

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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The Board met **July 27, 1998**, pursuant to recess taken July 24, 1998, in the meeting room for the Board of Supervisors in the First Judicial District Courthouse in the city of Gulfport, Harrison County, Mississippi. All Supervisors were present.

WHEREUPON, after the proclamation of the Sheriff, the following proceedings were had and done, viz:

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following  
Order:

**ORDER APPROVING PETITION FOR INCREASE TO THE 1997 LAND  
ROLL FOR PARCEL NUMBER 0109-18-060.001**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY APPROVE petition for increase to the  
1997 Land Roll for Parcel Number 0109-18-060.001.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the  
above and foregoing Order, whereupon the President put the question to a  
vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of  
the Supervisors present, the President then declared the motion carried and  
the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

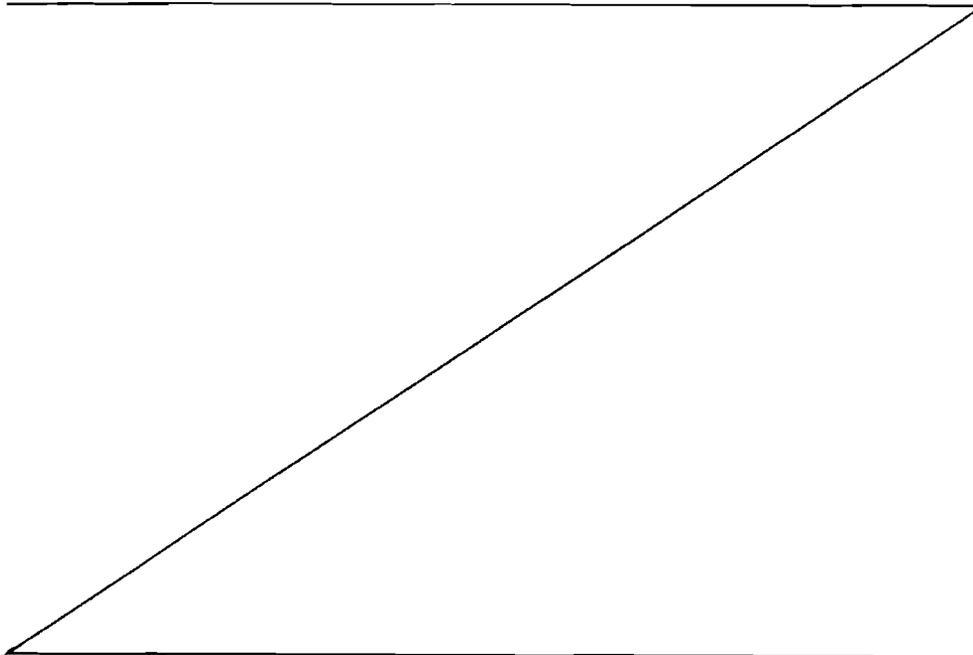
**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

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THIS DAY there came on for hearing and consideration by the Board of Supervisors of Harrison County, Mississippi, petition of the Tax Assessor for change or reduction in the assessment of real and personal property assessed at the page and line on said 1997 Real and Personal Property Assessment Roll and as shown in said petition under parcel number; and it appearing to the Board of Supervisors from the evidence offered in support of said application, both oral and documentary, that the assessment should be reduced, increased, and/or changed, and after full discussion and consideration Supervisor **ROBIN ALFRED MIDCALF** moved the adoption of the following Order:

**ORDER ACKNOWLEDGING RECEIPT OF AND APPROVING  
PETITIONS FOR CHANGES TO THE 1997 REAL AND PERSONAL  
PROPERTY ASSESSMENT ROLL, AS LISTED, AS RECOMMENDED BY  
THE TAX ASSESSOR**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI that the Board does HEREBY ACKNOWLEDGE receipt of petitions for changes to the 1997 Real and Personal Property Roll, as recommended by the Tax Assessor, same being as follows, to-wit:



Petitions And Actions Taken by Board Of Supervisors and State Tax Commission  
 Records Added 7-14-1998 thru 7-22-1998 Report Sequence PARCEL NUMBER

| PARCEL NUMBER  | OWNER NAME                     | Parcel Type Dist | Total Assessed |       | Change | BOS Action | STC Action | W P |   |
|--|--------------------------------|------------------|----------------|-------|--------|------------|------------|-----|---|
|  |                                |                  | Before         | After |        |            |            | F   | D |
| 0109-18-060.000  | LADNER, BRIAN K                | R 3Q             | 7083           | 1770  | -5313  |            |            | T   | N |
| DELETE IMPS/GUES TO PCL-60-1                             |                                |                  |                |       |        |            |            |     |   |
| 0210-34-032.000  | ARATA, ANDREW & BETTY M        | R 3Q             | 8707           | 4180  | -4527  |            |            | T   | N |
| AG VALUE NO KEY PUNCHED                                  |                                |                  |                |       |        |            |            |     |   |
| 0213I-03-003.000   | OWEN, TOFIE                    | R 3P             | 321            |       | -321   |            |            | T   | N |
| STATE SALE 94  |                                |                  |                |       |        |            |            |     |   |
| 0312K-02-123.000   | CAMPBELL, RUTH K               | R 3P             | 41             |       | -41    |            |            | T   | N |
| STATE SALE 14  |                                |                  |                |       |        |            |            |     |   |
| 0312K-02-184.000   | LEWIS, FRED HENRY              | R 3P             | 122            |       | -122   |            |            | T   | N |
| STATE SALE 67  |                                |                  |                |       |        |            |            |     |   |
| 0312K-02-223.000   | KEENE, J P & WF                | R 3P             | 62             |       | -62    |            |            | T   | N |
| STATE SALE 59  |                                |                  |                |       |        |            |            |     |   |
| 0312N-01-142.000   | PASS CHRISTIAN CITY OF         | R 3P             | 75             |       | -75    |            |            | T   | N |
| EXEMPT-BELONGS TO CITY OF PASS CHRISTIAN                 |                                |                  |                |       |        |            |            |     |   |
| 0313A-04-049.000   | BROWN, LOUVERTA K              | R 3P             | 321            |       | -321   |            |            | T   | N |
| STATE SALE 10  |                                |                  |                |       |        |            |            |     |   |
| 0313A-04-102.000   | JOHNSTON, ALBERT S JR -TRUST   | R 3P             | 135            |       | -135   |            |            | T   | N |
| STATE SALE 56  |                                |                  |                |       |        |            |            |     |   |
| 0313B-02-025.000   | LEWIS, FRED HENRY              | R 3P             | 156            |       | -156   |            |            | T   | N |
| STATE SALE 68  |                                |                  |                |       |        |            |            |     |   |
| 0313B-02-034.000   | LEWIS, FRED HENRY              | R 3P             | 162            |       | -162   |            |            | T   | N |
| STATE SALE 69  |                                |                  |                |       |        |            |            |     |   |
| 0313B-02-101.000   | TINSLEY, MARJORIE H            | R 3P             | 447            |       | -447   |            |            | T   | N |
| STATE SALE 122   |                                |                  |                |       |        |            |            |     |   |
| 0313E-01-014.000   | CHARLOTTE DEV CO INC           | R 3P             | 101            |       | -101   |            |            | T   | N |
| STATE SALE 18  |                                |                  |                |       |        |            |            |     |   |
| 0313H-01-047.000   | SATELLITE INC                  | R 3P             | 1460           |       | -1460  |            |            | T   | N |
| STATE SALE 104   |                                |                  |                |       |        |            |            |     |   |
| 0412E-02-029.000   | HENSLEY, E W & WF              | R 3EW            | 138            |       | -138   |            |            | T   | N |
| STATE SALE 43  |                                |                  |                |       |        |            |            |     |   |
| 0412N-01-071.000   | AMES, JAN M                    | R 3P             | 9156           | 6105  | -3051  |            |            | T   | N |
| CLASS I  |                                |                  |                |       |        |            |            |     |   |
| 0412N-01-071.000   | AMES, JAN M                    | R 3P             | 9156           | 6105  | -3051  |            |            | T   | N |
| CLASS I  |                                |                  |                |       |        |            |            |     |   |
| 05100-02-006.000   | SERVICE FINANCE CORP           | R 3KW            | 3008           |       | -3008  |            |            | T   | N |
| STATE SALE 107   |                                |                  |                |       |        |            |            |     |   |
| 0611I-02-004.001   | DERBIGNY, CLARK A & CONNIE B   | R 3L             | 17916          | 11944 | -5972  |            |            | T   | N |
| CLASS I  |                                |                  |                |       |        |            |            |     |   |
| 0611N-04-031.000   | BIERSCHENK, MARK J & MERLINDA  | R 3L             |                |       |        |            |            | T   | N |
| NAME CORRECTION ONLY TO LAWRENCE, DELPHIA L-ND VALUE CHG |                                |                  |                |       |        |            |            |     |   |
| 0708M-01-007.000   | JOHNSTON, ALBERT S JR -TRUST   | R 2KW            | 60             |       | -60    |            |            | T   | N |
| STATE SALE 57  |                                |                  |                |       |        |            |            |     |   |
| 0809M-02-004.076   | BOLDEN, ELIZABETH J & DONNELL  | R 4Q0            | 5281           | 3520  | -1761  |            |            | T   | N |
| CLASS I  |                                |                  |                |       |        |            |            |     |   |
| 0810P-01-117.000   | SAKALARIOS, ANTHONY            | R 4Q             | 132            |       | -132   |            |            | T   | N |
| STATE SALE 103   |                                |                  |                |       |        |            |            |     |   |
| 0811K-02-012.000   | DIXIE J ENTERPRISES INC-LESSEE | R 2Q             | 10791          |       | -10791 |            |            | T   | N |
| STATE PROP-EXEMPT-BUSINESS OOB                           |                                |                  |                |       |        |            |            |     |   |
| 0811M-01-001.002   | DEROUEN, LERDY -LESSEE-        | R 3Q             | 20708          |       | -20708 |            |            | T   | N |
| STATE PROP-EXEMPT-BUSINESS OOB-STATE PORT AUTHORITY      |                                |                  |                |       |        |            |            |     |   |

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Petitions And Actions Taken by Board Of Supervisors and State Tax Commission  
Records Added 7-14-1998 thru 7-22-1998 Report Sequence PARCEL NUMBER

| PARCEL NUMBER              | OWNER NAME                    | Type Dist      | Before | After          | Change  | BDS Action | STC Action | W P |
|----------------------------|-------------------------------|----------------|--------|----------------|---------|------------|------------|-----|
| 0910G-01-051.000           | BELL, BUREN E & WF            | R 20           | 7009   | 5909           | -1100   |            |            | T N |
| IMPS-ERRONEOUSLY ASSESSED  |                               |                |        |                |         |            |            |     |
| 0911C-01-031.001           | BOX, JOHN L                   | R 20           | 75     |                | -75     |            |            | T N |
| STATE SALE 6               |                               |                |        |                |         |            |            |     |
| 10100-01-002.013           | HERBERT, GREGORY G & JENNIFER | R 50           | 16705  | 11137          | -5568   |            |            | T N |
| CLASS I                    |                               |                |        |                |         |            |            |     |
| 1107J-01-017.000           | HANSON, CARL E                | R 5A           | 2839   | 780            | -2059   |            |            | T N |
| DELETE-IMPS                |                               |                |        |                |         |            |            |     |
| 1110F-01-001.040           | HARNER, MARGIE A              | R 5B           | 21088  | 14059          | -7029   |            |            | T N |
| CLASS I                    |                               |                |        |                |         |            |            |     |
| 1209B-01-026.000           | ELLZEY, E J ET AL             | R 5B           | 4071   |                | -4071   |            |            | T N |
| EXEMPT-SCHOOL              |                               |                |        |                |         |            |            |     |
| 1209G-01-001.000           | ELLZEY, E J ET AL             | R 5B           | 4776   |                | -4776   |            |            | T N |
| EXEMPT-SCHOOL PROP         |                               |                |        |                |         |            |            |     |
| 1209H-01-003.000           | ELLZEY, E J JR ET AL          | R 5B           | 2284   |                | -2284   |            |            | T N |
| EXEMPT-SCHOOL PROP         |                               |                |        |                |         |            |            |     |
| 1309A-03-024.000           | WARRIOR-INC-ET-AL             | R-10W          | 1254   |                | -1254   |            |            | T N |
| STATE SALE 31              |                               |                |        |                |         |            |            |     |
| 1410F-04-011.000           | FITE, S K SR                  | R 1B           | 270    |                | -270    |            |            | T N |
| STATE SALE 6               |                               |                |        |                |         |            |            |     |
| 1410G-06-061.000           | WILLIAMS, PEARL               | R 1B           | 932    |                | -932    |            |            | T N |
| STATE SALE 34              |                               |                |        |                |         |            |            |     |
| 1410H-05-022.000           | MANNING, WILLIS B & WF        | R 1B           | 5075   | 3383           | -1692   |            |            | T N |
| CLASS I                    |                               |                |        |                |         |            |            |     |
| Change In Total Assessment | -93,025                       | Total Increase |        | Total Decrease | -93,025 |            |            |     |

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Petitions And Actions Taken by Board Of Supervisors and State Tax Commission  
Records Added 7-22-1998 thru 7-22-1998 Report Sequence PARCEL NUMBER

| PARCEL NUMBER   | OWNER NAME           | Type | Dist | Before | AFTER | Change | BOS Action | STC Action | W P<br>F D<br>T N |
|-----------------|----------------------|------|------|--------|-------|--------|------------|------------|-------------------|
| 0102-18-060-001 | LADNER, KENDALL JOHN | R    | 30   | 1500   | 6903  | 5403   |            |            |                   |

ADD IMPS FROM PCL 60/AND CLASS 1

| Change In Total Assessment | 5,403 | Total Increase | 5,403 | Total Decrease |
|----------------------------|-------|----------------|-------|----------------|
|----------------------------|-------|----------------|-------|----------------|

PROPERTY LIST

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Landroll/Appraisal 1997

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Petitions And Actions Taken by Board Of Supervisors and State Tax Commission  
Records Added 7-14-1998 thru 7-22-1998 Report Sequence OWNER NAME

Parcel Tax Total Assessed

| OWNER NAME                                   | PARCEL-NUMBER | Type Dist      | Before | After          | Change   | BOS Action | STC Action | W P F D |
|--|---------------|----------------|--------|----------------|----------|------------|------------|---------|
| CASINO CLASSICS INC                          | 12360         | P L            | 21497  | 5190           | -16307   |            |            | T N     |
| INVENTORY/LEASED EQUIP/TAX DIST INCORRECT    |               |                |        |                |          |            |            |         |
| CUMBERLAND AUTOMDTIVE SERVICE                | 357           | P GD           | 1730   |                | -1730    |            |            | T N     |
| OOB  |               |                |        |                |          |            |            |         |
| CUSTOM-MANUFACTURING                         | 16275         | P L            | 52088  |                | -52088   |            |            | T N     |
| OOB-DOES NOT OWN EQUIPMENT                   |               |                |        |                |          |            |            |         |
| DONG PHAT GROCERY                            | 4088          | P B            | 57432  |                | -57432   |            |            | T N     |
| STORE-BURNED-DEC 1996-OOB                    |               |                |        |                |          |            |            |         |
| FLICKNER CLOVER CLEANERS                     | 1901          | P G            | 107    |                | -107     |            |            | T N     |
| OOB APRIL 1996/WE WERE NOTIFIED JULY 1998    |               |                |        |                |          |            |            |         |
| JONES-PRODUCE                                | 13301         | P G            | 2925   |                | -2925    |            |            | T N     |
| PER LETTER REC'D 11/1/97 BUS CLOSED 12/30/95 |               |                |        |                |          |            |            |         |
| SNAP SHOTS 1 HOUR PHOTO                      | 13995         | P B            | 14758  | 10803          | -3955    |            |            | T N     |
| DELETE-EQUIP/DISPOSED OF                     |               |                |        |                |          |            |            |         |
| ST JOSEPH FRONTIER CASINO                    | 15759         | P G            | 195000 |                | -195000  |            |            | T N     |
| LEFT HARRISON COUNTY BEFORE LIEN DATE        |               |                |        |                |          |            |            |         |
| UNIQUE FASHIONS                              | 11696         | P G            | 625    |                | -625     |            |            | T N     |
| OOB SINCE MARCH 1995                         |               |                |        |                |          |            |            |         |
| WALKER RENT ALL                              | 6958          | P L            | 40268  | 15631          | -24637   |            |            | T N     |
| INVENTORY-VALUE INCORRECT                    |               |                |        |                |          |            |            |         |
| Change In Total Assessment                   | -354,806      | Total Increase |        | Total Decrease | -354,806 |            |            |         |

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**MINUTE BOOK**  
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IT IS FURTHER ORDERED by the Board that the changes in assessment, said changes be and they are HEREBY APPROVED, as submitted by and recommended by Maudie Cuevas, Tax Assessor.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

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Mr. Jim Smith, representing the Libertarian Party of the Gulf Coast, appeared before the Board to discuss the E-911 increase and oppose implementation of the proposed Ordinance/Adult Entertainment.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **DAVID V. LAROSA, SR.** moved adoption of the following

Order:

**ORDER APPROVING PETITIONS FOR REDUCTION OF PERSONAL  
PROPERTY, AS RECOMMENDED BY THE TAX ASSESSOR, AS  
LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY APPROVE the following petitions for  
reduction of personal property, as recommended by the Tax Assessor:

- 1994 - PPIN 92, Gammels Shop Rite.
- 1995 - PPIN 357, Cumberland Automotive Service.
- 1996 - PPIN 357, Cumberland Automotive Service.
- 1996 - PPIN 1330, Jones Produce.
- 1996 - PPIN 4088, Tan Du Grocery.
- 1996 - PPIN 6958, Walker Rent All.
- 1996 - PPIN 12360, Casino Classics Inc.
- 1996 - PPIN 15404, Hoda Chiropractic Clinic.
- 1996 - PPIN 11696, Unique Fashions.

Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the  
above and foregoing Order, whereupon the President put the question to a  
vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of  
the Supervisors present, the President then declared the motion carried and  
the Order adopted.

THIS, the 27th day of July 1998.

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER ACCEPTING THE LOW BID TO T.C.B. CONSTRUCTION CO.,  
INC. FOR THE YOUTHER LEE KEYES PARK RECREATIONAL  
IMPROVEMENTS, IN THE AMOUNT OF \$93,047.50, AND  
AUTHORING THE BOARD PRESIDENT TO EXECUTE CONTRACT FOR  
SAID PROJECT, AS RECOMMENDED BY ED OTT, ASSISTANT  
ENGINEER**

WHEREAS, the Board of Supervisors does hereby find as follows:

1. That this Board, at a meeting heretofore held on the 8th day of June 1998, adopted an Order authorizing and directing the Clerk of the Board to cause publication to be made of Advertisement for Bids for the Youther Lee Keyes Park Recreational Improvements, located in Harrison County, Mississippi.

2. That as directed in the aforesaid Order, said Advertisement for Bids was published in The Sun Herald newspaper, a newspaper published and having a general circulation in Harrison County, Mississippi for more than one (1) year next immediately preceding the date of said Order directing publication of said Notice, and that the Publisher's Affidavit of Proof of Publication has been filed with the Clerk of this Board, by said Clerk exhibited to the Board, and shows that said Advertisement for Bids was published on the 19th and 26th days of June 1998.

3. That publication of said Advertisement for Bids has been made once each week for two (2) consecutive weeks, the last of which was at least seven (7) working days prior to July 16, 1998, the day fixed for receiving said bids in the Order identified in paragraph one thereof, said Proof of Publication being in the following form, words, and figures, to-wit:

# MINUTE BOOK BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI JULY 1998 TERM

## PROOF OF PUBLICATION

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared [Signature] who, being by me first duly sworn, did depose and say that she is a clerk of [Signature]

\_\_\_\_\_ a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

- Sun Paper Vol. 114 No. 267 dated 19 day of Jun, 1998
- Sun Paper Vol. 114 No. 267 dated 26 day of Jun, 1998
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

[Signature]  
Clerk

Sworn to and subscribed before me this 26 day of

A.D., 1998.

[Signature]  
Notary Public

My Commission Expires 10/15/99

|                                       |                 |
|---------------------------------------|-----------------|
| Printer's Fee .....                   | \$ <u>39.26</u> |
| Furnishing proof of publication ..... | \$ <u>2.00</u>  |
| TOTAL .....                           | \$ <u>41.26</u> |

**ADVERTISEMENT FOR BIDS**  
 The Harrison County Board of Supervisors, Gulfport, Mississippi will receive bids for YOUTHER LEE KEYES PARK RECREATIONAL IMPROVEMENTS at Harrison County, Mississippi at the Board Meeting Room, First Judicial Courthouse, Gulfport, Mississippi, until 10:00 A.M., JULY 15, 1998, and that all sealed office bids will be publicly opened and read aloud.  
 Bids are invited for the construction of two asphalt surface walking tracks, one little league baseball field and one playground in Harrison County, Mississippi.  
 Contract Documents, including Drawings and Technical Specification, are on file at the office of the County Engineer, Gulfport, MS and John MacAdams, Clerk of the Board of Supervisors, Harrison County Courthouse, Gulfport, MS.  
 Copies of the contract Documents may be obtained at the office of the County Engineer, 16302-C Community Field, Gulfport, Mississippi 39502, upon payment of \$20.00 deposit. Any unresponsive bidder, upon returning such seal promptly and in good condition will be refunded the payment. Any non-bidder will forfeit his deposit.  
 A certified check or bank draft payable to the order of Harrison County, Mississippi, negotiable U.S. government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid is required for the project.  
 The Owner reserves the right to reject any or all bids or to waive any informality in the bidding. Bids may be held by the Owner for a period not to exceed thirty (30) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding the Contract.  
 By Order of the Board of Supervisors, adopted the 8th day of June, 1998.  
 John MacAdams  
 Clerk of the Board of Supervisors  
 Harrison County, Mississippi  
 by: [Signature]  
 [Seal] Y-85,REV.10.201 12/93

4. That bids were received at the time and place and in the manner provided in said Advertisement for Bids. The following bids were received:

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
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**BID PROPOSAL**

Date July 16, 1998

Proposal of CYPRESS CONSTRUCTION, INC.

