

**West Jackson County Utility District  
7200 McCann Road  
Biloxi, Mississippi 39532  
March 11, 2021**

**Scheduled Meeting**

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**MINUTES**

**1.0 Call Meeting to Order:**

The West Jackson County Utility District (WJCUD) convened the scheduled board meeting March 11, 2021 at the WJCUD general office building, 7200 McCann Road, Biloxi, MS. The meeting was called to order by Mr. Mike Montgomery, Chairman of the Board at 9:00 A.M., and it was determined that a quorum was present. A notice was posted informing the public of the meeting time. The following individuals were present:

Mr. Mike Montgomery	Chairman, WJCUD
Mr. Joe Bannister	Secretary/Treasurer, WJCUD
Mr. Bryan David	Commissioner, WJCUD
Mr. Andy Westfall	Commissioner, WJCUD
Mr. Josh Danos	Board Attorney, WJCUD
Mr. John Hannah	General Manager, WJCUD
Mr. Scott Ramsay	Operations Manager, WJCUD
Ms. Lori Goforth	HR Manager/Exec Admin Asst, WJCUD
Ms. Tracy Reed	Accountant, WJCUD
Mr. Brian Bennett	New Construction & Compliance Manager, WJCUD
Mr. James Douglass	Compton Engineering
Mr. Gerrod Kilpatrick	Machado Patano
Mr. Kevin Yates	Ward Engineering

Members of the Public:

**2.0 Pledge of Allegiance**

**3.0 Change to Meeting Agenda**

**4.0 Community Input**

None.

## **5.0 Consent Agenda**

- 5.1. Reading of Previous Minutes**
- 5.2. Financial Reports**
- 5.3. Purchase Requisitions**
- 5.4. Docket of Claims Lines 1 – 65 / \$400,723.33**
- 5.5. Leak Credits**
- 5.6. Grinder Station Approvals**

Mr. David made a motion, seconded by Mr. Westfall, approving the consent agenda. Motion passed unanimously.

## **6.0 Old Business**

### **6.1 Cook Road Corridor Sewer Extension (Schedule 1)**

Kevin Yates reported that the walk-through is completed and a punch list is being worked up. He has no concerns with the project being completed.

Mr. Bannister made a motion, seconded by Mr. David, approving Bottom 2 Top Construction Pay Application 2 in the amount of \$54,212.65 as recommended by Ward Engineering. Motion passed unanimously.

## **7.0 New Business**

### **7.1 Acquisition of PIDN 05051109.000**

Mr. Bannister made a motion, seconded by Mr. Westfall, authorizing the District to accept the gift of PIDN 05051109.000 (Lot 9 Beau Chase) from Little Bluff LLC as well as the condition that the District pay the outstanding property taxes totaling approximately \$100.00. Motion passed unanimously.

### **7.2 Amendment of WJCUD By-Laws**

Mr. Westfall made a motion, seconded by Mr. Bannister, to approve the amendments to the By-Laws as presented. Motion passed unanimously.

### **7.3 WJCUD Developer Policy**

Tabled

## **8.0 Correspondence**

Included for the Board's review was the following:

- Judee Fearn email (2021 03 03) to Millissa Stork regarding her pleasant customer service interaction
- State Auditor letter (2021 03 02) to WJCUD regarding executed Contract for Professional Services between WJCUD and Fletcher and Company, PLLC for auditing services for FY 2020
- JCUA letter (2021 01 29) to WJCUD regarding their Auditor's request for FY 2020 total payments made and current balance due

## **9.0 District Operations**

### **9.1 Attorney Report**

Updates were given on the following:

- Commission rate of pay per meeting is to be set by the Board of Supervisors

### **9.2 Manager Report**

Updates were given on the following:

- Hurricane Zeta Loss and estimated FEMA/MEMA reimbursement
- Hydrant Testing
- Asset Disposal List being worked on
- Emergency Repair and Construction Services Contract(s)
- Meter Registers
- Amendment to FY 2021 Capital Plan being on for Portable By-Pass Pump that is needed and a new Equipment Shed
- Cost of Materials increasing significantly
- February 2021 Billing Summary – \$700,866.10 (Feb. 2020 \$691,537.83)  
8,058 customers (Feb. 2020 7,826)

- February 2021 Water Production @ 47.89 MG;  
42.65 MG sold, 3.58 MG accounted for loss, 1.65 MG unaccounted for loss
- Appraisal & Plat for potential 2.38 acre acquisition
- DWIRLF Loan Amendment Request with Bid Certification
- Wastewater Facilities Plan Phase 3 (Kevin Yates, Ward Engineering)
- Wastewater Facilities Plan Phase 4 (Gerrod Kilpatrick, Machado Patano)

**10.0 Executive Session – If So Move**

None.

