HANCOCK COUNTY UTILITY AUTHORITY

401 Gulfside Street • Waveland, MS 39576
Telephone 228-467-3702 • Fax 228-467-6206 • E-mail: hcua@bellsouth.net

Special Board Meeting
February 24, 2015

Call to Order - Meeting called to order by Chairman Les Fillingame at 5:07 p.m.

Attendees:
Les Fillingame
James Lamy
Shane LaFontaine
Josh DeSalvo
Shane Finley – DWSD – Not Bonded
Attorney Heather Ladner
Executive Director David Pitalo

Absent:
Patricia Cuevas
Steve Seymour
Charles Johnson

Pledge of Allegiance and Silent Prayer

Request to Address the Board

Board Approval Items
Motion made by Director DeSalvo to approve repairs to the driveway entrance to the Southern Regional WWTP with a recommendation by Board Attorney Ladner to approve the lowest bid or not to exceed $25,000. Executive Director Pitalo reassured the Board the he would keep cost low and will have a cost update at the next scheduled board meeting in March. Director Lafontaine seconded the motion; it was voted on and carried with a unanimous vote, with voting as follows:
Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo
Voting NAY: None
Abstaining: None
Nonvoting: Shane Finley
Absent: Directors Johnson, Cuevas, Seymour

Board Attorney Ladner asked to address the board on the issue of Director Patricia Cuevas from the Kiln Utility and Fire District not being the Chairman of said board, State Legislation requires the Director representing the Kiln must be the Chairman of the Kiln Utility and Fire District. Motion made by Director Lamy to authorize sending a letter to the Kiln Utility and Fire District to request the Chairman of its board to serve as a HCUA Director. Director DeSalvo seconded the motion; it was voted on and carried with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo
Voting NAY: None
Abstaining: None
Nonvoting: Shane Finley
Absent: Directors Johnson, Cuevas, Seymour

Motion was made by Director DeSalvo to adopt a Resolution and have Board Attorney Ladner request legislature of the state of MS to either amend the MS Code or enact certain local and private legislation pertaining to the appointment of the HCUA board of directors. Director Lamy second the motion; it was voted and carried with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo
Voting NAY: None
Abstaining: None
Nonvoting: Shane Finley
Absent: Directors Johnson, Cuevas, Seymour

Adjourn or Recess

Motion was made by Director Lamy to adjourn the meeting at 5:30 p.m. Director DeSalvo seconded the motion; it was voted on and carried with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo
Voting NAY: None
Abstaining: None
Nonvoting: Shane Finley
Absent: Directors Johnson, Cuevas, Seymour

Chairman/Vice Chairman

Executive Director

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February 25, 2015

Mr. Mike Haas
Haas & Haas
201 North Second Street
Bay Saint Louis, MS 39520

Re: Kiln Utility and Fire District HCUA Appointment

Dear Mr. Haas:

It has recently come to the attention of the Hancock County Utility Authority ("HCUA") that the appointment by the Kiln Utility and Fire District (the "Kiln") of a Director to serve on the HCUA Board of Directors is not in accordance with Mississippi law. According to Miss. Code. Sect. 4-17-737, the Director from the Kiln must be the Chairman of the Kiln Utility and Fire District. The law does not allow for any deviation.

As you are aware, the Kiln has appointed Ms. Patricia Cuevas to serve on the HCUA Board. Unfortunately, Ms. Cuevas is not the Chairman of the Kiln Board and therefore is not the proper candidate to serve on the HCUA Board. HCUA requests that the Kiln resolve this issue immediately. Ms. Cuevas will not be considered a member of the HCUA Board and will not be able to vote at HCUA meetings until this issue is resolved.

HCUA appreciates the role that Ms. Cuevas has played on its Board and would love nothing more than to maintain her on the HCUA Board. However, the concern over the legalities of her appointment leaves HCUA with no other choice than to ask Ms. Cuevas to resign effective immediately.