(hereinafter called "Bidder"), organized and existing under the laws of the State of MS

doing business as a corporation \*

\* Insert corporation, partnership or individual as applies

To Harrison County Board of Supervisors, Mississippi, (hereinafter called "Owner").

Ladies and Gentlemen:

The Bidder, in compliance with your invitation for bids for:

**YOUTHER LEE KEYES PARK  
RECREATIONAL IMPROVEMENTS**

having examined the specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the price stated below. This price is to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 120 consecutive calendar days thereafter as stated hereafter in this proposal.

Bidder acknowledges receipt of the following addendum:

None

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

| ITEM NO.         | ITEM DESCRIPTION   | QUANTITY | EXTENSION    |
|------------------|--|----------|--------------|
| 1-A              | MOBILIZATION<br>Nine thousand three Hundred Fifty<br>Seven and <sup>01</sup> / <sub>100</sub> Dollars (\$ 5357.00 ) l.s.           | 1 LS     | \$ 9,357.00  |
| <b>EARTHWORK</b> |  |          |              |
| 2-A              | EXCAVATION<br>Four and <sup>05</sup> / <sub>100</sub> Dollars<br>(\$ 4.05 ) per c.y.   | 950 CY   | \$ 3,847.50  |
| 2-B              | SELECT SUB-BASE MATERIAL (SAND)<br>Six and <sup>85</sup> / <sub>100</sub> Dollars<br>(\$ 6.85 ) per c.y.                           | 440 CY   | \$ 3,014.00  |
| 2-C              | 6" THICK CRUSHED LIMESTONE BASE<br>Eight and <sup>33</sup> / <sub>100</sub> Dollars<br>(\$ 8.33 ) per s.y.                         | 1740 SY  | \$ 14,494.20 |
| 3-A              | 2" ASPHALT PAVEMENT<br>Nine and <sup>50</sup> / <sub>100</sub> Dollars<br>(\$ 9.50 ) per s.y.                                      | 1260 SY  | \$ 11,970.00 |
| 4-A              | FURNISH AND INSTALL<br>12" HDPE DRAINAGE PIPE<br>Nineteen and <sup>65</sup> / <sub>100</sub> Dollars<br>(\$ 19.65 ) per l.f.       | 240 LF   | \$ 4,716.00  |
| 5-A              | FURNISH AND INSTALL<br>CATCH BASINS<br>Seven Hundred Forty Four<br>and <sup>01</sup> / <sub>100</sub> Dollars (\$ 744.00 ) per ea. | 2 EA     | \$ 1,488.00  |
| 6-A              | PLAYGROUND<br>Judy Six thousand Seven Hundred thirty<br>Seven and <sup>41</sup> / <sub>100</sub> Dollars (\$ 60737.00 ) l.s.       | 1 LS     | \$ 56,737.00 |

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

7-A FURNISH AND INSTALL  
 BASEBALL FIELD FENCING 1 LS  
Thirteen thousand nine hundred  
Five hundred dollars (\$ 13,905.00) i.s. \$ 13,905.00

**TOTAL BID** One Hundred nineteen thousand Five Hundred  
twenty eight and 7/10 dollars \$ 119,528.70  
 (Amounts are to be in words and figures. In case of discrepancy, the amount shown in words will govern.)

The above bid price shall include all labor, materials, overhead profit, insurance, etc., to cover the finished work as specified.

Bidder understands that the Owner reserves the right to reject any or all bids.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Article 5 of the General Conditions. The bid security attached in the sum of \_\_\_\_\_  
 5% of bid amount (\$ \_\_\_\_\_) is to become  
 the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:  
 Cypress Construction, Inc.

By: Darlene Martinez  
 signature  
 Darlene Martinez

(SEAL - if bid is by corporation)

Address: Post Office Box 2609  
Bay St. Louis, MS 39521

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

**BID BOND**

DAMAGES FORM

**BIDDER (Name and Address):**

Cypress Construction, Inc.  
P. O. Box 2609  
Bay St. Louis, MS 39521

**SURETY (Name and Address of Principal Place of Business):**

Fidelity and Guaranty Insurance Company  
P. O. Box 1138  
Baltimore, Maryland 21203

**OWNER (Name and Address):**

Harrison County Board of Supervisors  
Gulfport, Mississippi

**BID**

BID DUE DATE: July 16, 1998  
PROJECT (Brief Description Including Location):  
Youther Lee Keys Park Recreational Improvements, as per proposal

**BOND**

BOND NUMBER: \_\_\_\_\_  
DATE: (Not later than Bid Due Date): July 16, 1998  
PENAL SUM: Five Per Cent (5%) of Amount Bid

IN WITNESS WHEREOF, Surety and Bidder, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

BIDDER

SURETY

Cypress Construction, Inc. (Seal)  
Bidder's Name and Corporate Seal

Fidelity and Guaranty Insurance Company (Seal)  
Surety's Name and Corporate Seal

By: Darlene Martinez  
Signature and Title  
Darlene Martinez, President

By: Mark M. Porter, Jr.  
Signature and Title  
Mark M. Porter, Jr.  
Attorney-in-Fact & Resident Miss.  
(Attach Power of Attorney) Agent

Attest: \_\_\_\_\_  
Signature and Title

Attest: See Power of Attorney Attached  
Signature and Title

- Note: (1) Above addresses are to be used for giving required notice.  
(2) Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

EJCDC NO. 1910-28-D (1990 Edition)

# MINUTE BOOK

## BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

### JULY 1998 TERM

786211

**Fidelity and Guaranty Insurance Company**  
Power of Attorney  
No. 10333



Know all men by these presents: That **Fidelity and Guaranty Insurance Company**, a corporation organized and existing under the laws of the State of Iowa and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint **Charles F. Porter, Mark M. Porter, Jr., Linda S. Harrell, Jeffrey M. Wilson and William L. Painter**

of the City of **Jackson**, State of **Mississippi** its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons; guaranteeing the performance of contracts; and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, the said **Fidelity and Guaranty Insurance Company** has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice President and Assistant Secretary, this **26th** day of **November**, A.D. 19**97**.

Fidelity and Guaranty Insurance Company



(Signed) By *Gary A. Wilson*  
Vice President

(Signed) By *Thomas E. Huitbrege*  
Assistant Secretary

State of Maryland )  
Baltimore City )

SS:

On this **26th** day of **November**, A.D. 19**97**, before me personally came **Gary A. Wilson**, Vice President of **Fidelity and Guaranty Insurance Company** and **Thomas E. Huitbrege**, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said **Gary A. Wilson** and **Thomas E. Huitbrege**, were respectively the **Vice President** and the **Assistant Secretary** of the said **Fidelity and Guaranty Insurance Company**, the corporation described in and which executed the foregoing Power of Attorney; that they each held the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice President and Assistant Secretary, respectively, of the Company.

My Commission expires the **1st** day of **August**, A.D. 19**98**.



(Signed) By *Robert Wright*  
Notary Public

This Power of Attorney is granted under and by authority of the following Resolutions adopted by the Board of Directors of the **Fidelity and Guaranty Insurance Company**, September 24, 1992:

**Resolved**, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s)-in-Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or an Executive Vice President, or a Senior Vice President, or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

**Resolved**, That Attorney(s)-in-Fact shall have the power and authority, and, in any case, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, **Thomas E. Huitbrege**, an Assistant Secretary of the **Fidelity and Guaranty Insurance Company**, do hereby certify that the foregoing are true excerpts from the Resolutions of the said Company as adopted by its Board of Directors on September 24, 1992 and that these Resolutions are in full force and effect.

I, the undersigned Assistant Secretary of the **Fidelity and Guaranty Insurance Company** do hereby certify that the foregoing Power of Attorney is in full force and effect and has not been revoked.

In Testimony Whereof, I have hereunto set my hand and the seal of the **Fidelity and Guaranty Insurance Company** on this **16th** day of **July**, 19**98**



*Thomas E. Huitbrege*  
Assistant Secretary



**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

| ITEM NO.  | ITEM DESCRIPTION   | QUANTITY | EXTENSION                     |
|-----------|--|----------|-------------------------------|
| 1-A       | MOBILIZATION<br><u>Six Thousand, Four hundred</u>  | 1 LS     |                               |
|           | <u>\$<sup>00</sup>/ea</u> ———— (\$ <u>6400<sup>00</sup></u> ) l.s.                             |          | \$ <u>6400<sup>00</sup></u>   |
| EARTHWORK |  |          |                               |
| 2-A       | EXCAVATION   | 950 CY   |                               |
|           | <u>Seven dollars &amp; <sup>87</sup>/<sub>100</sub></u> (\$ <u>7<sup>87</sup></u> ) per c.y.   |          | \$ <u>7476<sup>50</sup></u>   |
| 2-B       | SELECT SUB-BASE MATERIAL (SAND)  | 440 CY   |                               |
|           | <u>Eleven dollars &amp; <sup>00</sup>/<sub>100</sub></u> (\$ <u>11<sup>00</sup></u> ) per c.y. |          | \$ <u>4840<sup>00</sup></u>   |
| 2-C       | 6" THICK CRUSHED LIMESTONE BASE  | 1740 SY  |                               |
|           | <u>Two dollars &amp; <sup>75</sup>/<sub>100</sub></u> (\$ <u>12<sup>75</sup></u> ) per s.y.    |          | \$ <u>22,185<sup>00</sup></u> |
| 3-A       | 2" ASPHALT PAVEMENT  | 1260 SY  |                               |
|           | <u>Ten dollars &amp; <sup>25</sup>/<sub>100</sub></u> (\$ <u>10<sup>25</sup></u> ) per s.y.    |          | \$ <u>12,915<sup>00</sup></u> |
| 4-A       | FURNISH AND INSTALL<br>12" HDPE DRAINAGE PIPE  | 240 LF   |                               |
|           | <u>Twenty dollars &amp; <sup>50</sup>/<sub>100</sub></u> (\$ <u>20<sup>50</sup></u> ) per l.f. |          | \$ <u>4,920<sup>00</sup></u>  |
| 5-A       | FURNISH AND INSTALL<br>CATCH BASINS  | 2 EA.    |                               |
|           | <u>one thousand, nine hundred</u>  |          |                               |
|           | <u>Fifty &amp; <sup>00</sup>/<sub>100</sub></u> — (\$ <u>1950<sup>00</sup></u> ) per ea.       |          | \$ <u>3900<sup>00</sup></u>   |
| 6-A       | PLAYGROUND   | 1 LS     |                               |
|           | <u>Sixty Thousand, Three</u>   |          |                               |
|           | <u>hundred, &amp; <sup>00</sup>/<sub>100</sub></u> (\$ <u>60,300<sup>00</sup></u> ) l.s.       |          | \$ <u>60,300<sup>00</sup></u> |

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

7-A FURNISH AND INSTALL  
BASEBALL FIELD FENCING 1 LS

Three Thousand Seven  
hundred & 00/100 - (\$ 12,700<sup>00</sup>) l.s. \$ 12,700<sup>00</sup>

TOTAL BID One hundred, Thirty five Thousand, Six hundred  
Thirty-six & 50/100 \$ ( 135,636<sup>50</sup> )

(Amounts are to be in words and figures. In case of discrepancy, the amount shown in words will govern.)

The above bid price shall include all labor, materials, overhead profit, insurance, etc., to cover the finished work as specified.

Bidder understands that the Owner reserves the right to reject any or all bids.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Article 5 of the General Conditions. The bid security attached in the sum of Six Thousand  
Seven hundred, Eighty-one & 84/100 (\$ 6,781<sup>82</sup> ) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:

By: Darryl J. Shel  
signature

(SEAL - if bid is by corporation)

Address: P.O. Box 859  
Magee MS 39111

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

**THE AMERICAN INSTITUTE OF ARCHITECTS**



AIA Document 310

**Bid Bond**

**KNOW ALL MEN BY THESE PRESENTS**, that we **Sullivan Enterprises, Inc.**  
P.O. Box 859, Magee, MS 39111  
as Principal, hereinafter called the Principal, and **National Union Fire Insurance Company of Pittsburgh, Pa.**  
70 Pine Street, New York, New York 10270  
a corporation duly organized under the laws of the State of **Pennsylvania**  
as Surety, hereinafter called the Surety, are held and firmly bound unto  
**Harrison County, MS**

as Obligee, hereinafter called the Obligee, in the sum of **5% of Amount Bid**  
Dollars (\$ \_\_\_\_\_ ),  
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these  
presents.

WHEREAS, the Principal has submitted a bid for  
**Yother Lee Keyes Park Recreational Improvements**  
**Harrison County, MS**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract  
with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding  
or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt  
payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter  
such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty  
hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract  
with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain  
in full force and effect.

Signed and sealed this **16th day of July 1998**

*Morgan J. Blaw*  
\_\_\_\_\_  
(Witness)

**SULLIVAN ENTERPRISES, INC.**  
\_\_\_\_\_  
(Seal)  
*Dean L. Shel*  
\_\_\_\_\_  
(Title)

*Suzette Purser*  
\_\_\_\_\_  
(Witness)

**NATIONAL UNION FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA**  
\_\_\_\_\_  
(Seal)  
*Calvin E. Foster*  
\_\_\_\_\_  
Calvin E. Foster, Attorney-In-Fact (Title)

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

American Home Assurance Company  
National Union Fire Insurance Company of Pittsburgh, Pa.  
Principal Bond Office 175 Water Street, New York, NY 10038

**POWER OF ATTORNEY**

No. 47-B-35614

KNOW ALL MEN BY THESE PRESENTS:

That American Home Assurance Company, a New York corporation, and National Union Fire Insurance Company of Pittsburgh, Pa., a Pennsylvania corporation, does each hereby appoint

—Thomas W. Sawyer, Calvin E. Foster, Kathleen Morrison: of Gulfport, Mississippi—

its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business, and to bind the company thereby.

IN WITNESS WHEREOF, American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. have each executed these presents

this 22<sup>nd</sup> day of June, 1998.



*Lawrence W. Carlstrom*  
Lawrence W. Carlstrom, Senior Vice President  
National Union Fire Insurance Company of Pittsburgh, Pa.  
Vice President American Home Assurance Company

STATE OF NEW YORK )  
COUNTY OF NEW YORK)ss.

On this 22<sup>nd</sup> day of June, 1998, before me came the above-named officer of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa., to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seals of said corporations thereto by authority of his office.

*Deborah A. Hawman*  
DEBORAH A. HAWMAN  
Notary Public, State of New York  
No. 01435021428  
Qualified in Sevier County  
Commission Expires June 30, 1999

**CERTIFICATE**

Excerpts of Resolutions adopted by the Boards of Directors of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. on May 18, 1976:

"RESOLVED, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"RESOLVED, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance or other contract of indemnity or writing obligatory in the nature thereof;

"RESOLVED, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

I, Elizabeth M. Tuck, Secretary of American Home Assurance Company and of National Union Fire Insurance Company of Pittsburgh, Pa., do hereby certify that the foregoing excerpts of Resolution adopted by the Board of Directors of this corporation, and the Power of Attorney issued pursuant thereto, are true and correct, and that both the Resolution and the Power of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of the corporation

this 16th day of July, 1998



*Elizabeth M. Tuck*  
Elizabeth M. Tuck, Secretary

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

---

**BID PROPOSAL**

Date 7/16/98

Proposal of TCB Construction Company, Inc.

(hereinafter called "Bidder"), organized and existing under the laws of the State of MS

doing business as a corporation \*

\* Insert corporation, partnership or individual as applies

To Harrison County Board of Supervisors, Mississippi, (hereinafter called "Owner").

Ladies and Gentlemen:

The Bidder, in compliance with your invitation for bids for:

**YOUTHER LEE KEYES PARK  
RECREATIONAL IMPROVEMENTS**

having examined the specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the price stated below. This price is to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 120 consecutive calendar days thereafter as stated hereafter in this proposal.

Bidder acknowledges receipt of the following addendum:

\_\_\_\_\_  
 \_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

| ITEM NO.  | ITEM DESCRIPTION   | QUANTITY | EXTENSION    |
|-----------|--|----------|--------------|
| 1-A       | MOBILIZATION<br>One Thousand dollars and zero cents                                  | 1 LS     |              |
|           | ----- (\$ 1,000.00) l.s.   |          | \$ 1,000.00  |
| EARTHWORK |  |          |              |
| 2-A       | EXCAVATION<br>Two dollars and seventy five cents                                     | 950 CY   |              |
|           | ----- (\$ 2.75) per c.y.   |          | \$ 2,612.50  |
| 2-B       | SELECT SUB-BASE MATERIAL (SAND)<br>Five dollars and seventy five cents               | 440 CY   |              |
|           | ----- (\$ 5.75) per c.y.   |          | \$ 2,530.00  |
| 2-C       | 6" THICK CRUSHED LIMESTONE BASE<br>Five dollars and fifty cents                      | 1740 SY  |              |
|           | ----- (\$ 5.50) per s.y.   |          | \$ 9,570.00  |
| 3-A       | 2" ASPHALT PAVEMENT<br>Six dollars and sixty cents                                   | 1260 SY  |              |
|           | ----- (\$ 6.60) per s.y.   |          | \$ 8,316.00  |
| 4-A       | FURNISH AND INSTALL<br>12" HDPE DRAINAGE PIPE<br>Ten dollars and sixty cents         | 240 LF   |              |
|           | ----- (\$ 10.60) per l.f.  |          | \$ 2,544.00  |
| 5-A       | FURNISH AND INSTALL<br>CATCH BASINS<br>Seven dollars and fifty cents                 | 2 EA.    |              |
|           | ----- (\$ 7.50) per ea.  |          | \$ 1,500.00  |
| 6-A       | PLAYGROUND<br>Fifty three thousand two hundred sixty<br>three dollars and zero cents | 1 LS     |              |
|           | ----- (\$ 53,263.00) l.s.  |          | \$ 53,263.00 |

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

7-A FURNISH AND INSTALL  
BASEBALL FIELD FENCING 1 LS  
Eleven thousand seven hundred twelve  
dollars and zero cents (\$ 11,712.00 )l.s. \$ 11,712.00

**TOTAL BID** Ninety three thousand forty seven dollars and fifty cents-----  
----- \$( 93,047.50 )  
(Amounts are to be in words and figures. In case of discrepancy, the amount shown in words will govern.)

The above bid price shall include all labor, materials, overhead profit, insurance, etc., to cover the finished work as specified.

Bidder understands that the Owner reserves the right to reject any or all bids.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Article 5 of the General Conditions. The bid security attached in the sum of Five Percent----- (\$ 5%-----) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:  
TCB Construction Company, Inc.

By: Jennifer L. Jagan  
signature

(SEAL - if bid is by corporation)

Address: 5913 Hwy 53  
Poplarville, MS 39470

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

**BID BOND**

DAMAGES FORM

**BIDDER (Name and Address):**

TCB Construction Company, Inc.  
5913 Hwy. 53.  
Poplarville, MS 39470

**SURETY (Name and Address of Principal Place of Business):**

RLI Insurance Company  
9025 N. Lindbergh Drive  
Peoria, IL 61615

**OWNER (Name and Address):**

Harrison County Board of Supervisors  
15309-C Community Road  
Gulfport, MS 39503

**BID**

BID DUE DATE: July 16, 1998

**PROJECT (Brief Description Including Location):**

Youcher Lee Keves Park Recreational Improvements  
Gulfport, MS

**BOND**

BOND NUMBER: \_\_\_\_\_  
DATE: (Not later than Bid Due Date): July 16, 1998  
PENAL SUM: Five Percent (5%) of Amount Bid

IN WITNESS WHEREOF, Surety and Bidder, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

BIDDER

SURETY

TCB Construction Company, Inc. (Seal)

RLI Insurance Company (Seal)

Bidder's Name and Corporate Seal

Surety's Name and Corporate Seal

By: Jennifer L. Hagan, Secretary  
Signature and Title

By: Mark W. Edwards, II  
Signature and Title Mark W. Edwards, II  
(Attach Power of Attorney) Attorney-In-Fact

Attest: \_\_\_\_\_  
Signature and Title

Attest: Kay F. Dalton  
Signature and Title Kay F. Dalton  
Surety Assistant

Countersigned by MS Resident Agent Chub F. Gordon

Note: (1) Above addresses are to be used for giving required notice.  
(2) Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

# MINUTE BOOK BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI JULY 1998 TERM



9025 N. Lindbergh Dr. • Peoria, IL 61615

## POWER OF ATTORNEY

Know All Men by These Presents:

BOND NO. SSB- 247385

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That RLI INSURANCE COMPANY, an Illinois corporation, does hereby make, constitute and appoint \_\_\_\_\_  
Mark W. Edwards, II, Jeffrey M. Wilson, Ron Giadrosich, Jointly or Severally

\_\_\_\_\_ in the City of Birmingham, State of  
Alabama

\_\_\_\_\_ its true and lawful Agent and Attorney-in-Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

**Any and all bonds, undertakings, and recognizances in an amount not to exceed Four Million Dollars (\$4,000,000) for any single obligation.**

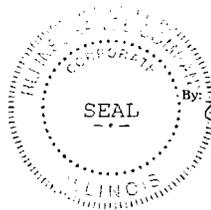
The acknowledgement and execution of such bond by the said Attorney-in-Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The RLI INSURANCE COMPANY further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of RLI Insurance Company, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the company by the President, Secretary, any Assistant Secretary, Treasurer, Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary and Assistant Secretary, or the Treasurer, may appoint Attorneys-in-Fact or Agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

(Blue shaded area above indicates authenticity)

IN WITNESS WHEREOF, the RLI Insurance company has caused these presents to be executed by its President with its corporate seal affixed this 1st day of March, 1996.