**11.0 Other Business**

**12.0 Adjournment**

A motion was made by Mr. Bannister, seconded by Mr. David, to adjourn the meeting at 9:51 A.M., March 11, 2021. Motion passed unanimously.

  
\_\_\_\_\_  
Joe Bannister  
SECRETARY/TREASURER, WJCUD

ORDER NUMBER \_\_\_\_\_

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") has entered a contract with Bottom 2 Top Construction relating to the installation of gravity sewer along the Cook Road corridor (Schedule 1); and

WHEREAS, Staff requests Board consideration and approval of **Pay Application No. 2** for the amount of **\$54,212,65** as recommended by Ward Engineering for Schedule 1 of the Cook Road corridor gravity sewer project; and

WHEREAS, the Board of Commissioners hereby finds that approval of this request is in the best interests of the District;

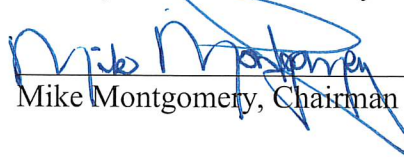
**IT IS THEREFORE ORDERED** by the Board of Commissioners of West Jackson County Utility District, that Pay Application 2 is hereby approved and authorized.

**IT IS FURTHER ORDERED** that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Bannister, seconded by David, and the following vote was recorded:

- Chairman Montgomery Yes
- Commissioner Spiers Absent
- Commissioner Bannister Yes
- Commissioner Westfall Yes
- Commissioner David Yes

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 11th day of March, 2021.

  
Mike Montgomery, Chairman

ATTEST:





ORDER NUMBER \_\_\_\_\_

WHEREAS, the West Jackson County Utility District seeks to acquire certain real property for permissible District purposes;

WHEREAS, said real property is more specifically identified as Jackson County Mississippi PIDN 05051109.000 (hereinafter "the Property"); and

WHEREAS, the owner of the Property, Little Bluff, LLC, has agreed to donate the Property; and

WHEREAS, Staff recommends acceptance of the Property so long as any outstanding taxes can be resolved with the tax assessor, and in the event there is not an encumbrance that would prevent use of the lot by the District as a second entry/access to an adjacent lot currently owned by the District; and

WHEREAS, the Board of Commissioners hereby finds that acceptance of this donation is in the best interests of the District;

IT IS THEREFORE ORDERED by the Board of Commissioners that the Property is hereby accepted so long as any outstanding taxes can be resolved with the tax assessor, and in the event there is not an encumbrance that would prevent use of the lot by the District as a second entry/access to an adjacent lot currently owned by the District.

IT IS FURTHER ORDERED by the Board of Commissioners that the General Manager is authorized to execute any and all documents required to initiate the transfer of this property.

IT IS FURTHER ORDERED that Bordis & Danos, PLLC is authorized to conduct the closing.

IT IS FURTHER ORDERED that the General Manager is authorized to execute and any and all additional documentation required for this purpose.

The motion to approve the foregoing Order was made by Bannister, seconded by Westfall, and the following vote was recorded:

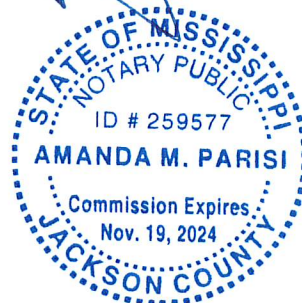
Chairman Montgomery	<u>Yes</u>
Commissioner Spiers	<u>Absent</u>
Commissioner Bannister	<u>Yes</u>
Commissioner Westfall	<u>Yes</u>
Commissioner David	<u>Yes</u>

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 11th day of March, 2021.

Mike Montgomery  
Mike Montgomery, Chairman

ATTEST:

Amanda M Paris



ORDER NUMBER \_\_\_\_\_

**WHEREAS**, the Board of Commissioners of the West Jackson County Utility District (hereinafter, "the District") has previously adopted certain By-Laws to govern Commission matters; and

**WHEREAS**, from time to time the Board, by majority vote of a duly called quorum, may amend said By-Laws; and

**WHEREAS**, the General Manager has presented certain revisions to the By-Laws (as attached hereto), which the Commission has determined are in the best interests of the District; and

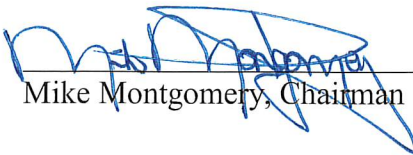
**IT IS THEREFORE ORDERED** by the Board of Commissioners of the West Jackson County Utility District, that the Commission By-Laws be amended and revised as presented.

