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3/29/24

HARRISON COUNTY UTILITY AUTHORITY
BOARD MEETING

March 7, 2024 - Revised

Be it remembered that a meeting of the Harrison County Utility Authority Board of Directors was held on March 7, 2024, at 9:00 a.m. at the Harrison County Utility Authority Board Room, at 10271 Express Drive in Gulfport, Mississippi. In attendance were:

BOARD AND STAFF:

Mr. Wayne Miller, representing the City of Gulfport
Mayor Jimmy Rafferty, City of Pass Christian, Director
Mr. Peter Abide, representing the City of Biloxi
Mayor George Bass, City of Long Beach, Director
Mr. Al Gombos, representing the City of D'Iberville
Supervisor Marlin Ladner, Harrison County (1), Director
Supervisor Dan Cuevas, Harrison County (2), Director
Mr. James Simpson, Wise Carter, Attorneys and Esquire
Mr. John Wilson, Executive Director, HCUA
Mr. Alan Lane, Solid Waste Manager, HCUA
Mr. Sam Broom, Engineering Construction Manager, HCUA
Ms. Cindy Breau, Chief Financial Officer, HCUA
Ms. Marie Ostrander, Office Manager, HCUA

ABSENT:

AUDIENCE:

Kevin McCumby, H2o Innovation
Derrel Wilson, H2o Innovation
Joseph Raffeo Jr., Bottom 2 Top
Jaclyn Turner, Harrison County
Shea Mcgee, Waste Management
S. Wozencraft, Garver
Makayla Roberts, Pelican Waste
Nick Quave, Safewater
Stephen Creaghan, Safewater
Gary Phillips, Safewater
Kraig Kucava, Safewater

Letters of Designations are attached hereto as exhibit "A".

There being a quorum sufficient to transact business of the Authority, Mayor Jimmy Rafferty representing The City of Pass Christian, called the meeting to order. The following proceedings were had and done.

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A. Opening Prayer and Pledge of Allegiance

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B. Public Comments

Mayor Jimmy Rafferty opened the floor for public comments.

There were no public comments.

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C. Approval of the Claims Docket dated March 7, 2024

Mr. Al Gombos made a motion to approve the Claims Docket dated March 7, 2024, seconded by Mayor George Bass.

A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the Claims Docket is attached hereto as exhibit "B".

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D. Approval of Board Meeting Minutes dated February 15, 2024

Mr. Al Gombos made a motion to approve the Board Meeting Minutes dated February 15, 2024, seconded by Mayor George Bass. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	abstain	
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of Board Meeting Minutes dated February 15, 2024 is attached hereto as exhibit "C".

Supervisor Marlin Ladner recused himself from the vote as he was not present at this particular meeting.

E. Action Items

1. Old Business

E1a. Emergency & Minor Construction Services Contract

A motion was made and the floor opened for discussion.

Mayor George Bass stated that he had questions about how the RFP was written in regards to the evaluation grading and the points that were awarded by the Technical Committee members. Mayor Jimmy Rafferty went on to clarify that there were a couple things to discuss in regards to the inclusion of HCUA staff on the evaluation and scoring committee, and the rating system that was used, but that a decision needed to be made.

Mr. Al Gombos brought up that there were potential issues and problems that HCUA staff had had with the previous contract holder, JLB, that were not brought to the Board or Technical Committee members' attention until after the evaluations had been completed. Supervisor Marlin Ladner added this seemed to be a matter of agreeing to the rules and process, until you don't get the results you want and then you begin questioning the rules.

Mr. Al Gombos then questioned the need for the Emergency & Minor Construction Services Contract since the Authority had operated without one for many years before and that currently there was no contract in place and in the event of an emergency the Authority staff would have to get it under control and make the calls to find a contractor who could do the job, and why can't that be the way it is done. Mr. John Wilson explained that having a contract in place bypasses the Procurement process that would have to be followed, as well as having the pricing and expectations in place ahead of any emergencies.

Mayor Bass then asked, since there currently was no contract in place, who would be called in the event of an emergency, Mr. John Wilson answered that it would be JLB because they were the previous contract holder and they would be asked to hold to the pricing that was in that contract. Mayor George Bass asked if that would also be because of their experience, which Mr. John Wilson affirmed, which then led into Mayor George Bass' concerns over how the evaluations were written and perceived, specifically in regards to the question of "experience." Supervisor Marlin Ladner wanted to clarify that the definition of "experience" in this instance is the contractors' experience doing the work, not the evaluators' experience with the contractors.