RLI INSURANCE COMPANY

By: Jonathan E. Michael  
President

State of Illinois )  
                          ) SS  
County of Peoria )

### CERTIFICATE

On this 1st day of March, 1996, before me, a Notary Public, personally appeared Jonathan E. Michael, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the RLI INSURANCE COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of RLI Insurance Company, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the RLI Insurance Company this 16th day of July, 1998.

RLI INSURANCE COMPANY  
By: Jonathan E. Michael  
President

Kathy A. Yeske  
Notary Public

"OFFICIAL SEAL"  
KATHY A. YESKE  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 03/22/99

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

---

**BID PROPOSAL**

Date July 16, 1998

Proposal of TIPCO, Inc.

(hereinafter called "Bidder"), organized and existing under the laws of the State of MS

doing business as A CORPORATION \*

\* Insert corporation, partnership or individual as applies

To Harrison County Board of Supervisors, Mississippi, (hereinafter called "Owner").

Ladies and Gentlemen:

The Bidder, in compliance with your invitation for bids for:

**YOUTHER LEE KEYES PARK  
RECREATIONAL IMPROVEMENTS**

having examined the specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the price stated below. This price is to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 120 consecutive calendar days thereafter as stated hereafter in this proposal.

Bidder acknowledges receipt of the following addendum:

\_\_\_\_\_  
\_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

| ITEM NO.  | ITEM DESCRIPTION  | QUANTITY | EXTENSION                     |
|-----------|---|----------|-------------------------------|
| 1-A       | MOBILIZATION<br><u>EIGHT THOUSAND DOLLARS +</u><br><u>NO/CENTS (\$ 8,000<sup>00</sup>) l.s.</u>                                       | 1 LS     | \$ <u>8,000<sup>00</sup></u>  |
| EARTHWORK |   |          |                               |
| 2-A       | EXCAVATION<br><u>ELEVEN DOLLARS +</u><br><u>FORTY-FIVE CENTS (\$ 11<sup>45</sup>) per c.y.</u>  | 950 CY   | \$ <u>10,877<sup>50</sup></u> |
| 2-B       | SELECT SUB-BASE MATERIAL (SAND)<br><u>TWENTY DOLLARS +</u><br><u>FIFTY-CENTS (\$ 12<sup>50</sup>) per c.y.</u>                        | 440 CY   | \$ <u>5,500<sup>00</sup></u>  |
| 2-C       | 6" THICK CRUSHED LIMESTONE BASE<br><u>ELEVEN DOLLARS +</u><br><u>SIXTY-FIVE CENTS (\$ 11<sup>65</sup>) per s.y.</u>                   | 1740 SY  | \$ <u>20,271<sup>00</sup></u> |
| 3-A       | 2" ASPHALT PAVEMENT<br><u>SEVEN DOLLARS +</u><br><u>FIFTY-CENTS (\$ 10<sup>50</sup>) per s.y.</u>                                     | 1260 SY  | \$ <u>13,230<sup>00</sup></u> |
| 4-A       | FURNISH AND INSTALL<br>12" HDPE DRAINAGE PIPE<br><u>FIFTEEN DOLLARS +</u><br><u>EIGHTY-CENTS (\$ 15<sup>80</sup>) per l.f.</u>        | 240 LF   | \$ <u>3,792<sup>00</sup></u>  |
| 5-A       | FURNISH AND INSTALL<br>CATCH BASINS<br><u>ELEVEN HUNDRED TWENTY-FIVE</u><br><u>DOLLARS + NO/CENTS (\$ 1,125<sup>00</sup>) per ea.</u> | 2 EA.    | \$ <u>1,125<sup>00</sup></u>  |
| 6-A       | PLAYGROUND<br><u>FIFTY-TWO THOUSAND NINE HUNDRED</u><br><u>DOLLARS + NO/CENTS (\$ 52,900<sup>00</sup>) l.s.</u>                       | 1 LS     | \$ <u>52,900<sup>00</sup></u> |

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

7-A FURNISH AND INSTALL  
BASEBALL FIELD FENCING 1 LS  
TWENTY-SEVEN THOUSAND DOLLARS  
+ NO/CENTS (\$27,000<sup>00</sup>) l.s. \$27,000<sup>00</sup>

TOTAL BID ONE HUNDRED FORTY-THREE THOUSAND EIGHT  
HUNDRED TWENTY-DOLLARS & FIFTY-CENTS (\$143,820<sup>50</sup>)  
(Amounts are to be in words and figures. In case of discrepancy, the amount shown in words will govern.)

The above bid price shall include all labor, materials, overhead profit, insurance, etc., to cover the finished work as specified.

Bidder understands that the Owner reserves the right to reject any or all bids.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Article 5 of the General Conditions. The bid security attached in the sum of 5% OF BID (\$ \_\_\_\_\_) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:

By: [Signature]  
signature PZTS.

(SEAL - if bid is by corporation)

Address: 25308 E. Dubuissoux Rd.  
Pass Christian, MS. 39571

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

**BID BOND**

WEST AMERICAN INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, That we, TPIPCO, INC.  
Biloxi, Mississippi

as Principal, hereinafter called the Principal, and WEST AMERICAN INSURANCE COMPANY  
Hamilton, Ohio

a corporation duly organized under the laws of the State of Indiana

as Surety, hereinafter called the Surety, are held and firmly bound unto HARRISON COUNTY BOARD OF SUPERVISORS

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of the Amount of the Bid

Dollars (\$ 5% of Bid )

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Yother Lee Keyes Park Recreational Improvements

NOW THEREFORE, the condition of this obligation is such that if the aforesaid Principal shall be awarded the contract the said Principal will, within the time required, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of the contract, then this obligation to be void; otherwise the Principal and Surety will pay unto the Obligee the difference in money between the amount of the bid of the said Principal and the amount for which the Obligee legally contracts with another party to perform the work if the latter amount be in excess of the former, but in no event shall liability hereunder exceed the penal sum hereof.

Signed and sealed this 16th day of July A.D 1998.

Catherine Bangs  
(Witness)

TPIPCO, INC.  
\_\_\_\_\_  
(Principal) (Seal)  
By: Russell B. Pizles  
(Title)

Peggy Jackson  
(Witness)

WEST AMERICAN INSURANCE COMPANY  
\_\_\_\_\_  
(Surety) (Seal)  
D. M. Ferris  
(Attorney-in-Fact)  
Resident Mississippi Agent  
Dan Bottrell Agency, Inc.

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

CERTIFIED COPY OF POWER OF ATTORNEY  
 WEST AMERICAN INSURANCE COMPANY  
 ADMINISTRATIVE OFFICE, HAMILTON, OHIO

No. 1-792

*Know All Men by These Presents:* That WEST AMERICAN INSURANCE COMPANY, in pursuance of authority granted by Article VI, Section 1 of the By-Laws of said Company, does hereby nominate, constitute and appoint: **W. E. French, J. Carlton Smith, D. M. Ferris, Jim A. Armstrong, Jerry G. Veazey, Jr., Robert L. Elliott, Gene Horner, S. Lyle Bates, Jr., Thomas L. Joyner, Jr. or T. L. Joyner, III of Jackson, Mississippi** its true and lawful agent and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance FIVE MILLION (\$5,000,000.00) DOLLARS, excluding, however, any bond (s) or undertaking (s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Hamilton, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney (s)-in-fact.



IN WITNESS WHEREOF, the undersigned officer of the said The West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of the said The West American Insurance Company this 20th day of October, 1995.

*Mark E. Schmidt*

Mark E. Schmidt, Assistant Secretary

STATE OF OHIO :SS  
 COUNTY OF BUTLER

On this 20th day of October A.D., 1995 before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Mark E. Schmidt, Asst. Secretary of WEST AMERICAN INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposed and said, that he is the officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio the day and year first above written.



*Cheryl S. Gregory*

Notary Public in and for County of Butler, State of Ohio  
 My Commission expires August 5, 1997.

This power of attorney is granted under and by authority of Article VI, Section 1 of the By-Laws of the Company, extracts from which read:

**ARTICLE VI**

**SECTION 1. APPOINTMENT OF RESIDENT OFFICERS.** The Chairman of the Board, the President, any Vice President, a Secretary or any Assistant Secretary shall be and is hereby vested with full power of and authority to appoint attorneys in fact for the purpose of signing the name of the corporation as surety or guarantor, and to execute, attach the corporate seal, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of surety-ship or guarantee, and policies of insurance to be given in favor of an individual, firm, corporation, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America, or to any other political subdivision.

This instrument is signed and sealed by facsimile as authorized by the following Resolution adopted by the directors of the Company on April 24, 1980.

**RESOLVED,** That the signature of any officer of the Company authorized by Article VI, Section 1 of the By-Laws to appoint attorneys in fact, the signature of the Secretary or any Assistant Secretary certifying to the correctness of any copy of a power of attorney and the seal of the Company may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company. Such signatures and seal are hereby adopted by the Company as original signatures and seal, to be valid and binding upon the Company with the same force and effect as though manually affixed.

**CERTIFICATE**

I, the undersigned Assistant Secretary of West American Insurance Company, do hereby certify that the foregoing power of attorney, Article VI Section 1 of the by-laws of the Company and the above Resolution of its Board of Directors are true and correct copies and are in full force and effect on this date.



IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Company this 7th day of July A.D., 19 98

*Joseph E. Stary*

Assistant Secretary

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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**BID PROPOSAL**

Date 7-16-98

Proposal of Twin L Construction, Inc.

(hereinafter called "Bidder"), organized and existing under the laws of the State of Mississippi  
doing business as a Corporation \*.

\* Insert corporation, partnership or individual as applies

To Harrison County Board of Supervisors, Mississippi, (hereinafter called "Owner").

Ladies and Gentlemen:

The Bidder, in compliance with your invitation for bids for:

**YOUTHER LEE KEYES PARK**  
**RECREATIONAL IMPROVEMENTS**

having examined the specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the price stated below. This price is to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 120 consecutive calendar days thereafter as stated hereafter in this proposal.

Bidder acknowledges receipt of the following addendum:

\_\_\_\_\_  
\_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

| ITEM NO.  | ITEM DESCRIPTION  | QUANTITY | EXTENSION           |
|-----------|---|----------|---------------------|
| 1-A       | MOBILIZATION<br><i>Eleven thousand seventy</i>                            | 1 LS     |                     |
|           | <i>Seven + no/100</i> (\$ 11,077.00) l.s.                                 |          | \$ <u>11,077.00</u> |
| EARTHWORK |   |          |                     |
| 2-A       | EXCAVATION<br><i>Four + no/100</i>  | 950 CY   |                     |
|           | <i>( \$ 4.00 )</i> per c.y.   |          | \$ <u>3800.00</u>   |
| 2-B       | SELECT SUB-BASE MATERIAL (SAND)<br><i>Six + 70/100</i>                    | 440 CY   |                     |
|           | <i>( \$ 6.70 )</i> per c.y.   |          | \$ <u>2948.00</u>   |
| 2-C       | 6" THICK CRUSHED LIMESTONE BASE<br><i>Eight + 10/100</i>                  | 1740 SY  |                     |
|           | <i>( \$ 8.10 )</i> per s.y.   |          | \$ <u>14,094.00</u> |
| 3-A       | 2" ASPHALT PAVEMENT<br><i>Nine + 33/100</i>                               | 1260 SY  |                     |
|           | <i>( \$ 9.33 )</i> per s.y.   |          | \$ <u>11,755.80</u> |
| 4-A       | FURNISH AND INSTALL<br>12" HDPE DRAINAGE PIPE<br><i>Nineteen + 24/100</i> | 240 LF   |                     |
|           | <i>( \$ 19.24 )</i> per l.f.  |          | \$ <u>4617.60</u>   |
| 5-A       | FURNISH AND INSTALL<br>CATCH BASINS<br><i>Seven hundred twenty</i>        | 2 EA.    |                     |
|           | <i>nine + no/100</i> (\$ 729.00) per ea.                                  |          | \$ <u>1458.00</u>   |
| 6-A       | PLAYGROUND<br><i>Fifty three thousand six</i>                             | 1 LS     |                     |
|           | <i>hundred fifty eight + no/100</i> (\$ 53,658.00) l.s.                   |          | \$ <u>53,658.00</u> |

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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7-A FURNISH AND INSTALL  
 BASEBALL FIELD FENCING 1 LS  
Thirteen thousand six hundred  
nineteen & no/100 (\$13,619.00) l.s. \$ 13,619.00

TOTAL BID One hundred seventeen thousand twenty  
Seven & 40/100 \$ 117,027.40  
 (Amounts are to be in words and figures. In case of discrepancy, the amount shown in words will govern.)

The above bid price shall include all labor, materials, overhead profit, insurance, etc., to cover the finished work as specified.

Bidder understands that the Owner reserves the right to reject any or all bids.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Article 5 of the General Conditions. The bid security attached in the sum of 5% of bid amount - Five thousand eight hundred fifty one & 37/100 (\$ 5851.37) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:

By: *Richard J. [Signature]*  
 signature

(SEAL - if bid is by corporation)

Address: 8292 Firetower Rd.  
Pass Christian, MS 39571

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**



Bond No. 85780-166

**BID BOND**  
AIA Document No. A310 (February, 1970 Edition)

KNOW ALL MEN BY THESE PRESENTS, that we TWIN L CONSTRUCTION, INC.

as Principal, and Frontier Insurance Company, Rock Hill, New York 12775, a corporation duly organized under the laws of the State of New York as Surety, are held and firmly bound unto

HARRISON COUNTY BOARD OF SUPERVISORS  
as Obligee, in the sum of

FIVE PERCENT (5%) OF THE AMOUNT BID NOT TO EXCEED \$170,000.00, AND THE PENALTY OF THIS BOND SHALL NOT EXCEED \$8,500.00 Dollars (\$ ), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for  
YOUTHER LEE KEYES PARK  
RECREATIONAL IMPROVEMENTS

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty thereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 16TH day of JULY 19 98

(SEAL)

TWIN L CONSTRUCTION, INC.

(Principal)

*Richard W. Ladner*  
Richard W. Ladner, President

(SEAL)

FRONTIER INSURANCE COMPANY

(Surety)

*Catherine Fountain*  
Catherine Fountain Attorney-In-Fact  
Mississippi Resident Agent

# MINUTE BOOK

## BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

### JULY 1998 TERM



### POWER OF ATTORNEY

**Know All Men By These Presents:** That FRONTIER INSURANCE COMPANY, a New York Corporation, having its principal office in Rock Hill, New York, pursuant to the following resolution, adopted by the Board of Directors of the Corporation on the 4th day of November, 1985:

"RESOLVED, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"RESOLVED, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance or other contract of indemnity or writing obligatory in the nature thereof;

"RESOLVED, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

This Power of Attorney is signed and sealed in facsimile under and by the authority of the above Resolution.

DOES HEREBY MAKE, CONSTITUTE AND APPOINT: **Catherine Fountain John B. Sneed F. Ross Bell**  
**Jim E. Brashier Troy P. Wagener Belinda Tubbs J. Nick Myers**

of **Biloxi** in the State of **Mississippi**  
its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred in its name, place and stead to sign, execute, acknowledge and deliver in its behalf, and as its act and deed, without power of redelegation, as follows:

Bonds guaranteeing the fidelity of persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed; IN AN AMOUNT NOT TO EXCEED THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000.00) DOLLARS; and to bind FRONTIER INSURANCE COMPANY thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of FRONTIER INSURANCE COMPANY, and all the acts of said Attorney(s)-in-Fact pursuant to the authority herein given are hereby ratified and confirmed.

**In Witness Whereof**, FRONTIER INSURANCE COMPANY of Rock Hill, New York, has caused this Power of Attorney to be signed by its President and its Corporate seal to be affixed this **29th** day of **April**, 19 **97**.

FRONTIER INSURANCE COMPANY



BY:   
HARRY W. RHULEN, President

State of New York  
County of Sullivan

ss.:

On this **29th** day of **April**, 19 **97**, before the subscriber, a Notary Public of the State of New York in and for the County of Sullivan, duly commissioned and qualified, came **HARRY W. RHULEN** of FRONTIER INSURANCE COMPANY to me personally known to be the individual and officer described herein, and who executed the preceding instrument, and acknowledged the execution of the same, and being by me duly sworn, deposed and said, that he is the officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of the Company, and the Corporate Seal and signature as an officer were duly affixed and subscribed to the said instrument by the authority and direction of the Corporation, and that the resolution of the Company, referred to in the preceding instrument, is now in force.

**In Testimony Whereof**, I have hereunto set my hand, and affixed my official seal at Rock Hill, New York, the day and year above written.



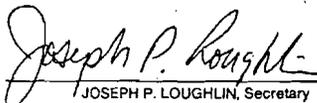
  
NANCY V. PIERRO  
Notary Public State of New York  
Sullivan County Clerk's No. 2395  
Commission Expires July 8, 1998

### CERTIFICATION

I, **JOSEPH P. LOUGHLIN**, Secretary of FRONTIER INSURANCE COMPANY of Rock Hill, New York, do hereby certify that the foregoing Resolution adopted by the Board of Directors of this Corporation and the Powers of Attorney issued pursuant thereto, are true and correct, and that both the Resolution and the Powers of Attorney are in full force and effect.

**In Witness Whereof**, I have hereunto set my hand and affixed the facsimile seal of the corporation this **16TH** day of **JULY**, 19 **98**.



  
JOSEPH P. LOUGHLIN, Secretary

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

---

**BID PROPOSAL**

Date July 15, 1998

Proposal of X-CHI Construction, Inc.

(hereinafter called "Bidder"), organized and existing under the laws of the State of MS

doing business as Corporation \*

\* Insert corporation, partnership or individual as applies

To Harrison County Board of Supervisors, Mississippi, (hereinafter called "Owner").

Ladies and Gentlemen:

The Bidder, in compliance with your invitation for bids for:

**YOUTHER LEE KEYES PARK  
RECREATIONAL IMPROVEMENTS**

having examined the specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the price stated below. This price is to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 120 consecutive calendar days thereafter as stated hereafter in this proposal.

Bidder acknowledges receipt of the following addendum:

\_\_\_\_\_  
\_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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| ITEM<br>NO.      | ITEM DESCRIPTION                              | QUANTITY             | EXTENSION    |
|------------------|---|----------------------|--------------|
| 1-A              | MOBILIZATION                                  | 1 LS                 |              |
|                  | One thousand five hundred dollars             |                      |              |
|                  | and no cents                                  | (\$ 12,500.00 )l.s.  | \$ 12,500.00 |
| <b>EARTHWORK</b> |   |                      |              |
| 2-A              | EXCAVATION                                    | 950 CY               |              |
|                  | Two dollars and seventy five                  |                      | \$ 2,612.50  |
|                  | cents   | (\$ 2.75 )per c.y.   |              |
| 2-B              | SELECT SUB-BASE MATERIAL (SAND)               | 440 CY               |              |
|                  | Six dollars and ninety five                   |                      | \$ 3,058.00  |
|                  | cents   | (\$ 6.95 )per c.y.   |              |
| 2-C              | 6" THICK CRUSHED LIMESTONE BASE               | 1740 SY              |              |
|                  | Seven dollars and fifty cents                 |                      | \$ 13,050.00 |
|                  |   | (\$ 7.50 )per s.y.   |              |
| 3-A              | 2" ASPHALT PAVEMENT                           | 1260 SY              |              |
|                  | Five dollars and twenty five                  |                      | \$ 6,615.00  |
|                  | cents   | (\$ 5.25 ) per s.y.  |              |
| 4-A              | FURNISH AND INSTALL<br>12" HDPE DRAINAGE PIPE | 240 LF               |              |
|                  | Nine dollars and ninety five                  |                      | \$ 2,388.00  |
|                  | cents   | (\$ 9.95 ) per l.f.  |              |
| 5-A              | FURNISH AND INSTALL<br>CATCH BASINS           | 2 EA.                |              |
|                  | Five hundred dollars and                      |                      | \$ 1,000.00  |
|                  | no cents                                      | (\$ 500.00 ) per ea. |              |
| 6-A              | PLAYGROUND                                    | 1 LS                 |              |
|                  | Forty four thousand nineteen dollars          |                      | \$ 44,019.00 |
|                  | and no cents                                  | (\$ 44,019.00 )l.s.  |              |

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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## 7-A FURNISH AND INSTALL

BASEBALL FIELD FENCING 1 LS

Fourteen thousand one hundred forty

five dollars and no cents (\$ 14,145.00 ) l.s.                      \$ 14,145.00

**TOTAL BID** Ninety nine thousand three hundred eighty seven dollars

and fifty cents (\$ 99,387.50 )

(Amounts are to be in words and figures. In case of discrepancy, the amount shown in words will govern.)

The above bid price shall include all labor, materials, overhead profit, insurance, etc., to cover the finished work as specified.

Bidder understands that the Owner reserves the right to reject any or all bids.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Article 5 of the General Conditions. The bid security attached in the sum of Four thousand nine hundred sixty nine dollars and thirty (\$ 4,969.38 ) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:

By: Rose C. Smith Pres.  
signature

(SEAL - if bid is by corporation)

Address: 15088A Lorraine Rd.

