My Commission Expires 4/03/28

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