**IT IS FURTHER ORDERED** that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Westfall, seconded by Bannister, and the following vote was recorded:

Chairman Montgomery Yes  
Commissioner Spiers Absent  
Commissioner Bannister Yes  
Commissioner Westfall Yes  
Commissioner David Yes

**WHEREUPON**, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 11th day March, 2021.

  
Mike Montgomery, Chairman

ATTEST:







# West Jackson County Utility District

7200 McCann Road

Biloxi, Mississippi 39532

(228) 872-3898, FAX (228) 872-3861

## AMENDED BY - LAWS

### ARTICLE I

#### THE UTILITY DISTRICT

##### *Section 1. Name of the Utility District*

The name of the Utility District is the West Jackson County Utility District (formerly the St. Martin - Gulf Hills Utility District), as authorized by Senate Bill No. 2251, Laws of Mississippi of 1966, and by Resolution of the Board of Supervisors of Jackson County, Mississippi, dated February 5th, 1974, and January 11th, 1993, its members are the Board of Commissioners. AN ACT TO AMEND CHAPTER 831, LOCAL AND PRIVATE LAWS OF 1966, AS AMENDED BY CHAPTER 949, LOCAL AND PRIVATE LAWS OF 1980, AS AMENDED BY CHAPTER 844, LOCAL AND PRIVATE LAWS OF 1982, AS AMENDED BY CHAPTER 923, LOCAL AND PRIVATE LAWS OF 1987, AS AMENDED BY CHAPTER 827, LOCAL AND PRIVATE LAWS OF 1988, AS AMENDED BY CHAPTER 947, LOCAL AND PRIVATE LAWS OF 1991, AS AMENDED BY HOUSE BILL 1858, LOCAL AND PRIVATE LAWS OF 2002, AS AMENDED BY SENATE LOCAL AND PRIVATE BILL 2004.

##### *Section 2. Office of the District*

The office of the Utility District shall be at 7200 McCann Road Biloxi, Mississippi, and all official records and minutes of the Utility District remain on file there.

##### *Section 3. Purpose*

The West Jackson County Utility District is a nonprofit organization which is dedicated to serve a public use in the supply of water services and sanitary sewer services to the public and thereby promote and maintain the health, safety, prosperity, security and general welfare of its inhabitants and the people of the County of Jackson, State of Mississippi.



*Section 4. Fiscal Period*

The Fiscal Period shall be deemed to be from October 1 through September 30 for each year.

ARTICLE II

MEMBERSHIP AND OFFICERS

*Section I. Membership*

Pursuant to Section 2 of the enabling legislation, the powers of the utility District shall be vested in and exercised by a Board of Commissioners consisting of five (5) members to be appointed by the Board of Supervisors of Jackson County. The Operation, management, subsequent possible annexation, abolition or dissolution of such district, and all other matters in connection therewith, shall be vested solely and only in the Board of Commissioners. All members of the West Jackson County Utility District shall abide by and uphold all laws of the State of Mississippi while conducting District Business

*Section 2. Election of Officers*

There shall be elected from the Board of Commissioners of the Utility District a Chairman, a Vice-Chairman and a Secretary-Treasurer, provided that at the election of the Board of Commissioners, the duties of the Secretary may be performed by a non-member of the Board. During the last regular meeting in September, the Board will elect officers for the following fiscal year.

*Section 3. Attendance*

Should a Commissioner fail to attend three consecutive Board meetings or four meetings in a three-month period, except in the case of illness, his or her position may be declared vacant and at the discretion of the Board of Commissioners, they may request the Board of Supervisors replace this Commissioner.

*Section 4. Vacancies*

a. Should one of these offices (Chairman, Vice-Chairman, Secretary-Treasurer) become vacant, the Board of Commissioners shall elect a successor at its next regular meeting.

b. In the event of resignation of a Board member prior to the unexpired term of office, the Chairman shall notify the Board of Supervisors for an appointive replacement.

*Section 5. Duties of Officers*

The duties of the officers shall be as follows:

a. Chairman

The Chairman shall be the chief executive officer of the Board of the Utility District.

The Chairman shall call and preside at all regular and special meetings of the Board. He/she shall appoint the members of all Committees and shall be an ex-officio member of all such Committees. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business of the Utility District.

b. Vice-Chairman

The Vice-Chairman shall preside at meetings and perform the duties of the Chairman in the absence or incapacity of the Chairman. He/she shall perform such other duties as may be assigned by the Chairman or by the Board.

c. Secretary-Treasurer

The Secretary-Treasurer shall attend all meetings of the Board, shall assure the maintenance of documentation attesting to the appointment of each member and the maintenance of a complete record of all meetings, hearings and other transactions of the Board, including the minutes of the regular and special meetings of the Board, and shall perform such other duties as may be required by law, or by Board Order of Resolution. He/she shall assure the proper care and custody of all funds of the Utility District and shall assure deposit of all funds in the name of the Utility District in such bank or banks as the Board may select; he/she shall assure the keeping of regular books of accounts showing receipts and disbursements and shall assure the rendering to the Board at each regular meeting of an account of all transactions and of the financial condition of the Utility District.