Biloxi, Ms. 39532

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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**BID BOND**

DAMAGES FORM

**BIDDER (Name and Address):**

X-CEL CONSTRUCTION, INC.  
P.O. BOX 6277  
BILOXI, MS 39532

**SURETY (Name and Address of Principal Place of Business):**

AMWEST SURETY INSURANCE COMPANY  
5420 CORPORATE BLVD., STE. 208  
BATON ROUGE, LA 70808

**OWNER (Name and Address):**

HARRISON COUNTY BOARD OF SUPERVISORS  
GULFPORT, MS

**BID**

BID DUE DATE: JULY 16, 1998  
PROJECT (Brief Description Including Location):  
YOUTHER LEE KEYES PARK/RECREATIONAL IMPROVEMENTS

**BOND**

BOND NUMBER: BID  
DATE: (Not later than Bid Due Date) JULY 16, 1998  
PENAL SUM: 5% OF THE AMOUNT BID NOT TO EXCEED \$7,000.00

IN WITNESS WHEREOF, Surety and Bidder, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

**BIDDER**

**SURETY**

X-CEL CONSTRUCTION, INC. (Seal)

AMWEST SURETY INSURANCE COMPANY (Seal)

Bidder's Name and Corporate Seal

Surety's Name and Corporate Seal

By: Rose A. Smith Pres.  
Signature and Title

By: Randolph A. Brunson  
Signature and Title

Attest: William D. Redmon Sec.  
Signature and Title

Attest: Darlene W. Parsons  
Signature and Title SECRETARY

- Note: (1) Above addresses are to be used for giving required notice.  
(2) Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

EJCDC NO. 1910-28-D (1990 Edition)  
MISSISSIPPI COUNTERSIGNING AGENT  
BY: Patrick J. Martin  
PATRICK J. MARTIN

# MINUTE BOOK BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI JULY 1998 TERM

## LIMITED POWER OF ATTORNEY

*Amwest Surety Insurance Company  
Far West Insurance Company*

POWER NUMBER 0000901435

This document is printed on white paper containing the artificial watermarked logo ( ) of Amwest Surety Insurance Company on the front and brown security paper on the back. Only unaltered originals of the Limited Power of Attorney ("POA") are valid. This POA may not be used in conjunction with any other POA. No representations or warranties regarding this POA may be made by any person. This POA is governed by the laws of the State of Nebraska and is only valid until the expiration date. Amwest Surety Insurance Company and Far West Insurance Company (collectively the "Company") shall not be liable on any limited POA which is fraudulently produced, forged or otherwise distributed without the permission of the Company. Any party concerned about the validity of this POA or an accompanying Company bond should call your local Amwest branch office at (504) 927-2208

KNOW ALL BY THESE PRESENT, that Amwest Surety Insurance Company, a Nebraska corporation and Far West Insurance Company, a Nebraska corporation (collectively the "Company"), do hereby make, constitute and appoint:

**Stephanie M. Chauvin  
Randolph A. Brunson  
Rebecca Mc Daniel  
Fiona J. Boyd  
Ruthalyn Thomas**  
As Employees of AMWEST SURETY INSURANCE CO

its true and lawful Attorney-in-fact, with limited power and authority for and on behalf of the Company as surety to execute, deliver and affix the seal of the company thereto if a seal is required on bonds, undertakings, recognizances, reinsurance agreement for a Miller Act or other performance bond or other written obligations in the nature thereof as follows:

All Bonds up to \$25,000,000.00

and to bind the company thereby. This appointment is made under and by authority of the By-Laws of the Company, which are now in full force and effect.

I, the undersigned secretary of Amwest Surety Insurance Company, a Nebraska corporation and Far West Insurance Company, a Nebraska corporation, DO HEREBY CERTIFY that this Power of Attorney remains in full force and effect and has not been revoked and furthermore, that the resolutions of the Board of Directors of both Amwest Surety Insurance Company and Far West Insurance Company set forth on this Power of Attorney, and that the relevant provisions of the By-Laws of each company, are now in full force and effect.

Bond No. BID Signed & sealed this 16TH day of JULY 19 98

*Karen G. Cohen*  
Karen G. Cohen, Secretary

\*\*\*\*\* RESOLUTIONS OF THE BOARD OF DIRECTORS \*\*\*\*\*  
This POA is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the Board of Directors of Amwest Surety Insurance Company at a meeting duly held on December 15, 1975 and Far West Insurance Company at a meeting duly held on July 28, 1983:

RESOLVED, that the President or any Vice President, in conjunction with the Secretary or any Assistant Secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any POA previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and bind upon the Company:

- (i) when signed by the President or any Vice President and attested and sealed (if a seal be required) by any Secretary or Assistant Secretary; or
- (ii) when signed by the President or any Vice President or Secretary or Assistant Secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any POA or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, Amwest Surety Insurance Company and Far West Insurance Company have caused these present to be signed by its proper officers, and its corporate seals to be hereunto affixed this 12th day of December, 1997.

*John E. Savage*  
John E. Savage, President

*Karen G. Cohen*  
Karen G. Cohen, Secretary

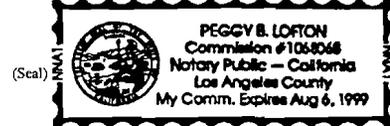
State of California  
County of Los Angeles

On December 12, 1997 before me, Peggy B. Lofton Notary Public, personally appeared John E. Savage and Karen G. Cohen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me all that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Peggy B. Lofton  
Peggy B. Lofton, Notary Public



5230 Las Virgenes Road Calabasas, CA 91302 TEL 818 871-2000

TABULATION OF BIDS  
HARRISON COUNTY, STATE OF MISSISSIPPI

YOUTHER LEE KEYES PARK RECREATIONAL IMPROVEMENTS

JULY 16, 1998

EDWIN S. OTT, E.I. - HARRISON COUNTY ENGINEERING DEPT.

ENGINEER'S ESTIMATE

TCB Construction Co., Inc.  
5913 Hwy. 53  
Poplarville, MS 39470  
CR# 08983

X-CEL Construction, Inc.  
15088A Lorraine Rd.  
Biloxi, MS 39532  
CR# 10905

Twin L Construction, Inc.  
6292 Firetower Rd.  
Pass Christian, MS 39571  
CR# 08365

| ITEM NO.         | DESCRIPTION                      | QTY. | UNIT | UNIT PRICE  | EXTENSION           | UNIT PRICE  | EXTENSION          | UNIT PRICE  | EXTENSION          | UNIT PRICE  | EXTENSION           |
|------------------|----------------------------------|------|------|-------------|---------------------|-------------|--------------------|-------------|--------------------|-------------|---------------------|
| 1-A              | MOBILIZATION                     | 1    | LS   | \$8,000.00  | \$8,000.00          | \$1,000.00  | \$1,000.00         | \$12,500.00 | \$12,500.00        | \$11,077.00 | \$11,077.00         |
| 2-A              | EXCAVATION                       | 950  | CY   | \$8.00      | \$7,600.00          | \$2.75      | \$2,612.50         | \$2.75      | \$2,612.50         | \$4.00      | \$3,800.00          |
| 2-B              | SELECT SUB-BASE MATERIAL (SAND)  | 440  | CY   | \$16.00     | \$7,040.00          | \$5.75      | \$2,530.00         | \$6.95      | \$3,058.00         | \$6.70      | \$2,948.00          |
| 2-C              | 6" THICK CRUSHED LIMESTONE       | 1740 | SY   | \$14.00     | \$24,360.00         | \$5.50      | \$9,570.00         | \$7.50      | \$13,050.00        | \$8.10      | \$14,094.00         |
| 3-A              | 2" ASPHALT PAVEMENT              | 1260 | SY   | \$22.00     | \$27,720.00         | \$6.60      | \$8,316.00         | \$5.25      | \$6,615.00         | \$9.33      | \$11,755.80         |
| 4-A              | FURNISH & INSTALL 12" HDPE       | 240  | LF   | \$26.00     | \$6,240.00          | \$10.60     | \$2,544.00         | \$8.95      | \$2,388.00         | \$19.24     | \$4,617.60          |
| 5-A              | FURNISH & INSTALL CATCH BASINS   | 2    | EA   | \$1,200.00  | \$2,400.00          | \$750.00    | \$1,500.00         | \$500.00    | \$1,000.00         | \$729.00    | \$1,458.00          |
| 6-A              | PLAYGROUND                       | 1    | LS   | \$54,000.00 | \$54,000.00         | \$53,263.00 | \$53,263.00        | \$44,019.00 | \$44,019.00        | \$53,658.00 | \$53,658.00         |
| 7-A              | FURNISH & INSTALL BASEBALL FENCE | 1    | LS   | \$12,000.00 | \$12,000.00         | \$11,712.00 | \$11,712.00        | \$14,145.00 | \$14,145.00        | \$13,619.00 | \$13,619.00         |
| <b>TOTAL BID</b> |                                  |      |      |             | <b>\$149,380.00</b> |             | <b>\$93,047.50</b> |             | <b>\$99,387.50</b> |             | <b>\$117,027.40</b> |

Cypress Construction, Inc.  
P.O. Box 2609  
Bay St. Louis, MS 39521  
CR# 09779

Sullivan Enterprises, Inc.  
P.O. Box 859  
Magee, MS 39111  
CR# 03579

TPICO, Inc.  
25308 E. Dubuisson Rd.  
Pass Christian, MS 39571  
CR# 08723

| ITEM NO.         | UNIT PRICE  | EXTENSION   | UNIT PRICE          | EXTENSION   | UNIT PRICE          | EXTENSION           |
|------------------|-------------|-------------|---------------------|-------------|---------------------|---------------------|
| 1-A              | \$9,357.00  | \$9,357.00  | \$6,400.00          | \$6,400.00  | \$8,000.00          | \$8,000.00          |
| 2-A              | \$4.05      | \$3,847.50  | \$7.87              | \$7,476.50  | \$11.45             | \$10,877.50         |
| 2-B              | \$6.85      | \$3,014.00  | \$11.00             | \$4,840.00  | \$12.50             | \$5,500.00          |
| 2-C              | \$8.33      | \$14,494.20 | \$12.75             | \$22,185.00 | \$11.65             | \$20,271.00         |
| 3-A              | \$9.50      | \$11,970.00 | \$10.25             | \$12,915.00 | \$10.50             | \$13,230.00         |
| 4-A              | \$19.65     | \$4,718.00  | \$20.50             | \$4,920.00  | \$15.80             | \$3,792.00          |
| 5-A              | \$744.00    | \$1,488.00  | \$1,950.00          | \$3,900.00  | \$1,125.00          | \$2,250.00          |
| 6-A              | \$56,737.00 | \$56,737.00 | \$60,300.00         | \$60,300.00 | \$52,900.00         | \$52,900.00         |
| 7-A              | \$13,905.00 | \$13,905.00 | \$12,700.00         | \$12,700.00 | \$27,000.00         | \$27,000.00         |
| <b>TOTAL BID</b> |             |             | <b>\$119,528.70</b> |             | <b>\$135,636.50</b> | <b>\$143,820.50</b> |

**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
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6. The Board does hereby find that the bid of T.C.B. Construction Co., Inc., in the amount of NINETY-THREE THOUSAND FORTY-SEVEN AND 50/100 DOLLARS (\$93,047.50) is the lowest bid meeting specifications and, therefore, the best received for the Youther Lee Keyes Park Recreational Improvements and that said bid is reasonable and fair and should be accepted.

7. That Ed Ott, Assistant Engineer, has recommended that said bid be accepted and said contract be approved, said contract being as follows, to-wit:

**EJCDC  
STANDARD FORM OF AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
ON THE BASIS OF A STIPULATED PRICE**

**THIS AGREEMENT** is dated as of the 6th day of August in the year 1998 by and between Harrison County Board of Supervisors, Harrison County,  
State of Mississippi (hereinafter called OWNER) and  
TCB Construction Company, Inc.  
(hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**Article 1. WORK.**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Youther Lee Keyes Park  
Recreational Improvements

The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Entire Project

**Article 2. ENGINEER.**

The Project has been designed by: Harrison County Engineering Department

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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**Article 3. CONTRACT TIMES.**

3.1 The Work will be substantially completed on or before December 9, 1998, and completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions on or before December 9, 1998.

3.1 The Work will be substantially completed within 120 days after the date when the Contract Times commence to run as provided in paragraph 2.3 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.13 of the General Conditions within 120 days after the date when the Contract Times commence to run.

3.2 *Liquidated Damages.* OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER Two Hundred Fifty and 00/100 dollars (\$ 250.00 ) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by OWNER, CONTRACTOR shall pay OWNER Two Hundred Fifty and 00/100 dollars (\$ 250.00 ) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

*[Where failure to reach a Milestone on time is of such consequence to OWNER that the assessment of liquidated damages is to be provided, appropriate amending or supplementing language should be inserted here.]*

*(Strike any of the above paragraphs that are inapplicable)*

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**Article 4. CONTRACT PRICE.**

OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 4.1 and 4.2 below:

4.1 for all Work other than Unit Price Work, a Lump Sum of:

\_\_\_\_\_ (\$ \_\_\_\_\_)  
 (use words) figures

All specific cash allowances are included in the above price and have been computed in accordance with paragraph 11.8 of the General Conditions;

plus

4.2 for all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2:

UNIT PRICE WORK

| NO. | ITEM | UNIT | ESTIMATED<br>QUANTITY | UNIT<br>PRICE | TOTAL<br>ESTIMATED |
|-----|------|------|-----------------------|---------------|--------------------|
|-----|------|------|-----------------------|---------------|--------------------|

See Attached Bid Proposal

TOTAL OF ALL UNIT PRICES Ninety Three Thousand Forty-Seven \$ 93,047.50 (dollars)  
 (use words) and 50/100

As provided in paragraph 11.9 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classification are to be made by ENGINEER as provided in paragraph 9.10 of the General Conditions. Unit prices have been computed as provided in paragraph 11.9.2 of the General Conditions.

*[In special circumstances, the Bid may be attached to avoid extensive retyping. See paragraph 13.10 below. Any exhibits attached should be listed in Article 8.]*

*[If adjustment prices for variations from stipulated Base Bid quantities have been agreed to, insert appropriate provisions. See Suggested Bid Form Paragraph 4 and Comment 1.]*

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**Article 5. PAYMENT PROCEDURES.**

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1. *Progress Payments; Retainage.* OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, on or about the 10th day of each month during construction as provided in paragraphs 5.1.1. and 5.1.2. below. All such payments will be measured by the schedule of values established in paragraph 2.9 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.7 of the General Conditions.

90 % of Work completed (with the balance being retainage). If Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of Work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed.

90 % (with the balance being retainage) of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to OWNER as provided in paragraph 14.2 of the General Conditions).

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 % of the Contract Price (with the balance being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.7 of the General Conditions.

5.2. *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraph 14.13 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.13.

**MINUTE BOOK**  
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**Article 6. INTEREST.**

All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

**Article 7. CONTRACTOR'S REPRESENTATIONS.**

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in paragraph 8) and the other related data identified in the Bidding Documents including "technical data."
- 7.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.
- 7.3. CONTRACTOR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.
- 7.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.2.1 of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.2 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.2 of the General Conditions. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.
- 7.5. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.
- 7.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.
- 7.7. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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**Article 8. CONTRACT DOCUMENTS.**

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

- 8.1. This Agreement (pages 1 to 8, inclusive).
- 8.2. Exhibits to this Agreement (pages None to \_\_\_\_\_, inclusive).
- 8.3. Performance, Payment, and other Bonds, identified as exhibits A, B & C and consisting of 3 pages.
- 8.4. Notice to Proceed.
- 8.5. General Conditions (pages 1 to 1, inclusive).
- 8.6. Supplementary Conditions (pages 1 to 3, inclusive).
- 8.7. Specifications bearing the title Technical and consisting of 7 divisions and 14 pages, as listed in table of contents thereof.
- 8.8. Drawings consisting of a cover sheet and sheets numbered 1 through 4, inclusive with each sheet bearing the following general title:

*[Fill in, and, if a set of Drawings is not attached to each signed counterpart of Agreement, so indicate in which case OWNER and CONTRACTOR should initial or otherwise appropriately identify each Drawing.]*

- 8.9. Addenda numbers None to \_\_\_\_\_, inclusive.

*[Those Addenda which pertain exclusively to the bidding process need not be listed.]*

- 8.10. CONTRACTOR's Bid (pages 1 to 3, inclusive) marked exhibit \_\_\_\_\_.

*[Attach actual Bid only in special circumstances.]*

- 8.11. Documentation submitted by CONTRACTOR prior to Notice of Award (pages None to \_\_\_\_\_, inclusive).

- 8.12. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraphs 3.5 and 3.6 of the General Conditions.

The documents listed in paragraphs 8.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 13. The Contract Documents may only be amended, modified or supplemented as provided in paragraphs 3.5 and 3.6 of the General Conditions.

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

---

**Article 9. MISCELLANEOUS.**

9.1. Terms used in this Agreement which are defined in Article I of the General Conditions will have the meanings indicated in the General Conditions.

9.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.3. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

9.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**9.5 OTHER PROVISIONS.**

*[Insert other provisions here if applicable.]*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

This Agreement will be effective on August 6, 19 98 (which is the Effective Date of the Agreement).

OWNER Harrison County,  
State of Mississippi

CONTRACTOR TCB Construction Co., Inc.

By: \_\_\_\_\_  
[CORPORATE SEAL]

By: Jennifer L. Jagan  
[CORPORATE SEAL]

Attest \_\_\_\_\_

Attest Patricia Doffer

Address for giving notices  
P.O. Drawer CC  
Gulfport, MS 39502-0860

Address for giving notices  
5913 Hwy. 53  
Poplarville, MS 39470

(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.

License No. 08983

Agent for service of process: Dickie J. Ladner

(If CONTRACTOR is a corporation, attach evidence of authority to sign).

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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IT IS THEREFORE ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the bid of T.C.B. Construction Co., Inc. be, and the same is HEREBY ACCEPTED for the Youther Lee Keyes Park Recreational Improvements, at and for a consideration of NINETY-THREE THOUSAND FORTY-SEVEN AND 50/100 DOLLARS (\$93,047.50); and the Board does HEREBY AUTHORIZE the Board President to execute the contract upon receipt of same.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

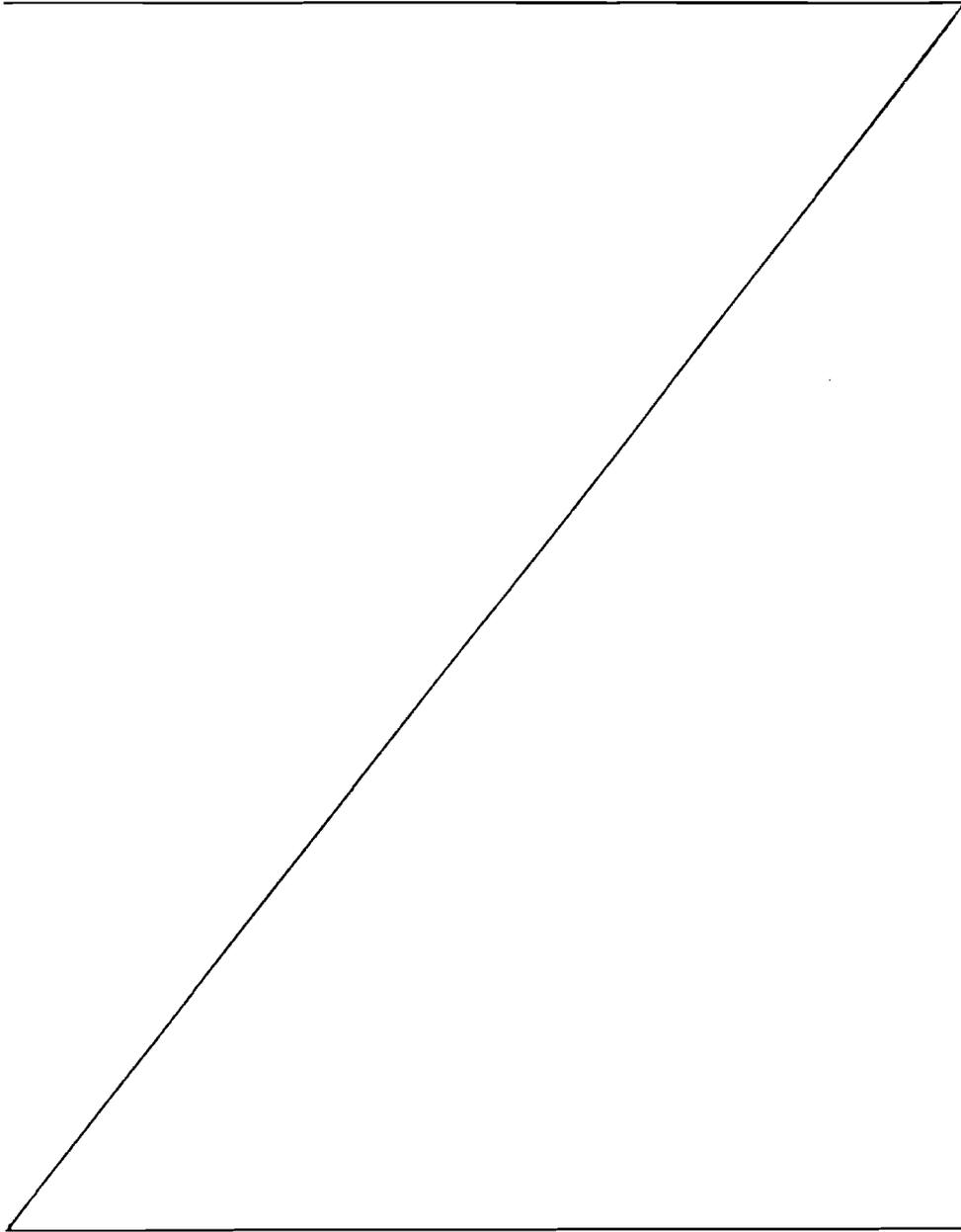
\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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THERE CAME ON this day for consideration by the Board the Petitions signed by ten (10) or more Freeholders (Property Owners) requesting the Board to accept and maintain Ton Road as part of the Harrison County Road System, being located in Supervisor's Voting District 2, Section 3, Township 7 South Range 12 West, Harrison County, Mississippi, said petitions being as follows:

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# MINUTE BOOK

## BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

### JULY 1998 TERM

MAR-22-98 01:48 PM

PETITION

|   |                        |
|---|------------------------|
| RECEIVED  |                        |
| Accepted/Denied by Board  |                        |
| MAY 28 1998   |                        |
| Supervisor <u>    </u>  | Supervisor <u>    </u> |
| Date Letter Sent to Board <u>    </u> / <u>    </u> / <u>    </u> |                        |
| FOR OFFICE USE ONLY   |                        |

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

TO THE HONORABLE BOARD OF SUPERVISORS:

We the undersigned Freeholders (Property Owners) or Householdors of the aforesaid State and County do hereby petition the Harrison County Board of Supervisors to:

Accept for Maintenance a public road situated in Supervisors District 2, Section 3, Township Z South, Range 12 West, Harrison County, Mississippi.