Attached is a Resolution passed by the HCUA Board that supports the Mississippi Legislature taking action to amend the statute to allow for any member of the Kiln Board, or the other Districts for that matter, to sit on the HCUA Board. HCUA will be happy to assist the Kiln in any way feasible to encourage our local legislature to make this much needed change in the law.

On behalf of the HCUA Board, I appreciate the efforts of the Kiln to promptly resolve this issue. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

BUTLER SNOW, LLP

Heather L. Ladner

Heather L. Ladner

cc: HCUA Board of Directors
Kiln Board of Directors
Mr. David Pitalo

Post Office Drawer 4248
Gulfport, MS 39502

HEATHER L. LADNER
228.575.3047
heather.ladner@butlersnow.com

Suite 204
1300 25th Avenue
Gulfport, MS 39501

T 228.864.1170 · F 228.868.1531 · www.butlersnow.com
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THERE CAME on for Consideration by the Hancock County Utility Authority the matter of requesting the Mississippi Legislature to either amend current legislation or enact local and private legislation as it relates to the appointment of the Hancock County Utility Authority Board of Directors. After full consideration of the matter, Director Josh DeSalvo offered and moved the adoption of the following resolution:

RESOLUTION OF THE HANCOCK COUNTY UTILITY AUTHORITY REQUESTING THE LEGISLATURE OF THE STATE OF MISSISSIPPI TO EITHER AMEND SECTION 49-17-737 OR ENACT CERTAIN LOCAL AND PRIVATE LEGISLATION PERTAINING TO THE APPOINTMENT OF THE HANCOCK COUNTY UTILITY AUTHORITY BOARD OF DIRECTORS

WHEREAS, the Hancock County Utility Authority (the "Authority") was created pursuant to Mississippi Code Section 19-17-735 for the planning, acquisition, construction, maintenance, operation and coordination of water, wastewater and storm water systems in order to ensure the delivery of water, wastewater and storm water services to citizens residing within the boundaries of Hancock County; and

WHEREAS, the Board of Directors of the Authority is established pursuant to Mississippi Code Section 19-17-737, which states in part that one director is the Chairman of the Diamondhead Water and Sewer District, one director is the Chairman of the Kiln Utility and Fire District, one director is the Chairman of the Hancock County Water and Sewer District, and one director is the Chairman of the Pearlington Water and Sewer District; and

WHEREAS, the Authority recognizes that the Chairmen of the above mentioned Districts may not always be available to serve as a Director of the Authority; and

WHEREAS, it would be to the advantage of the Authority if any member of these Districts' boards could serve as a Director of the Authority; and

WHEREAS, either an amendment to Section 19-17-737 or local and private legislation is needed to allow an individual other than the Chairmen of these Districts to serve on the Authority's Board of Directors.

NOW THEREFORE, BE IT RESOLVED by the Authority that the Legislators representing Hancock County are hereby requested to introduce, and the Legislature of the State of Mississippi is hereby requested to amend Section 19-17-737 or enact local and private legislation authorizing the change in the individuals allowed to serve on the Hancock County Utility Authority.

Director James Lamy seconded the Motion to adopt the above and foregoing Resolution, whereas the question was put to a vote with the following results:

Director Patricia Cuevas	absent
Director Joshua DeSalvo	voted: aye
Director Les Fillingame	voted: aye

Director Shane Lafontaine	voted: aye
Director James Lamy	voted: aye
Director Steve Seymour	absent

The majority of the Directors present having voted in the affirmative, the Motion was declared carried, and the Resolution adopted on this the 24th day of February, 2015.

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

CERTIFICATE

I, Salina Perniciaro, Secretary of the Hancock County Utility Authority, do hereby certify that the above and foregoing is a true and correct copy of a Resolution passed by the Hancock County Utility Authority and entered on the 26th day of February, 2015, as fully as of record in Bay St. Louis, Mississippi.

Secretary
Hancock County Utility Authority

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