*Section 6. Motioning, seconding, and voting by the Chairman*

The Chairman may make motions or second motions and vote on any motion during any regular or special meetings.

ARTICLE III

MEETINGS

*Section 1. Meetings*

The Commissioners are authorized to meet in executive or closed sessions. Any Meeting by the Board may be accomplished in whole or in part by telephonic conference call or other electronic communication.

The regular meetings of the Board of Commissioners shall be held on the 2nd and 4th Thursday of each month (except for the 4th Thursday in November and December when the only meeting will be held on the 3<sup>rd</sup> Thursday) at the Utility District's office at 7200 McCann Road Biloxi, Mississippi, and shall be held at 9:00 A.M., unless otherwise posted. The regular meeting of the fourth Thursday in September shall be the annual meeting for election of officers.

Special meetings of the Utility District may be called by the Chairman on his own initiative and shall be called by him upon request of one or more of the Board's membership. All members shall be notified by the most expeditious means possible, at least twenty-four (24) hours in advance (with confirmatory notice, with purpose and agenda, in writing). Notice of special meetings shall be posted on the District's website located at [www.wjcud.com](http://www.wjcud.com). Customers may sign up for email or text alerts for any special meeting notices.

*Section 2. Quorum*

A quorum shall consist of currently appointed Board members as specified in the following Chart:

APPOINTED COMMISSIONERS

QUORUM NEEDED

5

3

4

3

3

2

2

If two or less, no board  
action can be taken.

*Section 3. Agenda*

An agenda, with appropriate supporting information, will be prepared and furnished each member prior to the regular meeting; at least twenty- four (24) hours prior to the meeting, if at all possible.

*Section 4. Minutes*

The minutes of all regular and special meetings of the Board shall be furnished to each Board member prior to the next regular meeting.

*Section 5. Order of Business*

The order of business at regular meetings shall be

1. Call to order;
2. Pledge of Allegiance;
3. Changes to Meeting Agenda;
4. Community Input from members of the public;
5. Consent Agenda;
  - Reading of Previous Minutes Financial Reports
  - Purchase Requisitions
  - Docket of Claims
6. Old Business;
7. New Business;
8. Correspondence;
9. District Operations;
  - Attorney Report
  - Manager Report
10. Executive Session (if so moved);
11. Other Business;
12. Adjournment.

*Section 6. Rules of Order*

Robert' s Rules of Order may be waived by the Board as in Article II, Section 6. However, in event of any dispute or conflict, Robert's Rules of Order shall prevail.

*Section 7. Contracts*

The Board may authorize any officer or officers, manager agent or agents of the District, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the District, and such authority may be general or confined to specific instances.

ARTICLE IV

DISBURSEMENT OF FUNDS

*Section 1. Disbursement of Funds*

Except for checks drawn on the petty cash account which is or may hereafter be established by the Board, checks and orders for disbursement of funds shall be signed and countersigned by any two (2) of the Board of Commissioners who are authorized to sign on the account.

*Section 2. Per Diem and Expenses*

a. No per diem and expenses reimbursement shall be payable for attendance at the meetings of the Board of Commissioners, and otherwise only upon prior authorization of the Board

b. No payment shall be made except upon properly completed, signed forms evidencing the authorized expenditure.

c. Advances for expenses to be incurred (except for Privately Owned Vehicle (POV) usage) shall be made at the discretion of the Board of Commissioners.

d. Use of POV's will be reimbursed at the rate allowed by the Internal Revenue Service.

e. All authorized expenditures will be reimbursed at cost. All expenses shall be evidenced by receipt.

# ARTICLE V

## AMENDMENTS

### *Section 1. Amendments*

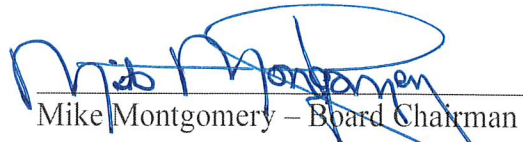
These By-Laws, or any part thereof, may be amended at the pleasure of the Board by a majority vote of the Commissioners present and voting at a regular meeting, provided a quorum is present.

NOTE: These By-Laws supersede By-Laws approved August 12, 1994, as amended on August 11, 1995, October 16, 1995, June 10, 1996, February 11, 2002, August 25, 2003, January 10, 2005, September 27, 2016.

APPROVED BY BOARD ACTION: March 11, 2021.

These articles are hereby adopted as the Amended By-laws of West Jackson County Utility District effective as of the date set forth herein.

Dated: 03-11-2021

  
Mike Montgomery – Board Chairman

Seal 