Name of Road TON Rd Legal Description \_\_\_\_\_  
off Robinson Road before abundance Number of people served \_\_\_\_\_

Witness our signatures as follows:

| (NAME)                            | (ADDRESS)                   | Check Appropriate Box | FREEHOLDER                          | HOUSEHOLDER                         |
|-----------------------------------|-----------------------------|-----------------------|-------------------------------------|-------------------------------------|
| 1. <u>KENNETH M. MONTANA</u>      | <u>12250 TON RD</u>         |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Montana</u>                    | <u>GULFPART, MS. 39503</u>  |                       |                                     | <input checked="" type="checkbox"/> |
| 2. <u>MONROE C. CLIBURN</u>       | <u>12210 TON RD.</u>        |                       |                                     | <input checked="" type="checkbox"/> |
| <u>Monroe C. Cliburn</u>          | <u>GULFPART, MS. 39503</u>  |                       |                                     | <input checked="" type="checkbox"/> |
| 3. <u>Bubee &amp; Nayde Davis</u> | <u>12254 Ton Rd</u>         |                       | <input checked="" type="checkbox"/> |                                     |
| <u>D. W. Davis</u>                | <u>Apt. Ms. 35103</u>       |                       |                                     | <input checked="" type="checkbox"/> |
| 4. <u>CATHERINE C. DAVIS</u>      | <u>12154 TON RD.</u>        |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Catherine Davis</u>            | <u>GPT, MS. 39503</u>       |                       |                                     | <input checked="" type="checkbox"/> |
| 5. <u>Sally Wilson</u>            | <u>12466 Ton Rd.</u>        |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Sally Wilson</u>               | <u>Gpt. MS 39503</u>        |                       |                                     | <input checked="" type="checkbox"/> |
| 6. <u>Stacy Wilson</u>            | <u>12466 Ton Rd.</u>        |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Stacy Wilson</u>               | <u>Gulfpport, MS 39503</u>  |                       |                                     | <input checked="" type="checkbox"/> |
| 7. <u>LEAH LABBIE</u>             | <u>TON ROAD</u>             |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Leah Labbie</u>                | <u>Gulfpport</u>            |                       |                                     | <input checked="" type="checkbox"/> |
| 8. <u>C. H. O'NEIL</u>            | <u>TON ROAD</u>             |                       | <input checked="" type="checkbox"/> |                                     |
| <u>C. H. O'Neil</u>               | <u>GULFPART, MS. 39503</u>  |                       |                                     | <input checked="" type="checkbox"/> |
| 9. <u>Paula Davis</u>             | <u>12154 Ton Rd.</u>        |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Paula Davis</u>                | <u>Gulfpport, MS 39503</u>  |                       |                                     | <input checked="" type="checkbox"/> |
| 10. <u>Synda Key</u>              | <u>20353 Landon Rd</u>      |                       |                                     | <input checked="" type="checkbox"/> |
| <u>Synda Key</u>                  | <u>Gulfpport, MS. 39503</u> |                       |                                     | <input checked="" type="checkbox"/> |
| 11. <u>Bonnie Davis</u>           | <u>12154 Ton Rd.</u>        |                       | <input checked="" type="checkbox"/> |                                     |
| <u>Bonnie Davis</u>               | <u>GULFPART MS. 39503</u>   |                       |                                     | <input checked="" type="checkbox"/> |
| 12. <u>Corey E. Rouse</u>         | <u>12210 Ton Rd</u>         |                       | <input checked="" type="checkbox"/> |                                     |
| <u>J. E. Rouse</u>                | <u>Apt. MS 35103</u>        |                       |                                     | <input checked="" type="checkbox"/> |

PETITION SUBMITTED BY: \_\_\_\_\_  
 (NAME)  
 \_\_\_\_\_  
 (ADDRESS)  
 \_\_\_\_\_  
 (PHONE NUMBER)  
 \_\_\_\_\_  
 (DATE SUBMITTED)

# MINUTE BOOK

## BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

### JULY 1998 TERM

MAR-22-96 01:40 PM

P. 01

PETITION

|   |                                   |
|---|-----------------------------------|
| Date Accepted/Denied by Board<br>_____ 19____ | Supervisor _____ Supervisor _____ |
| Date Letter Sent to Board <u>1/1</u>          |                                   |
| FOR OFFICE USE ONLY                           |                                   |

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

TO THE HONORABLE BOARD OF SUPERVISORS:

We the undersigned Freeholders (Property Owners) or Householdors of the Aforesaid State and County do hereby petition the Harrison County Board of Supervisors to:

Accept for Maintenance a public road situated in Supervisors District \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ South, Range \_\_\_\_\_ West, Harrison County, Mississippi.

Name of Road Ton Rd. Legal Description \_\_\_\_\_  
Number of people served \_\_\_\_\_

Witness our signatures as follows:

| No. | (NAME)                       | (ADDRESS)                      | Check Appropriate Box               | FREEHOLDER                          | HOUSEHOLDER |
|-----|------------------------------|--------------------------------|-------------------------------------|-------------------------------------|-------------|
| 1.  | <u>Steph A. Saunders Sr.</u> | <u>12347 Ton Rd Gnt MS.</u>    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |             |
| 2.  | <u>Martha A. Saunders</u>    | <u>12347 Ton Rd</u>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |             |
|     | <u>Martha A. Saunders</u>    | <u>Gulfport MS 39503-7887</u>  |                                     |                                     |             |
| 3.  | <u>Cornie S. Gmelich</u>     | <u>101 BRIARFIELD AVE</u>      | <input checked="" type="checkbox"/> |                                     |             |
|     | <u>Cornie S. Gmelich</u>     | <u>BiLOXI MS 39531</u>         |                                     |                                     |             |
| 4.  | <u>Stephanie Smith</u>       | <u>22517 Meulidus Rd</u>       | <input checked="" type="checkbox"/> |                                     |             |
|     | <u>Stephanie Smith</u>       | <u>GULFPORT MS 39503</u>       |                                     |                                     |             |
| 5.  | <u>Dorothy Smith</u>         | <u>258 P. HONDALO CIRCLE</u>   | <input checked="" type="checkbox"/> |                                     |             |
|     | <u>Dorothy Smith</u>         | <u>GULFPORT, MS. 39501</u>     |                                     |                                     |             |
| 6.  | <u>SANDRA TATE</u>           | <u>8379 MYSTIC CIR</u>         | <input checked="" type="checkbox"/> |                                     |             |
|     | <u>Sandra Tate</u>           | <u>1755 CHRISTIAN MS 39511</u> |                                     |                                     |             |
| 7.  | <u>Arnold Crain</u>          | <u>12284 Ton Rd.</u>           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |             |
|     | <u>Arnold Crain</u>          | <u>Gulfport, MS. 39503</u>     |                                     |                                     |             |
| 8.  | <u>BRENDA J. CRAIH</u>       | <u>12284 Ton Rd.</u>           | <input checked="" type="checkbox"/> |                                     |             |
|     | <u>Brenda J. Crain</u>       | <u>GULFPORT, MS. 39503</u>     |                                     |                                     |             |
| 9.  | <u>John Crain</u>            | <u>12284 Ton Rd.</u>           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |             |
|     | <u>John Crain</u>            | <u>Gulfport MS. 39503</u>      |                                     |                                     |             |
| 10. | <u>John Crain</u>            | <u>12284 Ton Rd.</u>           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |             |
|     | <u>John Crain</u>            | <u>Gulfport MS. 39503</u>      |                                     |                                     |             |
| 11. | <u>Shawn M. Petro</u>        | <u>12250 Ton Rd</u>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |             |
|     | <u>Shawn M. Petro</u>        | <u>Gulfport, MS 39503</u>      |                                     |                                     |             |
| 12. | <u>Shawn M. Petro</u>        | <u>12250 TON Rd</u>            | <input checked="" type="checkbox"/> |                                     |             |
|     | <u>Shawn M. Petro</u>        | <u>Gulfport MS 39503</u>       |                                     |                                     |             |

PETITION SUBMITTED BY: \_\_\_\_\_  
 (NAME)  
 \_\_\_\_\_  
 (ADDRESS)  
 \_\_\_\_\_  
 (PHONE NUMBER)  
 \_\_\_\_\_  
 (DATE SUBMITTED)

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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**HARRISON COUNTY**  
ENGINEERING DEPARTMENT

15309-C COMMUNITY ROAD • GULFPORT, MISSISSIPPI 39503  
(601) 832-4891/FAX (601) 831-3356



**MEMO**

Date: July 21, 1998  
To: Harrison County Board of Supervisors  
From: Ed Ott, Assistant County Engineer  
Re: Freeholders Petition For Ton Road  
Supervisor's Voting District 2  
Section 3, Township 7 South, Range 12 West

This office has examined the above-referenced petition and inspected the subject roadway. The road is in satisfactory shape for maintenance, requiring minor grading and ditch cleaning. The total length of the road is 2800 feet and it currently serves five families.

I recommend this road be accepted for maintenance.

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

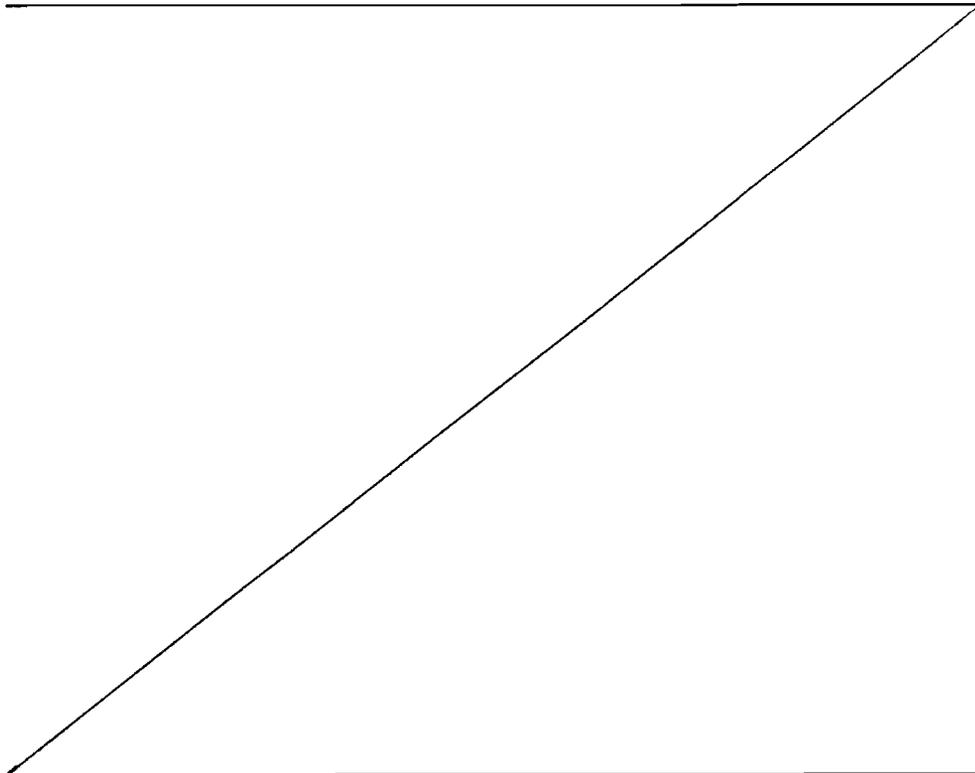
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After due consideration and discussion, and upon the recommendation of Robert J. Knesal, County Engineer, Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER ACKNOWLEDGING RECEIPT OF FREEHOLDERS PETITION FOR TON ROAD LOCATED IN SUPERVISOR'S VOTING DISTRICT 2, SECTION 3, TOWNSHIP 7 SOUTH, RANGE 12 WEST, ACCEPTING SAID ROAD FOR MAINTENANCE, AND ACCEPTING EASEMENT FOR SAID ROAD FROM JERRY F. EASTES AT NO COST TO THE COUNTY, AS RECOMMENDED BY ROBERT J. KNESAL, COUNTY ENGINEER**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE RECEIPT of the Freeholders' Petitions for Ton Road located in Supervisor's Voting District 2, Section 3, Township 7 South, Range 12 West, Harrison County, Mississippi.

IT IS FURTHER ORDERED that the Board does HEREBY ACCEPT an easement from Jerry F. Eastes, at NO COST to the County, and HEREBY ACCEPTS maintenance for said road, upon the recommendation of Robert J. Knesal, County Engineer. The easement accepted is as follows:



**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

9/8 1710

STATE OF MISSISSIPPI

TON ROAD  
(ROAD NAME)

COUNTY OF HARRISON

EASTES, JERRY F.  
(GRANTOR)ROADWAY EASEMENT

For and in consideration of One Dollar and other good and valuable considerations, receipt of which is hereby acknowledged, I, the undersigned, do hereby sell, grant and give unto

HARRISON COUNTY, MISSISSIPPI

a Right-of-Way and perpetual easement for ROADWAY purposes, on and over the following described land and property situated and being in the First Judicial District of Harrison County, Mississippi, to-wit:

That certain parcel of land being located and situated in the West one-half (W 1/2) of the East one-half (E 1/2) of Section 3, Township 7 South, Range 12 West, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Begin at the Northwest (NW) corner of property previously conveyed by John B. Ton, Jr. to John Martin Meyer, Jr. and Mary R. Meyer by Warranty Deed dated August 23, 1974 and recorded in Deed Book 736 at page 80, and now of Jerry F. Eastes, for a POINT OF BEGINNING; and from said point of beginning, thence run West 61.3 feet, more or less, along the North line of said Section 3, along or near the center of county road known as Robinson Road a distance of 61.3 feet to a point where the West line, if extended, of private road known as Ton Road intersects; and thence run South a distance of 3073 feet, more or less, along the West margin of Ton Road to the North line of property formerly conveyed by John B. Ton, Jr. to Jerry E. Rouse, et ux., thence run East along the South extremity of Ton Road and North line of property of Rouse a distance of 40 feet to margin of property conveyed to A. W. Davis and Catherine Davis by Warranty Deed from John B. Ton, Jr., dated January 10, 1984 recorded in Deed Book 972 at page 397; thence run North along the East margin of Ton Road to a point at the Northwest (NW) corner of property conveyed by Quitclaim Deed from John B. Ton, Jr. to A. W. Davis and Catherine Davis, dated May 30, 1990 and recorded in Deed Book 1160 at page 492, and subsequently conveyed to Timothy Wayne Davis, Deed Book 1163 at page 554; thence run easterly along the North line of property conveyed to Davis a distance of 400 feet; thence run in a northerly direction 40.5 feet, more or less, to the Southeast (SE) corner of property formerly conveyed to John Martin Meyer, Jr., et ux., and now of Jerry F. Eastes; thence run West along the South margin of Jerry F. Eastes property a distance of 400 feet, more or less, to the Southwest corner of the Eastes property and the East margin of Ton Road; thence run North along the West line of the Jerry F. Eastes property a distance of 660 feet to the point of beginning; said property containing, but not being limited to the property over which a 40 foot wide roadway easement known as Ton Road is located and shown as a road on Plat of Survey of J. C. Bounds dated September 23, 1983, recorded in Deed Book 972 at page 400.

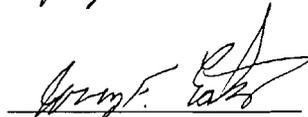
Said easement being described as:

From an iron pipe found at the intersection of the South line of Robinson Road with the West line of Ton Road, which pipe is S 89° 26' 34" W, 2394.25 feet and S 00° 46' 09" W, 30.79 feet from an iron rod in the approximate center-line of Robinson Road the apparent Northeast corner of Section 3, Township 7 South, Range 12 West, First Judicial District, Harrison County, Mississippi, the POINT OF BEGINNING of the herein described easement, proceed S 00° 46' 09" W along the West line of Ton Road, 3040.00 feet to a fence corner; thence S 88° 57' 52" E along a fence line, 40.00 feet; thence N 00° 46' 09" E along the East line of Ton Road, 3041.12 feet to the South line of Robinson Road; thence S 89° 26' 34" W along the South line of Robinson Road 40.00 feet to the POINT OF BEGINNING, containing 2.792 acres approximately and being located in the SW 1/4 of the NE 1/4 and in the NW 1/4 of the SE 1/4 of Section 3, Township 7 South, Range 12 West, First Judicial District, Harrison County, Mississippi.

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Should the aforesaid Right-of-Way and easement be abandoned at any time in the future, the easement herein granted shall automatically cease and terminate

WITNESS, my signature, this the 16 day of July, A.D., 19 98

  
OWNER

OWNER

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

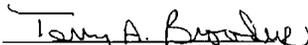
Personally appeared before me, the undersigned Notary Public the within named

Jerry F. Eastes who acknowledged that he signed  
(OWNERS)

and delivered the foregoing instrument on the day and year herein mentioned.

Given under my hand and official seal, this 16<sup>th</sup> day of July, A.D., 1998.

My Commission Expires:  
My Commission Expires July 11, 1999

  
Notary Public

INDEXING INSTRUCTIONS:  
EASEMENT IN SOUTHWEST 1/4, NORTHEAST 1/4, AND IN NORTHWEST 1/4,  
SOUTHEAST 1/4, SECTION 3, TOWNSHIP 7 SOUTH, RANGE 12 WEST, FIRST JUDICIAL  
DISTRICT, HARRISON COUNTY, MISSISSIPPI

GRANTOR NAME AND ADDRESS: JERRY F. EASTES  
20215 ROBINSON ROAD  
GULFPORT, MS 39503 PHONE # (601) 832-5162

GRANTEE: HARRISON COUNTY, STATE OF MISSISSIPPI  
P.O. DRAWER "CC"  
GULFPORT, MS 39502 PHONE # (601) 865-4122

PREPARED BY: HARRISON COUNTY ENGINEERING DEPT.  
EDWIN S. OTT, E.I.  
15309-C COMMUNITY ROAD  
GULFPORT, MS 39503 PHONE # (601) 832-4891

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

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**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

---

Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER ACCEPTING RESIGNATIONS, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT the following resignations:

Carolyn Hacker, Tourism, Administrative Secretary, effective 7/10/98.

Larissa Rutland, District Attorney's Office, Clerk, effective 07/24/98.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor **BOBBY ELEUTERIUS** voted AYE

Supervisor **LARRY BENEFIELD** voted AYE

Supervisor **DAVID V. LAROSA, SR.** voted AYE

Supervisor **ROBIN ALFRED MIDCALF** voted AYE

Supervisor **C. T. SWITZER, JR.** voted AYE

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

---

Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following  
Order:

**ORDER APPROVING TERMINATION, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY APPROVE the termination of Shemika  
McLaughlin, Justice Court, Deputy Clerk, effective 7/10/98.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the  
above and foregoing Order, whereupon the President put the question to a  
vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of  
the Supervisors present, the President then declared the motion carried and  
the Order adopted.

THIS, the 27th day of July 1998.

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**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER CONCURRING WITH COUNTY ADMINISTRATOR ON  
EMPLOYMENT AND VARIOUS CHANGES, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY CONCUR with the County Administrator on the following employment and various changes:

Kim Jones, Tourism, Assistant Bookkeeper, regular full time at a rate of \$708.34 bimonthly, effective 07/13/98 (replacing Lynn Smith who was making \$708.34 bimonthly).

Dina Long, Tourism, Receptionist, regular full time at a rate of \$625.00 bimonthly, effective 07/13/98 (replacing Briana Creel who was making \$625.00 bimonthly).

Karen Herrin, Human Services, Clerk Typist, regular full time at a rate of \$5.72 per hour, effective 07/20/97 (replacing Debra Tinsley who was making \$5.72 per hour).

James Halford, Parks & Recreation, Mower Operator, regular full time at a rate of \$540.81 bimonthly, effective 07/10/98 (replacing Brandon Elrod who was making \$540.81 bimonthly).

John Bouie II, Parks & Recreation, Mower Operator, regular full time at a rate of \$515.06 bimonthly, effective 07/10/98 (replacing Kenneth Saucier who was making \$515.06 Bimonthly).

Susan Buckley, transferring from Sand Beach, Equipment Operator II, regular full time at a rate of \$8.34 per hour, to Human Resources, Program Aide, regular full time at a rate of \$572.10 bimonthly, effective 07/20/98 (replacing Amy Womack who was making \$572.10 bimonthly).