Mr. Marlin Ladner stated that, moving forward, because there had been issues similar to this in the past with the Technical Committee doing evaluations, then the Board Members themselves

needed to be the ones to do the evaluation, however, trying to do that now is not fair and not right.

Mayor George Bass, made a motion to table discussion of the Emergency & Minor Services Contract, seconded by Mr. Al Gombos. A vote resulted in the following:

Biloxi	voted	nay
Gulfport	voted	nay
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	nay
Harrison County (2)	voted	nay
Pass Christian	voted	nay

The motion did not pass.

Mr. Wayne Miller made a motion to approve the Emergency & Minor Services Contract, seconded by Mayor Jimmy Rafferty. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of Emergency & Minor Services Contract is attached hereto as exhibit "D".

Mayor George Bass made a motion to suspend and amend the agenda to include Discussion and Changes to the Inclusion of HCUA staff on the Technical Committee, seconded by Mr. Al Gombos. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. The agenda will be amended to include Discussion and Changes to the Inclusion of HCUA staff on the Technical Committee, added as E2f.



2. New Business

E2a. Solid Waste Plan Amendment – Lamey Brothers Landfill Resolution

Mayor George Bass, made a motion to approve Solid Waste Plan Amendment – Lamey Brothers Landfill Resolution, seconded by Supervisor Marlin. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D’Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of Solid Waste Plan Amendment – Lamey Brothers is attached hereto as exhibit “E”.



E2b. Solid Waste Plan Amendment – Hurricane Creek Landfill Resolution

Mayor George Bass, made a motion to approve Solid Waste Plan Amendment – Hurricane Creek Landfill Resolution, seconded by Supervisor Marlin Ladner. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D’Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of Solid Waste Plan Amendment – Hurricane Creek is attached hereto as exhibit “F”.



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E2c. Contract Amendment – Short Term Extension – Emergency & Minor Repair Construction Services

Supervisor Marlin Ladner made a motion to approve Contract Amendment – Short Term Extension – Emergency & Minor Repair Construction Services, seconded by Supervisor Dan Cuevas. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

There was then Discussion. Mayor George Bass asked if, since the Emergency & Minor Services Contract had been awarded to Bottom 2 Top earlier in the meeting, if we couldn't go ahead and just use them in the interim while we wait for their contract to be completed. Mr. John Wilson agreed that we could.

Supervisor Marlin Ladner made a motion to withdraw his motion to approve Contract Amendment – Short Term Extension – Emergency & Minor Repair Construction Services, and Supervisor Dan Cuevas withdrew his second. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

Mayor George Bass then made a motion to allow HCUA to contact Bottom 2 Top for any emergency repairs, major or minor, seconded by Mr. Al Gombos. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the Contract Amendment – Short Term Extension – Emergency & Minor Repair Construction Services is attached hereto as exhibit “G”.

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E2d. HCUA Audit Services - Wolfe, McDuff, & Oppie – FY23 Audit Engagement Letter

Mayor George Bass, made a motion to approve HCUA Audit Services - Wolfe, McDuff, & Oppie – FY23 Audit Engagement Letter, seconded by Mr. Al Gombos. A vote resulted in the following:

Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of the HCUA Audit Services - Wolfe, McDuff, & Oppie – FY23 Audit Engagement Letter is attached hereto as exhibit “H”.

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E2e. Nic Quave \ SafeWater – PFAS (Forever) Chemicals Class Action Lawsuit, Testing, and Remediation

Mr. John Wilson introduced Nick Quave with Sky Frequency, Stephen Creaghan, Gary Phillips, and Kraig Kucava with SafeWater Technology (SWT) who had reached out to him to discuss a Class Action Lawsuit against 3M and Dupont regarding PFAS contamination. Mr. Stephen Creaghan explained that part of what SWT does is inform Utilities, Counties, and Municipalities about the Class Action Suit, the impending mandates, certified baseline testing services, and mitigation options. The settlement amount for this Class Action suit stands at \$15 Billion and in order to be involved and be eligible for a part that settlement Utility Providers must have all of their municipal wells tested for PFAS contamination and have a baseline level. It is also highly likely that the Environmental Protection Agency (EPA) will be releasing a mandate in the near future that all Municipalities must have Baseline testing done to confirm the present of PFAS contamination. Based on historical testing and evidence from the EPA and other agencies Harrison County is at an elevated risk for FAS contamination.

At this time Supervisor Marlin Ladner asked if the impending mandates would require contaminant mitigation, and is there even a way to clean up PFAS contamination Mr. Stephen Creaghan explained that PFAS contamination can not be undone, but we can control the impact it has on the water supply/ Mayor George Bass asked if there had been any testing done for PFAS contamination in Harrison County. Mr. Stephen Creaghan responded that no, at least not by SWT.

It was at this time that both Mr. Wayne Miller and Mr. Peter Abide told the Board that the cities of Gulfport and Biloxi had chosen to opt out from the Class Action Suit because neither city wanted to be limited in what [part of] the settlement they might receive, especially since no one yet knows the level of contamination present, or how expensive of a clean up and mitigation project may have to be undertaken.

Mr. Jim Simpson told the Board that at this point, it may be too late to opt out and that now it was about getting the required testing done and decide if we want to file a claim; he asked how long testing took. Mr. Stephen Creaghan told them that testing takes 3 – 4 weeks and costs between \$3,000.00 and \$5,000.00 per well, with the possibility of partial reimbursement from the settlement.

At this time Mayor Jimmy Rafferty asked that Mr. Jim Simpson do some research on this suit and the deadlines we need to be aware of. He also asked Mr. John Wilson to look into the certified baseline testing and possible mitigation/filtration options. Mr. Stephen Creaghan offered that WST would be willing to test one site in the County at no cost so that we have an idea as to what our levels of PFAS contamination might look like. There was then discussion about testing two well sites, one on either side of the county. Mr. Marlin Ladner asked if there was a way to filter PFAS from water. And Supervisor Dan Cuevas asked if those filters were something that could be put in place as a pilot program. Mr. Stephen Creaghan explained that there were filtration systems and that WST had all of the plans for those facilities, but that, given all that makes up these systems it was not really something that could be easily or temporarily installed on a well.

Supervisor Dan Cuevas asked about those residents who got their water from a personal or private well, what were they supposed to do. Mr. Nick Quave told him that one of the companies involved in this Class Action Suit had excluded personal or private well holders, meaning that they would have to file their own suit. Mr. Jim Simpson added that if they excluded personal/private well holders from this suit, then there will almost certainly be another class action suit. He also noted that it was important to know that this is not a problem that is going to be fixed overnight or by next month, but we can't let the public panic over this. Mr. Al Gombos wanted to be sure that HCUA has a statement ready which explains why we are testing the wells we are, what we are testing for, and what actions we will be taking so that the public has the answers they want and need, noting that the issue of well contamination and the presence of PFAS in drinking water had already been brought to the public's attention back in August in a Sun Herald article, so this was not the first time we had heard about this potential problem.

Mr. Jimmy Rafferty asked that the Board approve moving ahead with the testing of two well sites on either side of the county, having Mr. Jim Simpson research the legal side of this issue, and have Mr. John Wilson research the technical sides of filtration and mitigation.

Mayor George Bass made a motion to approve the testing of two HCUA Well Sites, one on the West side and one on the East side of the County by SafeWater for the presence of PFAS

(Forever Chemicals), and having Mr. Jim Simpson research participation in the Class Action Lawsuit, seconded by Mr. Al Gombas. A vote resulted in the following:

Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. A copy of Nick Quave \ SafeWater – PFAS (Forever) Chemicals Class Action Lawsuit, Testing, and Remediation attached hereto as exhibit "I".

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E2f. Recommend that HCUA Staff Will No Longer Participate in the Technical Committee Evaluation Process

Mayor George Bass, made a motion Recommend that HCUA Staff Will No Longer Participate in the Technical Committee Evaluation Process seconded by Mr. Al Gombos. A vote resulted in the following:

Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion passed. There are no Documents.

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F. Executive Director's Report

NONE

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G. Executive Session

Mayor George Bass asked to go into Executive session to discuss a Personnel Issue.

Mayor George Bass, made a motion to come out of Executive Session, No Action Taken seconded by Mr. Al Gombos. A vote resulted in the following:

Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The Motion Passed, No Action Taken

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I. Adjourn – At this time Mr. Al Gombos made a motion to adjourn, seconded by Mr. Wayne Miller. A vote resulted in the following:

Biloxi	voted	aye
Gulfport	voted	aye
D'Iberville	voted	aye
Long Beach	voted	aye
Harrison County (1)	voted	aye
Harrison County (2)	voted	aye
Pass Christian	voted	aye

The motion to adjourn passed.

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Harrison County Utility Authority



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