Polly McCorkle, Tourism, Convention Registration Assistant, regular part time at a rate of \$5.15 per hour, effective 07/20/98 (Convention Regular Pool).

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Allen Graham, Sand Beach, Equipment Operator I, regular full time at a rate of \$6.81 per hour, effective 07/14/98 (replacing James Chappell who was making \$7.15 per hour).

Diana Quinn, Justice Court, Ticket Clerk, status change going from \$5.77 per hour to \$500.07 bimonthly, effective 08/01/98 (no change in salary).

Michelle Grisham, Law Library, status change going from Copy Aide to Senior Copy Aide, with a salary change going from \$5.15 per hour to \$6.15 per hour, effective 08/01/98 ( replacing Brent Geiger who was making \$7.44 per hour).

Brent Geiger, Law Library, status change going from Library Aide to Research Assistant, with a salary change going from \$7.44 per hour to \$9.50 per hour, effective 08/01/98 (replacing Michelle Jackson who was making \$775.61 bimonthly).

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER APPROVING PAYMENT FOR ACCIDENT RELATED CLAIMS,  
AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE payment for the following accident related claims, to-wit:

- 1) Associated Adjusters Inc. in the amount of \$803.00, for services rendered on claimant Geneva H. Lawrence.
- 2) Claimant Tronya Ross for damage to windshield in the amount of \$199.17 as recommended by District 3 Safety Officer Harry Kaletsch.
- 3) Claimant Ronald Parker in the amount of \$258.87, as recommended by District 3 Safety Officer Harry Kaletsch.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following

Order:

**ORDER APPROVING AMENDMENTS TO THE SHERIFF'S BUDGET DUE  
TO OVERTIME FOR THE FOURTH OF JULY HOLIDAY AND MANPOWER  
SHORTAGES, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY APPROVE amendments to the  
Sheriff's budget due to overtime for the Fourth of July holiday and  
manpower shortages, as follows:

Sheriff's Department  
Overtime Worksheet  
July 27, 1998

|                                       |             |
|---------------------------------------|-------------|
| 001-139 Baliffs/Transport/Deputies    | \$269.88    |
| 001-201 Sheriff's Investigation       | \$313.65    |
| 001-202 Sheriff's Patrol              | \$3,636.88  |
| 001-204 Sheriff's Record Division     | \$155.76    |
| 001-210 Sheriff's Beach/Marine Patrol | \$953.15    |
| 001-214 Sheriff's Academy             | \$370.24    |
| 001-220 Jail Facilities               | \$5,127.22  |
| 001-223 Youth Detention               | \$1,608.84  |
| 001-230 Sheriff's Communications      | \$700.56    |
| 001-234 Sheriff's DUI                 | \$897.04    |
| 001-236 Animal Control Officer        | \$138.84    |
|                                       | \$14,172.06 |

*This worksheet does not include FICA, Worker's Compensation, Medicaid, and Retirement accounts, which would also increase.*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

The Sheriff reported that 1,053 persons are currently housed in the Harrison County Jail facilities.

\* \* \*

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following  
Order:

**ORDER AUTHORIZING THE SALE OF JUNK/SURPLUS EQUIPMENT  
AT A PUBLIC AUCTION TO BE HELD SATURDAY, OCTOBER 3,  
1998, AND AUTHORIZING THE EMPLOYMENT OF LONG BEACH  
AUTO AUCTION TO CONDUCT SAID SALE**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY AUTHORIZE the sale of junk/surplus  
equipment at a public auction to be held Saturday, October 3, 1998, and  
authorizing the employment of Long Beach Auto Auction to conduct said  
sale.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the  
above and foregoing Order, whereupon the President put the question to a  
vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of  
the Supervisors present, the President then declared the motion carried and  
the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER APPROVING THE CLAIMS FOR THE MONTH OF JULY 1998**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE the following claims against Harrison County for the month of July 1998:

| <b>FUND</b> | <b>DESCRIPTION</b>          | <b>BEGINNING CLAIM</b> | <b>ENDING CLAIM</b> |
|-------------|-----------------------------|------------------------|---------------------|
| 001         | GENERAL FUND                | 7921                   | 7926                |
| 105         | HARRISON COUNTY DEVELOPMENT | 20                     | 20                  |
| 113         | G/C JR COL MAINTENANCE FUND | 10                     | 10                  |
| 114         | G/C JR COL CAPITAL FUND     | 10                     | 10                  |
| 122         | STATE PORT AT GULFPORT      | 20                     | 20                  |
| 129         | D'IBERVILLE W/S DISTRICT    | 10                     | 10                  |
| 130         | P/C H/P WATER & SEWER DIST  | 10                     | 10                  |
| 150         | ROAD FUND                   | 2833                   | 2836                |
| 400         | SHERIFF'S CANTEEN FUND      | 424                    | 424                 |
| 681         | PAYROLL CLEARING FUND       | 435                    | 435                 |

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER APPROVING PROGRAM REQUEST ATTACHMENT 14527 (CHANGE ORDER) WITH PROFESSIONAL COMPUTER SOFTWARE SERVICES IN THE AMOUNT OF \$9,000.00 FOR HARRISON COUNTY FAMILY COURT CONVERSION**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE Program Request Attachment: 14527 (Change Order) with Professional Computer Software Services in the amount of \$9,000.00, not including on-site time, for Harrison County Family Court Conversion, fifty percent (50%) due upon approval of Change Order, payable from the Unified Court System Fund, all in accordance with the following:

Date: July 8, 1998

Program Request Attachment: 14527

For: Harrison County Family Court Conversion

Please review the following specifications: Requested by Harrison County for Family Court Conversion. The following files will be converted: incident, minor, petref, faccust, victim, and setting.

Total cost for this Program Request \$9,000 (This price DOES NOT include on site time)

Payment Terms: 50% Due On Customer's Signature  
Balance Due Upon Receipt of Program Request

This quote is good for a period of 60 days.

Any issues or problem areas identified after initial loading on customer system will be covered under the existing customer support agreement.

Changes to this program request will be addressed under a separate change order.

Customer Approval Signature:

\_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER ACCEPTING THE BEST BID FOR CONTRACT 9, EIGHT (8)  
BLEACHERS FOR THE NEW RECREATIONAL FACILITY, FROM MAGNOLIA  
STATE SCHOOL PRODUCTS, INC. IN THE AMOUNT OF \$14,594.40, AS  
RECOMMENDED BY MORAN, SEYMOUR, & ASSOCIATES, INC., PROJECT  
ENGINEERS, AND AUTHORIZING THE PRESIDENT OF THE BOARD TO  
EXECUTE CONTRACT**

WHEREAS, the Board of Supervisors does hereby find as follows:

1. That this Board, at a meeting heretofore held on the 28th day of April, 1998, adopted an Order authorizing and directing the Clerk of the Board to cause publication to be made of Advertisement for Bids Contract 9, eight new bleachers for the new recreational facilities for Harrison County, Mississippi, for tabulation and action at a later date.
2. That as directed in the aforesaid Order, said Advertisement for Bids was published in The Sun Herald newspaper, a newspaper published and having a general circulation in Harrison County, Mississippi for more than one (1) year next immediately preceding the date of said Order directing publication of said Notice, and that the Publisher's Affidavit of Proof of Publication has been filed with the Clerk of this Board, by said Clerk exhibited to the Board, and shows that said Notice was published on the 15th and 18th days of May, 1998.
3. That publication of said notice has been made once each week for two (2) consecutive weeks, the last of which was at least seven (7) working days prior to June 8, 1998, the day fixed for receiving said bids in the Order identified in paragraph (1) thereof, said Proof of Publication being in the following form, words, and figures, to-wit:

MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM

PROOF OF PUBLICATION

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared [Signature] who, being by me first duly sworn, did depose and say that she is a clerk of [Signature]

\_\_\_\_\_ a newspaper published in the city of [Signature] in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

- See Paper Vol. 114 No. 227 dated 15 day of May, 1998
- See Paper Vol. 114 No. 230 dated 18 day of May, 1998
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
- \_\_\_\_\_ Paper \_\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

[Signature]  
Clerk

Sworn to and subscribed before me this 19 day of

[Signature], A.D., 1998  
Karen Shook  
Notary Public

My Commission Expires 10/15/99

Printer's Fee ..... \$ \_\_\_\_\_

Furnishing proof of publication ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

ADVERTISEMENT FOR BIDS  
Harrison County, Mississippi  
The Harrison County Board of Supervisors, Gulfport, Mississippi, will receive bids for:

CONTRACT B  
EIGHT NEW BLEACHERS FOR THE NEW RECREATIONAL FACILITIES FOR HARRISON COUNTY, MISSISSIPPI  
Located in D'Arville, Mississippi at Harrison County, Mississippi at the Board Meeting Room, Second Judicial Courthouse, Biloxi, Mississippi, until 10:00 A.M. on June 8, 1998, and then said bids will be publicly opened and read aloud. Bids are invited for the project as detailed in the contract drawings and specifications.

Contract Drawings, Including Drawings and Technical Specifications, are on file at the Offices of Moran, Seymour & Associates, Inc. and John McAdams, Clerk of the Board of Supervisors at the Harrison County Courthouse, Gulfport, MS.

Plans and Specifications may be obtained at the office of Moran, Seymour & Associates, Inc., 240 Beauvoir Road, Biloxi, MS 39531. A certified check or bank draft payable to the order of Harrison County, Mississippi, negotiable U.S. Government Bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid is required for the project entitled:

CONTRACT B  
EIGHT NEW BLEACHERS FOR THE NEW RECREATIONAL FACILITIES FOR HARRISON COUNTY, MISSISSIPPI  
Located in D'Arville, Mississippi

The owner reserves the right to reject any or all bids or to waive any informality in the bidding. Bids may be held by the Owner for a period not to exceed thirty (30) days from the date of the opening of bids for the purpose of renewing the bids and investigating the qualifications of Bidders, prior to awarding the Contract.

By Order of the Board of Supervisors, adopted the 28th of April, 1998.

John McAdams  
Clerk of the Board of Supervisors  
Harrison County, Mississippi  
by: /s/ Frances Gily

V-61,adv.15.18 133092

4. That bids were received at the time and place and in the manner provided in said Notice of Invitation to Bid, and at a meeting of this Board on June 8, 1998, this Board acknowledged receipt of and laid over for action at a later date the bids received. The following bids were received:

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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**MORAN, SEYMOUR & ASSOC., INC.**  
**ENGINEERS - PLANNERS - SURVEYORS**



Principals  
 Terrill Moran, P.E., R.L.S.  
 Mark Seymour, P.E., R.L.S.



June 16, 1998

Mr. John McAdams  
 Chancery Clerk Office of Harrison County  
 Post Office Drawer CC  
 1801 23<sup>rd</sup> Ave.  
 Gulfport, MS. 39502-0860

**RE: BID OPENING FOR CONTRACT 9 (BLEACHERS)**  
**NEW RECREATIONAL FACILITY FOR**  
**HARRISON COUNTY**

Dear John:

This letter is in reference to the bids taken on June 8, 1998 for Bleachers.

We recommend that the bid for \$14,594.40 to furnish eight (8) bleachers be approved for Magnolia State. A copy of the bid tabulation is attached.

Please advise if you have any questions.

Sincerely,

MORAN, SEYMOUR & ASSOCIATES, INC.

*Mark M. Seymour*

Mark M. Seymour, Sr., P.E.

cc: Bobby Eleutarius

MMS  
 /tp

enclosures



**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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PHONE: 601/328-8888  
 FAX: 601/328-8960

*Magnolia State*

**SCHOOL PRODUCTS, INC.**

3280 Hwy. 45 N - 39701  
 P. O. Box 8888 - 39705  
 Columbus, Mississippi

June 3, 1998

Board of Supervisors  
 Harrison County  
 1801 23rd Ave  
 Gulfport, Ms. 39501

Gentlemen,

We are pleased to quote the following per your request.

Eight each, #DLW 5-21 All American Bleachers composed of:

1. Welded Aluminum angle frame bleacher 5 rows x 21'-0" long
2. First seat 17" above grade; 8" rise/24" tread
3. Nominal 2x10 seats; single 2x10 foot boards, nominal 2x10 riser on last row only
4. Two rail with aluminumized chain link fence on rear; Three rail with clf on sides to row three
5. Bleacher designed to rest on firm, flat and level ground; no provision has been made to prevent wind overturning; this will be the responsibility of the Owner
6. Net seating capacity each unit: 67 @ 18"/seat

Materials delivered only price \$ 14,594.40  
 Installation by others

If treated ground seals are desired add \$ 204.00

They are actually not needed.

Thank you for your consideration.

Sincerely,

Otho W. Brown, Jr.  
 President/CEO

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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**Amwest Surety Insurance Company**  
 5420 Corporate Blvd., Suite 208  
 Baton Rouge, La 70808

**PUBLIC WORKS BID BOND**

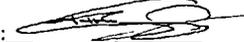
Know all men by these presents:

That we, **MAGNOLIA STATE SCHOOL PRODUCTS, INC.** (hereinafter called Principal), as Principal, and **AMWEST SURETY INSURANCE COMPANY**, a corporation (hereinafter called Surety), organized and existing under the laws of the State of Nebraska and authorized to transact a general surety business in the State of MS, as Surety, are held and firmly bound unto **HARRISON COUNTY BOARD OF SUPERVISORS** (hereinafter called Obligee) in the penal sum of **FIVE PERCENT ( 5% ) OF THE BID AMOUNT, BUT IN NO EVENT TO EXCEED 1,000.00 Dollars** for the payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. **THE CONDITION OF THIS OBLIGATION IS SUCH, that, whereas the Principal has submitted or is about to submit a proposal to the Obligee on a contract for BLEACHERS**

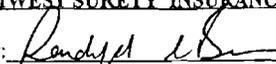
**NOW, THEREFORE**, if the contract is awarded to the Principal and the Principal has within such time as may be specified, entered into the contract in writing, and provided a bond, with surety acceptable to the Obligee for the faithful performance of the contract; or if the Principal shall fail to do so, pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by the bid, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED THIS 8TH DAY OF JUNE, 1998.

**MAGNOLIA STATE SCHOOL PRODUCTS, INC.**

By:   
 ( Signature of Principal )

**AMWEST SURETY INSURANCE COMPANY**

By:   
**RANDOLPH A. BRUNSON, Attorney-in-Fact**



MISSISSIPPI COUNTERSIGNING AGENT  
 BY:   
 John Philip Byrne, Jr. LICENSE #7901614  
 Byrne Insurance Agency  
 P.O. Box 1505, Natchez, MS 39120

MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JULY 1998 TERM

LIMITED POWER OF ATTORNEY
Amwest Surety Insurance Company
Far West Insurance Company

POWER NUMBER 000882468

This document is printed on white paper containing the artificial watermarked logo (A) of Amwest Surety Insurance Company on the front and brown security paper on the back. Only unaltered originals of the Limited Power of Attorney ("POA") are valid. This POA may not be used in conjunction with any other POA. No representations or warranties regarding this POA may be made by any person. This POA is governed by the laws of the State of Nebraska and is only valid until the expiration date. Amwest Surety Insurance Company and Far West Insurance Company (collectively the "Company") shall not be liable on any limited POA which is fraudulently produced, forged or otherwise distributed without the permission of the Company. Any party concerned about the validity of this POA or an accompanying Company bond should call your local Amwest branch office at (504) 927-2208

KNOW ALL BY THESE PRESENT, that Amwest Surety Insurance Company, a Nebraska corporation and Far West Insurance Company, a Nebraska corporation (collectively the "Company"), do hereby make, constitute and appoint:

- Stephanie M. Chauvin
Randolph A. Brunson
Rebecca Mc Daniel
Fiona J. Boyd
Ruthalyn Thomas
As Employees of AMWEST SURETY INSURANCE CO

its true and lawful Attorney-in-fact, with limited power and authority for and on behalf of the Company as surety to execute, deliver and affix the seal of the company thereto if a seal is required on bonds, undertakings, recognizances, reinsurance agreement for a Miller Act or other performance bond or other written obligations in the nature thereof as follows:

All Bonds up to \$25,000,000.00

and to bind the company thereby. This appointment is made under and by authority of the By-Laws of the Company, which are now in full force and effect.

I, the undersigned secretary of Amwest Surety Insurance Company, a Nebraska corporation and Far West Insurance Company, a Nebraska corporation, DO HEREBY CERTIFY that this Power of Attorney remains in full force and effect and has not been revoked and furthermore, that the resolutions of the Board of Directors of both Amwest Surety Insurance Company and Far West Insurance Company set forth on this Power of Attorney, and that the relevant provisions of the By-Laws of each company, are now in full force and effect.

Bond No. BID Signed & sealed this 8TH day of JUNE 19 98

Karen G. Cohen, Secretary

RESOLUTIONS OF THE BOARD OF DIRECTORS
This POA is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the Board of Directors of Amwest Surety Insurance Company at a meeting duly held on December 15, 1975 and Far West Insurance Company at a meeting duly held on July 28, 1983:

RESOLVED, that the President or any Vice President, in conjunction with the Secretary or any Assistant Secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any POA previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and bind upon the Company:

- (i) when signed by the President or any Vice President and attested and sealed (if a seal be required) by any Secretary or Assistant Secretary; or
(ii) when signed by the President or any Vice President or Secretary or Assistant Secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
(iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any POA or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, Amwest Surety Insurance Company and Far West Insurance Company have caused these present to be signed by its proper officers, and its corporate seals to be hereunto affixed this 12th day of December, 1997.

John E. Savage, President

Karen G. Cohen, Secretary

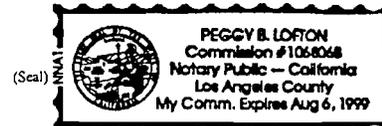
State of California
County of Los Angeles

On December 12, 1997 before me, Peggy B. Lofton Notary Public, personally appeared John E. Savage and Karen G. Cohen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me all that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Peggy B. Lofton, Notary Public



**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

QUOTATION

**DANT-CLAYTON®**  
CORPORATION

P.O. Box 740008 • Louisville, KY 40201-7408 • 502-634-3526  
Toll Free 1-800-626-2177  
FAX 502-637-9983

DATE: 06/03/98

QUOTE NO: 4255  
PAGE 1 OF 1

Quotation To:

MR. JOHN MCADAMS  
HARRISON COUNTY BOARD OF SUPERVISORS  
1801 - 23RD AVE.  
GULFPORT, MS 39501

SALES REP. JON WILLIAMS  
PHONE 800-626-2177  
VOICE MAIL BOX NO./EXT. NO. 261

BLEACHER PRICING

SALES ADM. DOROTHY JONES  
PHONE 1-800-626-2177  
VOICE MAIL BOX NO./EXT. NO. 264

RE:

| QUANTITY | DESCRIPTION   | UNIT | AMOUNT       |
|----------|---|------|--------------|
| 8        | ALS-570-UBC-2RA, ALUM-A-STAND, 5 ROWS X 21'-0", 58 NET SEATS, 70 GROSS SEATS, (2) 2" X 10" MILL FOOTBOARDS, 2" X 10" ANODIZED SEAT, 1" X 8" ANODIZED RISER, (1) AISLE WITH HANDRAIL, SIDE AND REAR GUARDRAILING, INCLUDING DELIVERY AND 5 YEAR WARRANTY |      | \$ 21,093.00 |
|          | <b><u>VOLUNTARY ALTERNATE</u></b>   |      |              |
| 8        | ALS-456-2A, ALUM-A-STAND, 4 ROWS X 21'-0", 47 NET SEATS, 56 GROSS SEATS, (2) 2" X 10" FOOTBOARDS, 2" X 10" ANODIZED SEAT, (1) AISLE WITH HANDRAIL, INCLUDING DELIVERY AND 5 YEAR WARRANTY   |      | \$ 12,335.00 |
|          | * DRAWINGS STAMPED BY MISSISSIPPI REGISTERED ENGINEER CAN BE PROVIDED AT NO CHARGE.   |      |              |
|          | **TAKE DELIVERY OF MATERIAL AFTER 08-15-98 AND RECEIVE POWDER COATED SEATS AND RISERS IN ONE OF EIGHT STANDARD COLORS AT NO CHARGE.   |      |              |
|          | ***PRICES DO NOT INCLUDE INSTALLATION, TAXES, PERMITS, LICENSES, BONDS, TESTING, STATE APPROVAL, LIQUIDATED DAMAGES OR CONCRETE WORK.   |      |              |
|          | 30  |      |              |
|          | Above prices are good for _____ days.   |      |              |

Signing this quotation denotes a contract when accepted and approved and will be subject to terms and conditions of this quotation. Return signed original to place an order. If sales tax is not applicable, please provide certificate of exemption. Please see reverse side for general terms and conditions.

Seller

Dant-Clayton Corporation

*Jon Williams*

Purchaser

\_\_\_\_\_

ORIGINAL

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

---

**DANT CLAYTON**  
CORPORATION

1500 Bernheim Lane  
Louisville, KY 40210  
Or  
P.O. Box 740008  
Louisville, KY 40201-7408

Phone: (502) 634-3626  
Facsimile: (502) 637-9983

***FIVE YEAR WARRANTY***

---

ALUM-A-STAND

The Dant Clayton Corporation shall guarantee to its buyers that the Alum-A-Stand portable bleacher shall be free from defects in material and workmanship under normal use for a period of five (5) years from final completion, provided they are installed as per Dant Clayton Corporation's written installation instructions and the component supplied only by Dant Clayton limits its obligation under this warranty to the repair and exchange of the items which prove defective under normal use (vandalism excluded) during this period.

warranty\als.war

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

**D & A ASSOCIATES, INC. #98208**

P.O. Box 15138  
New Orleans, LA 70175

(504) 899-3866  
FAX (504) 895-6964

**PROPOSAL**

June 5, 1998

Page 1 of 1

Harrison Co. Board of Supervisors  
Board Meeting Room  
Second Judicial Courthouse  
Biloxi, MS

RE: Contract 9 – Eight New Bleachers  
for the New Rec. Facility for  
Harrison Co., MS

**We hereby submit the following proposal:**

To deliver the following National Recreation Systems, Inc. bleachers including eight (8) 5 row x 21' long non-elevated bleacher units with treated SYP groundsills, aluminum angle understructure, 2" x 10" anodized aluminum seat plank, and single 2" x 10" mill finish aluminum foot plank. *As specified.*

Materials delivered \$10,875.00

Add for chainlink guardrail, double foot plank on rows 2-5, and 2" x 10" top row riser to meet SBC codes.

Materials delivered \$9,856.00

\*\*\*\*\*  
**NOTE: PRICE IS PLUS APPLICABLE TAXES AND ASSEMBLY,  
UNLESS OTHERWISE STATED.**  
\*\*\*\*\*

I (We) understand that if payment is not made within net thirty days, D & A Associates, Inc. will be entitled to be paid 1-1/2% per month interest. Additionally, should it be necessary to employ the services of an attorney to protect its interests or to collect any part or all of the price set forth for performing this work, including interest, then I (we) will be responsible to D & A Associates, Inc. in that regard. All materials are guaranteed to be as specified. All work is to be according to standard practices. Any alteration or deviation from the above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the D & A Associates estimate. D & A Associates, Inc. is not responsible for anything underground, including lines, pipes, concrete, asphalt, tree roots, etc. Any repairs or additional equipment needed for underground obstructions shall be at an additional charge. All Agreements are contingent upon strikes, accidents or delays beyond our control.

Authorized Signature/Title Tanica Hobbs / Sales Rep  
This proposal may be withdrawn if not accepted within 30 days.

\*\*\*\*\* Acceptance of Proposal \*\*\*\*\*

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Please initial the option(s) which has been approved.

Date \_\_\_\_\_ Signature \_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

**D & A ASSOCIATES, INC. #98208**

P.O. Box 15138  
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Page 1 of 1

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Authorized Signature/Title Jessie Hahn / Sales Rep

This proposal may be withdrawn if not accepted within 30 days.

\*\*\*\*\* Acceptance of Proposal \*\*\*\*\*

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Please initial the option(s) which has been approved.

Date \_\_\_\_\_ Signature \_\_\_\_\_

# MINUTE BOOK BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI JULY 1998 TERM

### Power of Attorney FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: P.O. BOX 1227, BALTIMORE, MD 21203-1227

Know ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by W. B. WALBRECHER, Vice-President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Cornelius C. Crusel, Jr., J. L. Beckmann, Jr., Loretta M. Estay, Lena A. Lala and Robert K. Moyer, Jr., all of New Orleans, Louisiana, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as if they had been duly executed and acknowledged by the regularly elected officers of the Company in its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of J. E. Eaves, Jr., dated July 1, 1997.

The said Assistant Secretary does hereby certify that the extra copy set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 25th day of July, A.D. 1997.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



T. E. Smith

Assistant Secretary

State of Maryland }  
County of Baltimore } ss:

By:

W. B. Walbrecher

Vice-President

On this 25th day of July, A.D. 1997, before the undersigned, a Notary Public of the State of Maryland, duly commissioned and qualified, came W. B. WALBRECHER, Vice-President and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Carol J. Fader

Notary Public

My Commission Expires: August 1, 2000

### CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this

8th day of June, 1998.

A. D. Matie

Assistant Secretary

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

Bond No. \_\_\_\_\_

**Fidelity and Deposit Company**

POST OFFICE BOX 1227 OF MARYLAND BALTIMORE, MD 21203

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS:

That we, D & A Associates, Inc.

\_\_\_\_\_, as Principal, (hereinafter called the "Principal"),

and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, P.O. Box 1227, Baltimore, Maryland 21203, a corporation duly organized under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto Harrison County Board of Supervisors

Second Judicial Courthouse, Biloxi, MS

\_\_\_\_\_ as Obligee, (hereinafter called the "Obligee"),

in the sum of Five Percent of Base Bid Dollars (5% Base Bid), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Contract 9 - Eight New Bleachers for the new Recreational Facilities for Harrison County, MS

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 8th day of June A.D., 1998

Jamie Hale  
WITNESS  
COUNTERSIGNED FOR THE STATE OF MISSISSIPPI  
Thomas M. Thames, III  
Thomas M. Thames, III  
Cheryl Fox  
WITNESS

D & A ASSOCIATES, INC. (SEAL)  
Principal  
Jay L. Molony  
Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
Surety  
By Loretta M. Estay (SEAL)  
Loretta M. Estay  
Attorney-In-Fact

C325f-50M, 7-92  
Conforms to American Institute of Architects Document A-310,  
February 1970 Edition.



**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

**QUOTATION**

From

**HOWARD SOMMER CO.**

P. O. BOX 17573  
MEMPHIS, TENNESSEE 38117  
TEL. (901) 683-8573

To HARRISON COUNTY BOARD OF SUPERVISORS  
CHANCERY CLERKS OFFICE  
1801 - 23<sup>RD</sup> AVE  
GULFPORT, MS, 39501

Gentlemen:

We are pleased to quote as follows.

Inquiry No. \_\_\_\_\_

Date 6-4-98

Terms: Net 30 Days

Prices quoted are

F.O.B. HARRISON COUNTY, MS.

Delivery APPROX 4 WEEKS

Firm Prices Until

Date \_\_\_\_\_

| Quantity | Catalog Number | Description               | Price  | Amount  |
|----------|----------------|---------------------------|--------|---------|
| 8        | NB-051A        | 5 ROW X 15 FT BLEACHER    | 929 00 | 7432 00 |
|          |                | FEATURING:                |        |         |
|          |                | ALUMINUM UNDERSTRUCTURE   |        |         |
|          |                | 2X10 ANODIZED ALUMINUM    |        |         |
|          |                | SEAT PLANK                |        |         |
|          |                | SINGLE 2X10 MILL FINISH   |        |         |
|          |                | ALUMINUM FOOT PLANK       |        |         |
|          |                | 5% CASHIERS CHECK ALLOWED |        |         |

**OFFICIAL CHECK**

**UNION PLANTERS BANK**

2028-190297969

DATE JUN 03 1998

PAY TO THE ORDER OF HARRISON COUNTY MISSISSIPPI \*\*\*\*\*371.60

The sum of 371 and 60/100

REMITTER HOWARD SOMMER COMPANY  
Issued By Integrated Payment Systems Inc., Englewood, Colorado  
To Citibank (New York State), Buffalo, N.Y.

DRAWER: UNION PLANTERS BANK  
BY Eula Cannon  
AUTHORIZED SIGNATURE

⑆022000868⑆68⑆995342 190297969

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES COLOR GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE.

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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5. The Board does hereby find that the bid of Magnolia State School Products, Inc. in the amount of FOURTEEN THOUSAND FIVE HUNDRED NINETY-FOUR AND 40/100 DOLLARS (\$14,594.40) is the best bid received and that said bid is fair and reasonable and should be accepted for Contract 9, eight (8) bleachers for the New Recreational Facility, as recommended by Moran, Seymour & Associates, Inc., Project Engineers. It is, therefore,

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI that the bid of Magnolia State School Products, Inc. in the amount of FOURTEEN THOUSAND FIVE HUNDRED NINETY-FOUR AND 40/100 DOLLARS (\$14,594.40) be, and the same is HEREBY ACCEPTED, for Contract 9, eight (8) bleachers for the New Recreational Facility; and the President of the Board is authorized to execute the contract upon receipt of same.

Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

MINUTE BOOK
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI
JULY 1998 TERM

Supervisor BOBBY ELEUTERIUS moved adoption of the following Order:

ORDER APPROVING ISSUANCE OF DUPLICATE WARRANT IN THE
AMOUNT OF \$50.00 TO COAST WIDE REPORTERS TO REPLACE
WARRANT NO. 42402

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that
the Board does HEREBY APPROVE issuance of duplicate warrant in the amount of
\$50.00 to Coast Wide Reporters to replace Warrant No. 42402, the Certificate and
Affidavit in connection therewith being as follows, to-wit:

CERTIFICATE AND AFFIDAVIT FOR ISSUANCE OF DUPLICATE WARRANT

THE STATE OF MISSISSIPPI,
HARRISON COUNTY

I, John McAdams, Clerk of the Chancery Court and Ex-Officio Clerk of the Board of Supervisors and County
Auditor in and for said County and State, do hereby certify that
Harrison County Depository Warrant Number 42402 of said County and State, in the
sum of \$50.00 was issued on the 17th day of April 1998 payable to
Coast Wide Reporters for
out of said Fund, as shown by an order of allowance of said Board in Minute Book No. at page

Given under my hand and official seal, this the day of 19

John McAdams, Chancery Clerk and Ex-Officio
Clerk of the Board of Supervisors and Auditor in
and for Harrison County, Mississippi

THE STATE OF
COUNTY OF

This day personally appeared before me, the undersigned authority in and for said County and State
Coast Wide Reporters the Payee
Company who, being by me first duly sworn, deposes and says that H/C Depository
Warrant No 42402 payable to Coast Wide Reporters in the sum of
\$50.00 by the County Depository of said County and State, for
Coast Wide Reporters has been lost, misplaced or destroyed; that
payment thereof has not been made or received, and that the same has not been transferred or assigned.

WHEREFORE, affiant, on behalf of said Coast Wide Reporters prays
that a duplicate of said warrant be issued as authorized by law, and herewith tenders bond conditioned as provided by law
for the issuance of a duplicate thereof.

Sworn to before me, this the 1st day of June 1998
C. T. Wilson Affiant

Karen Lynn Strickler
NOTARY PUBLIC

BOND FOR ISSUANCE OF DUPLICATE WARRANT

THE STATE OF
COUNTY OF

KNOW all men by these presents that we, Coast Wide Reporters as
principal and Payee and Company as
sureties, are held and firmly bound unto the State of Mississippi in the penal sum of
One Hundred and No/100 (\$100.00) Dollars, for the
payment of which well and truly to be made, we bind ourselves, our heirs and legal representatives, jointly and severally,
firmly by these presents.

SIGNED by us, this the 13 day of May 1998

THE condition of this Bond is such that, Whereas, on the 17th day of April 1998, the
Clerk of the Chancery Court and Ex-Officio Clerk of the Board of Supervisors of said County and State, issued to said
Harrison County Depository warrant Number 42402 of General County Fund
of said County and State, in the sum of \$50.00 for State v Sharon Tuggle; and

WHEREAS, a duplicate of said warrant is to be issued in lieu thereof; and, WHEREAS, the original warrant has
never been paid by the said County or its Depository, and the same has never been assigned or transferred and has never
been disposed of and has been lost, misplaced or destroyed.

NOW, thereof, if the said Coast Wide Reporters
as principal or the sureties hereof shall well and truly pay unto the State of Mississippi for the use and benefit of said Fund
of said County all and any damages which it may sustain or suffer by reason of the issuance of a duplicate of said above
numbered warrant, together with all costs, expenses and attorneys' fees, if any, incurred in the enforcement of this Bond,
as provided in Section 25-55-23 Code of Mississippi of 1972, Annotated, then, this obligation shall be void, otherwise,
this Bond shall remain in full force and effect.

C. T. Wilson Principal
N/A Surety
Surety

The foregoing bond and sureties approved, this the day of 19

President, Board of Supervisors

John McAdams, Chancery Clerk and Ex-Officio Clerk of the
Board of Supervisors and Auditor in and for Harrison County,
Mississippi

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

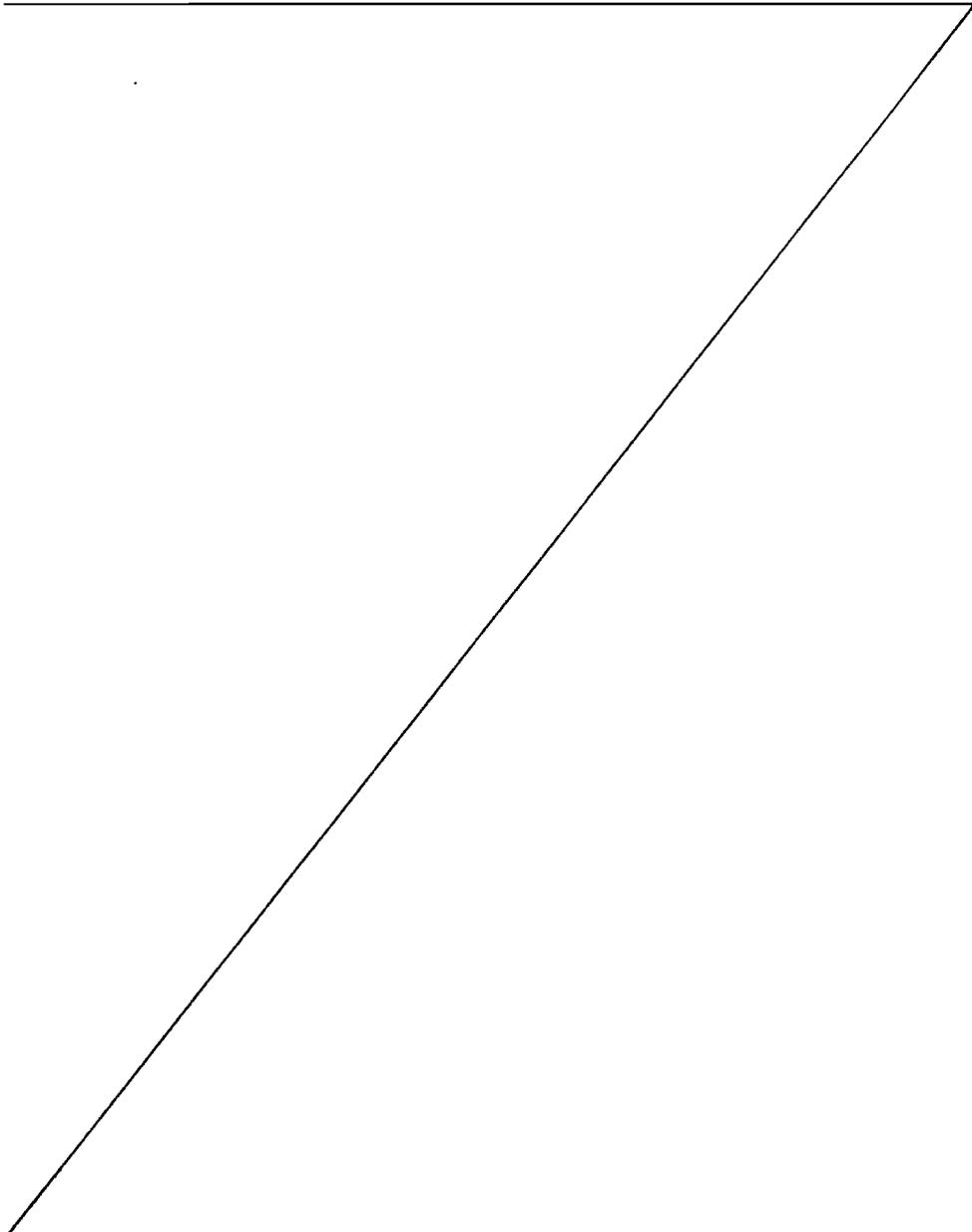
**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER ACKNOWLEDGING RECEIPT OF AND SPREADING UPON THE  
MINUTES OF THE BOARD NOTIFICATION OF A SOLID WASTE PLAN  
AMENDMENT PROPOSED BY THE HANCOCK COUNTY SOLID WASTE  
AUTHORITY**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that  
the Board does HEREBY ACKNOWLEDGE RECEIPT OF and spread upon the Minutes of  
the Board notification of Solid Waste Plan amendment proposed by the Hancock  
County Solid Waste Authority, same being as follows, to-wit:



**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

---

Chairman  
 Rodrick Pullman  
 Board of Supervisors

Vice-Chair  
 Tommy Kidd  
 Waveland

Edward A. Favre  
 Mayor  
 Bay St. Louis

**HANCOCK COUNTY**  
**SOLID WASTE AUTHORITY**  
 POST OFFICE BOX 116  
 BAY ST. LOUIS, MS 39520-0116

John Mason  
 Mayor  
 Waveland

Lisa Cowan  
 Board of Supervisors

Dina Hitt  
 Administrator

Carleen Moran  
 City Council  
 Bay St. Louis

July 1, 1998

Mr. John McAdams  
 Harrison County Chancery Clerk  
 P.O. Drawer CC  
 Gulfport, MS 39502

Re: Solid Waste Plan

Dear Mr. McAdams,

The Hancock County Solid Waste Authority is considering a proposed solid waste management plan amendment. Mississippi Code Annotated Section 17-17-227 (Supp. 1991) requires that Hancock County give notice of the plan to adjacent counties and make the proposed plan available for review by the Board of Supervisors of each adjacent county. We are asking that you, as clerk of the Board of Supervisors for your county, bring this letter to the attention of your Board at its next meeting. If you have any questions or comments concerning this plan or letter, please contact me or Bill Johnson of Compton Engineering at (228) 467-2770.

Copies of the plan will be on file in the Supervisors office for your viewing.

Thank you very much for your cooperation in the matter.

Respectfully,



Rodrick Pullman  
 Chairman, Hancock County Solid Waste Authority

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER APPROVING REDEMPTION FOR ERRONEOUS TAX SALES, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE the following redemptions for erroneous tax sales:

- 1) \$3,935.03 for Parcel No. 0811M-01-001.002 (State property).
- 2) \$377.96 for Parcel No. 0109-18-060.000 (no improvements).
- 3) \$63.68 for Parcel No. 0312K-01-182.000 (State property).
- 4) \$42.54 for Parcel No. 0213J-02-039.000 (State property).
- 5) \$40.50 for Parcel No. 0611N-04-031.000 (100% H.E. left off).

Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER APPROVING PAYMENT OF CLAIMS, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE payment of the following claims:

1) Dukes, Dukes, Keating & Faneca, P.A. in the amount of \$7,722.29, for services rendered on the Long Beach Water Management District.

2) Everette E. Ladner & Associates, Inc. in the amount of \$6,000.00, for appraisals of six (6) parcels for the Long Beach Water Management District, as submitted by Dukes, Dukes, Keating & Faneca, P.A.

3) Cullifer & Associates in the amount of \$3,000.00, for reviewing (3) three appraisals on the parcels appraised by Everette E. Ladner & Associates, Inc, as submitted by Dukes, Dukes, Keating & Faneca, P.A.

4) William C. Rodwell in the amount of \$3,000.00, as just compensation for Parcel No. 40, submitted by Dukes, Dukes, Keating & Faneca, P.A.

5) Shaw/Walker Architects, P.A. in the amount of \$17,000.00, Invoice No. 9727-2 for services rendered on the Juvenile Detention Center.

6) Operational Support Services, Inc. in the amount of \$3,376.22, Invoice No. 10702 for services rendered on the Law Enforcement Advisor Agreement.

7) TCB Construction Co., Inc. in the amount of \$156,550.49, Pay Application #8 for work performed on the Flat Branch Drainage Improvements, Phase III, as submitted by Brown & Mitchell, Inc., Project Engineers.

8) Brown & Mitchell, Inc. in the amount of \$4,234.28, Invoice No. 8305 for services rendered on the Flat Branch Drainage Improvement, Phase III.

9) Sullivan Enterprises, Inc. in the amount of \$58,500.00, for fence work at the D'Iberville Recreational Facility, as follows:

- a) Pay Application No. 1, \$9,781.20, for work through 3/20/98,
- b) Pay Application No. 2, \$18,594.00, for work through 5/20/98,
- c) Pay Application No. 3, \$30,124.80, for work through 6/30/98,

as submitted by Moran, Seymour & Associates, Project Engineers.

10) Haynes Electric Company, Inc. in the amount of \$42,003.90, for work performed on the D'Iberville Recreational Facility, as follows:

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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a) \$5,351.40 for Invoice #9795-0217 dated 2/17/98,

b) \$30,577.50 for Invoice #9795-0507 dated 5/07/98,

c) \$6,075.00 for Invoice #9795-0604 dated 6/04/98,

as submitted by Moran, Seymour & Associates, Inc., Project Engineers.

11) Continental Corp. in the amount of \$64,295.00, Pay Application No. 1 for bleacher covers for the D'Iberville Recreational Facility, as submitted by Moran, Seymour & Associates, Inc., Project Engineers.

12) Driftwood Landscape in the amount of \$18,550.00, Pay Application No. 1 for sod installation at the D'Iberville Recreational Facility, as submitted by Moran, Seymour & Associates, Inc., Project Engineers.

13) Dukes, Dukes, Keating & Faneca, P.A. in the amount of \$1,725.08, for services rendered in the following matters:

a) \$900.60 for *Speights vs. City of Gulfport, et al.*

b) \$303.20 for *Wright vs. Price & Harmon.*

c) \$279.92 for *Lyle vs. Dedeaux & Hall.*

d) \$130.62 for *Grant vs. Price.*

e) \$71.28 for *Franklin III vs. Price & Carver.*

f) \$39.46 for *Nix vs. Price, et al.*

14) The Firm in the amount of \$5,250.00, Invoice No. 980076 for design and programming for Court System Forms.

15) Professional Computer Software Services in the amount of \$12,400.00, for services rendered for the Unified Court System, payable from 001-895-935, as follows:

a) \$700.00 for Invoice No. 002804.

b) \$11,700.00 for Invoice No. 002807.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

Supervisor BOBBY ELEUTERIUS voted AYE

Supervisor LARRY BENEFIELD voted AYE

Supervisor DAVID V. LAROSA, SR. voted AYE

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor ROBIN ALFRED MIDCALF voted AYE

Supervisor C. T. SWITZER, JR. voted AYE

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER APPROVING PROGRAM REQUEST ATTACHMENT WITH  
PROFESSIONAL COMPUTER SOFTWARE SERVICES IN THE AMOUNT OF  
\$3,000.00, FOR CUSTOM COURT DOCKET FOR CIVIL AND CRIMINAL**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE Program Request Attachment with Professional Computer Software Services in the amount of \$3,000.00, for custom court docket for Civil and Criminal, fifty percent (50%) being due upon approval, payable from the Unified Court System Fund.

Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **BOBBY ELEUTERIUS** moved, and Supervisor **ROBIN ALFRED MIDCALF** seconded, adoption of the following:

ENTER CLOSED SESSION to discuss whether or not to enter Executive Session to discuss economical development with the Harrison County Development Commission. The Board voted unanimously by show of hands to enter Executive Session.

ALL ORDERED AND DONE, this the 27th day of July 1998.

\* \* \*

Supervisor **BOBBY ELEUTERIUS** moved, and Supervisor **DAVID V. LAROSA, SR.** seconded, adoption of the following:

RECONVENE from Executive Session. The Board Attorney reported that the Board discussed an industrial development project with the Harrison County Development Commission. No action was taken.

ALL ORDERED AND DONE, this the 27th day of July 1998.

\* \* \*

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER ACCEPTING STOP VIOLENCE AGAINST WOMEN GRANT IN THE  
 AMOUNT OF \$30,626.00, FROM JULY 1, 1998 THROUGH JUNE 30,  
 1999, AND AUTHORIZING BOARD PRESIDENT TO EXECUTE CONTRACT**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACCEPT Stop Violence Against Women Grant in the amount of \$30,626.00, from July 1, 1998 through June 30, 1999; and the Board does HEREBY AUTHORIZE the Board President to execute the contract in connection therewith, same being as follows, to-wit:

Division of Public Safety Planning  
**SUBGRANT SIGNATURE SHEET**  
 Office of Justice Programs  
 401 North West Street, 8th Floor  
 P.O. Box 23039  
 Jackson, Mississippi 39225-23039  
 (601) 359-7880

|   |                 |  |                  |   |                 |       |                 |
|---|-----------------|--|------------------|---|-----------------|-------|-----------------|
| 1. Subgrantee's Name, Address, & Phone Number<br><br>Harrison County Board of Supervisors<br>Post Office Box 1754<br>Gulfport, MS 39502<br><br>Bob Payne, 865-4214  |                 | 2. Effective Date: 7/1/98<br>3. Subgrant Number: 7SP1241<br>4. Grant Identifier: (Funding Source & Year) 97-WF-VX-0028<br>5. Beginning & Ending Dates: 7/1/98-6/30/99<br>6. Subgrant Payment Method: <input checked="" type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Other |                  |   |                 |       |                 |
| 7. The following funds are obligated:   |                 |  |                  |   |                 |       |                 |
| Budget Category   | Source of Funds |  |                  | Total<br>Program Budget                                   |                 |       |                 |
|   | Federal         | %  | State/Local Cash | %   | In-Kind         | %     |                 |
| Personnel   | \$30,626        |  |                  |   | \$4,066         |       | \$34,692        |
| Fringe Benefits   |                 |  |                  |   |                 |       |                 |
| Equipment   |                 |  |                  |   |                 |       |                 |
| Travel  |                 |  |                  |   | \$563           |       | \$563           |
| Operating Expenses  |                 |  |                  |   | \$5,640         |       | \$5,640         |
| Contractual Services  |                 |  |                  |   |                 |       |                 |
| Miscellaneous   |                 |  |                  |   |                 |       |                 |
| Indirect Costs  |                 |  |                  |   |                 |       |                 |
| <b>TOTAL</b>  | <b>\$30,626</b> |  |                  |   | <b>\$10,209</b> |       | <b>\$40,835</b> |
| 8. The Subgrantee agrees to operate the program outlined in this subgrant in accordance with all provisions of this subgrant as included herein. The following sections are attached and incorporated into this agreement.<br>Attachment A - Statement of Special Conditions      Attachment C - Certification Regarding Debarment, etc.<br>Attachment B - Standard Assurances      Attachment D - Certification Regarding Lobbying<br>Attachment E - Drug-Free Workplace Certification (When Applicable) |                 |  |                  |   |                 |       |                 |
| <b>AGENCY APPROVAL</b>  |                 |  |                  | <b>SUBGRANTEE ACCEPTANCE</b>                              |                 |       |                 |
| 9. Typed Name & Title of Approving DPSP Official:<br>Ron Sennett<br>Executive Director  |                 |  |                  | 10. Typed Name & Title of Authorized Subgrantee Official: |                 |       |                 |
| 11. Signature:  |                 | Date:  |                  | 12. Signature:  |                 | Date: |                 |
| <br>Ron Sennett  |                 | 7/1/98   |                  |   |                 |       |                 |

**PUBLIC SAFETY PLANNING**  
**COST SUMMARY SUPPORT SHEET**

| 1. Applicant Agency: Harrison County Board of Supervisors |                    |  |                   | Page 1/1       |         |          |
|---|--------------------|--|-------------------|----------------|---------|----------|
| 2. Subgrant Number  |                    | 3. Grant Identifier Number   | 4. Beginning Date | 5. Ending Date |         |          |
| 7SP1241   |                    | 97-WF-VX-0028  | 7/1/98            | 6/30/99        |         |          |
| 6. Activity: STOP Violence Against Women                  |                    |  |                   |                |         |          |
| 7. DPSP Use Only  | 8. Category        | 10. Description of item and/or Basis for Valuation   | 11. Budget        |                |         |          |
|   | 9. Line Item       |  | Federal           | All Other      | Total   |          |
|   | Personnel          | Special Assistant Attorney (Part-time)   | 30,626            | \$30,626       | \$4,006 | \$34,632 |
|   |                    | Secretary (Part-time)  | 4,006             |                | \$4,006 | \$4,006  |
|   | Travel             | Mileage  | 563               |                | \$563   | \$563    |
|   | Operating Expenses | Supplies \$1,000      Printing & Repro. \$2,000<br>Communication (Tel & Postage) \$2,400    (Beeper) \$240 |                   |                | \$5,640 | \$5,640  |
|   |                    |  |                   |                |         |          |
|   |                    |  |                   |                |         |          |
|   |                    |  |                   |                |         |          |
|   |                    |  |                   |                |         |          |
|   |                    |  |                   |                |         |          |

|               |          |          |          |
|---------------|----------|----------|----------|
| <b>TOTALS</b> | \$30,626 | \$10,209 | \$40,835 |
|---------------|----------|----------|----------|

**PUBLIC SAFETY PLANNING  
BUDGET SUMMARY**

|   |   |                         |       |                                 |                       |          |
|---|---|-------------------------|-------|---------------------------------|-----------------------|----------|
| 1. Applicant Agency: Harrison County Board of Supervisors |   |                         |       |                                 |                       |          |
| 2. Subgrant Number  | 3. Grant Identification Number                          | 4. Beginning Date       |       | Ending Date                     |                       |          |
| 7SP1241   | 97-WF-VX-0028   | 7/1/98                  |       | 6/30/99                         |                       |          |
| 6. Submitted as part of (Check One):                      | <input checked="" type="checkbox"/> A. Funding Request: | B. Modification Number: |       | C. Modification Effective Date: |                       |          |
|   |   |                         |       |                                 |                       |          |
| <b>Funding Sources</b>                                    |   |                         |       |                                 |                       |          |
| 8. For DPSP Use Only                                      | 9. Activity   | Federal                 | State | Program Income                  | Other (Local-Private) | Total    |
|   | Stop Violence Against Women                             | \$30,626                |       |                                 | \$10,209              | \$40,835 |
| <b>TOTAL</b>  |   | \$30,626                |       |                                 | \$10,209              | \$40,835 |

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|   |   |
|---|---|
|   | U.S. DEPARTMENT OF JUSTICE<br>OFFICE OF JUSTICE PROGRAMS<br>OFFICE OF THE COMPTROLLER |
| <b>Certification Regarding<br/>Debarment, Suspension, Ineligibility and Voluntary Exclusion<br/>Lower Tier Covered Transactions<br/>(Sub-Recipient)</b>   |   |
| <p>This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 25, 1988 <i>Federal Register</i> (pages 19160-19211).</p>  |   |
| <p>(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)</p>  |   |
| <p>(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.</p> <p>(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.</p> |   |
| <p>_____<br/>Name and Title of Authorized Representative</p>  |   |
| <p>_____<br/>Signature</p>  | <p>_____<br/>Date</p>   |
| <p>_____<br/>Name of Organization</p>   |   |
| <p>_____<br/>Address of Organization</p>  |   |
| <p>_____</p>  |   |

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CERTIFICATION REGARDING LOBBYING

Each person shall file the most current edition of this certification and disclosure form, if applicable, with each submission that initiates agency consideration of such person for an award of a federal contract, grant, or cooperative agreement of \$100,000 or more; or Federal loan of \$150,000 or more.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that;

- (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a member of Congress, in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall initial here \_\_\_\_\_ and complete and submit "Disclosure of Lobbying Activities", in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers and that all subrecipients shall certify and disclose accordingly.

\_\_\_\_\_  
 Name and Address of Organization

\_\_\_\_\_  
 Name of Authorized Individual  
 Signature and date

\_\_\_\_\_  
 Subgrant Number

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Office of Justice Programs

SUBGRANTEE STANDARD ASSURANCES

The applicant/subgrantee assures and certifies that:

1. It possesses legal authority to apply for and receive the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the applicant and to provide such additional information as may be required.
2. It will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and, in accordance with that Act, no person shall be discriminated against based upon the grounds of race, color, creed, national origin, sex, age, handicap, political affiliation, or beliefs, in any program or activity funded under this grant. This includes, but is not limited to, recruiting and employment practices, project operations, and eligibility for program benefits.
3. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.
4. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
5. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of state and local government.
6. It will establish safeguards to prohibit employees from using their position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
7. It will give the grantor agency or its duly designated representative, the State Auditor's Office, the Comptroller General of the United States or any authorized representative and the Office of Management and Audits (OMSA), Department of Finance and Administration (DFA), access to, at all reasonable times, and the right to examine, monitor, audit, copy, remove, or otherwise, all records, books, papers, documents, or items of like or similar nature related to the grant.
8. It will establish and maintain both fiscal and program controls and funds accounting procedures acceptable to grantor agency, to assure the proper expenditure and disbursement of all funds, and for program management and execution, and that it will keep and maintain such books and records until audited by the OMSA, DFA, or by an official representative of that office, by the federal grantor agency, the State Auditor, or either's duly authorized representative. Records must be maintained for a period of at least three years. Before destruction of any record, written approval must be obtained from the OMSA. These records include, but are not limited to:

Financial report covering expenditures of the grant;  
Internal and external audit reports and project evaluation;  
Approved budget and subsequent modifications;  
Contracts, leases, employment agreements, and purchase invoices;  
Indirect cost allocation plans;  
All invoices, billings, requests for cash, and reporting worksheets;  
General ledger, cash receipts journals, cash disbursements journals, and other subsidiary records;

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All personnel records of individuals paid with grant funds, including time sheets, wage authorizations, tax withholdings forms, employment applications and other relevant data; Inventory records for all property purchased with grant funds showing acquisition date, cost of property, identification number, bid information, and the use of the property; and Bank statements and reconciliations.

9. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the federal agency and the state grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
10. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234, 87 Stat. 975). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance.
11. It will assist the federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see CFR Part 800.8) by the activity, and notifying the federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the federal grantor agency and the state grantor agency to avoid or mitigate adverse effects upon such properties.
12. It will insure that no member of the governing or policy making body of applicant/grantee shall cast a vote or influence any matter which has a direct bearing on services to be provided by that member or any organization which such member directly or indirectly represents, or on any matter that would financially benefit such member or any organization such member represents.
13. It will comply with the provisions of the Single Audit Act of 1984 (P.L. 98-502) and if it does not meet minimum requirements as established in the Single Audit Act of 1984, it will consult with the OMSA, DFA, in regard to audit requirements.

We have read and understand all Subgrantee Standard Assurances as shown above and agree to fully comply with these conditions in the operation of the subgrant.

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Chief Administrative Officer

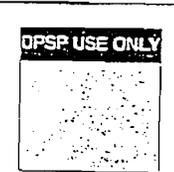
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Date

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STATE OF MISSISSIPPI  
 DEPARTMENT OF PUBLIC SAFETY  
 DIVISION OF PUBLIC SAFETY PLANNING



STATEMENT OF SPECIAL CONDITIONS

Pursuant to subgrantee management policies, the following special conditions are mandatory and are hereby made a part of this subgrant award:

- Acceptance Procedures. The Subcontract Signature Sheet constitutes the operative document obligating and reserving Federal funds for use by the subgrantee in execution of the program or project covered by the award. Such obligation may be terminated without further cause if the subgrantee fails to affirm its timely utilization of the grant by signing and returning the signed acceptance to the Division of Public Safety Planning (DPSP) WITHIN 21 DAYS from the date of award. No federal funds shall be disbursed to the subgrantee until the signed acceptance has been received.
- Subgrantee agrees to sign and submit the following forms/items along with the Subcontract Signature Sheet:
  - a. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions.
  - b. Certification Regarding Lobbying
  - c. Subgrant Standard Assurances
  - d. List of Board members along with specific duties or responsibilities of each member listed.\*
  - e. Copy of agency's Bylaws.\*
  - f. Copy of the Charter of Incorporation and tax exempt status (501c3).\*

\*Nonprofit agencies only.
- Special Cancellation Condition for Subgrantees.
  - (1) Commencement Within 60 Days. If a project is not operational within 60 days of the original starting date of the grant period; the subgrantee must report by letter to the DPSP the steps taken to initiate the project, the reasons for delay, and the expected starting date.
  - (2) Operational Within 90 Days. If a project is not operational within 90 days of the original starting date of the grant period, the subgrantee must submit a second statement to the DPSP explaining the implementation delay. Upon receipt of the 90-day letter, the DPSP may cancel the project and request redistribution of the funds to other project areas. The DPSP may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period. When this occurs, the appropriate subgrant files and records must so note the extension.

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STATE OF MISSISSIPPI  
 DEPARTMENT OF PUBLIC SAFETY  
 DIVISION OF PUBLIC SAFETY PLANNING

**DPSP USE ONLY**

STATEMENT OF SPECIAL CONDITIONS

- Nonexpendable Property Purchased with Grant Funds. Subgrantee agrees to submit a fully executed copy of an Equipment Control Sheet (attached) listing all nonexpendable property purchased with grant funds. The Equipment Control Sheet should be submitted to the DPSP no later than ten (10) working days after the last item of nonexpendable property is received.

Subgrantee agrees to notify the DPSP of all lost, stolen, or damaged property and shall submit within five (5) working days a detailed narrative of the incident, a copy of the police report, and any measures taken to resolve the problem.

Subgrantee agrees not to loan, transfer, or liquidate property under any circumstances.

- Requirements for Publication of Project Activities. When issuing statements, press releases, and other documents describing projects or programs funded in whole or in part with federal money, the subgrantee shall clearly state (1) the percentage of the total cost of the project or program which will be financed with federal money, and (2) the dollar amount of federal funds for the project or program.
- Project Reporting Requirements. Subgrantee agrees to submit monthly progress reports to the DPSP, Justice Programs, no later than five (5) working days after the end of each month. The progress report shall include demographic data on the clients served by the program, the nature of victimization, age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language and disability.

Annual performance reports are due after the end date of the subgrant period or any approved extension thereof (revised end date) along with the final financial reporting worksheet.

- Audit Requirements. The subgrantee agrees to comply with the organizational audit requirements as established by the Office of Management and Budget (OMB). One of the following will have specific information regarding your agency's audit requirements:
  - a. OMB Circular A-128, Audits of State and Local Governments.
  - b. OMB Circular A-110, Attachment F, Subparagraph 2h.
  - c. OMB Circular A-133, Audits of Institutions of Higher Education and Other Nonprofit Institutions.

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All audit reports (initial and subsequent) shall be submitted no later than six (6) months after the close of the subgrantee's fiscal year.

Subgrantee Fiscal Year:             State (July - June)  
(Check one)                             Federal (October - September)  
    Calendar (January - December)

- The subgrantee hereby assures that services will be provided to all crime victims regardless of religious affiliation. The subgrantee further assures that the receipt of services is not contingent upon participation in a religious activity or event. Further, the subgrantee assures it will notify each crime victim receiving services that participation in religious activities or event is not required to receive services. Failure to comply with requirement will result in the termination of funding.
- The subgrantee agrees to request approval from the Office of Justice Program, Department of Public Safety, for all individual consultant services prior to making a contract.

We have read and understand all SPECIAL CONDITIONS as stated above and agree to fully comply with these conditions in the operation of the subgrant.

---

CHIEF ADMINISTRATIVE OFFICER'S SIGNATURE

DATE

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KIRK FORDICE  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF PUBLIC SAFETY PLANNING

JIM INGRAM  
COMMISSIONER

RON SENNETT  
EXECUTIVE DIRECTOR

**o f f i c e**  
M E M O R A N D U M

**to:** STOP Violence Against Women Subgrant Recipients  
**from:** Wavette M. Davis, Program Manager  
**subject:** Subgrant Award Report  
**date:** July 1, 1998

The attached Subgrant Award Report provides information on each subgrant awarded by the State of Mississippi under the STOP Violence Against Women Formula Grant Program. A Subgrant Award Report must be submitted immediately to the U. S. Department of Justice, Office of Justice Programs immediately following the official award of a subgrant by the State.

You are required to complete all sections of the attached report. The Subgrant Award Report must be returned along with the signed Subgrant Signature Sheet and other required documents.

If you have questions, please contact me at 601-359-7889.

401 NORTH WEST ST., JACKSON, MS 39201  
P. O. BOX 23039, JACKSON, MS 39225-3039  
PHONE: 601-359-7880 - FAX: 601-359-7832

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U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

## SUBGRANT AWARD REPORT

### STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM

#### INTRODUCTION

The Subgrant Award Report provides information on each subgrant awarded by the State under the STOP Violence Against Women Formula Grant Program. A Subgrant Award Report must be submitted immediately to OJP following the official award of a subgrant by the State. All sections of the Subgrant Award Report must be completed for each subgrant.

A revised Subgrant Award Report must be submitted to OJP if changes are made in the subgrant (e.g., a change in the award amount, a new contact person, revised project activities).

#### INSTRUCTIONS

Please indicate if the report is an initial or a revised submission. Check the appropriate box. Indicate the date of submission to the Violence Against Women Grants Office.

##### 1. Federal Grant Number

Enter the federal grant number assigned to the State's STOP Violence Against Women Formula Grant. The State agency should provide this information.

##### 2. Amount of Subgrant

Enter the amount of the subgrant award only. Do not include the match amount required for the subgrant.

##### 3. State Agency and Subgrant Number

Enter the name of the State agency that awarded the subgrant. This agency should be the agency that received the STOP Violence Against Women formula grant from the Office of Justice Programs.

Also enter the grant number that the State has assigned to this subgrant. This number should be unique for each project.

##### 4. Subgrant Project Period

Enter the official start and end dates of the subgrant (as indicated in the Subgrant award), by month/day/year.

##### 5. Subgrant Project Title

Enter the official Subgrant project title as reflected on the State award document or the subgrant application.

##### 6. Subgrantee Agency Name

Enter the name of the agency that received the subgrant (e.g., Norfolk Police

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Department), along with the agency's complete mailing address.

**7. Subgrant Agency Administrator and Contact Person**

Enter the name of the authorized official for the subgrant and that individual's telephone and fax numbers. Also provide a contact person, if different from the agency head, who is responsible for the project and that individual's telephone and fax numbers.

**8. Purpose of Subgrant**

Check the purpose area(s) that apply to this subgrant. All subgrants must fit into one or more of the legislatively mandated purpose areas. The only exception is a project which is funded to evaluate proposed activities.

**9. Focus of Subgrant**

Indicate the focus (or particular emphasis) of the subgrant (i.e., domestic violence, sexual assault, stalking, and/ or other). You may check more than one box. However, if the project encompasses more than one focus, briefly describe the split or balance of the focuses. For example, if a training session for prosecutors is offered that will address both sexual assault and domestic violence, the time between the two issues would be evenly divided. The brief description would indicate that an equal amount of time will be spent on both issues.

**10. Level of Organization Funded**

Check the level of the organization that received the subgrant. Check only one level. If the organization operates at a regional, county, or local level, please

include the name or description of the geographic area that will be served by the subgrant.

**11. Type of Organization Funded**

Check the type of organization funded under this subgrant. Check only one box. If the subgrantee is a victim service unit/office within a government agency (e.g., a court), check the appropriate umbrella organization and then check victim service unit/office under the umbrella organization.

**12. Category of Funding**

Check the category of funding that this subgrant will be charged against at the State level. The Violence Against Women Act requires that each State allocate a minimum of 25% of the funds it receives to each of the following categories, without duplication: law enforcement; prosecution; and nonprofit, nongovernmental victim services.

If a subgrant supports activities in more than one category, indicate the amounts of funding allocated to each category (e.g., \$5,000 - law enforcement; \$5,000 - prosecution; and \$5,000 - nonprofit nongovernmental victim services). The State must be able to document these amounts for audit purposes.

**13. Match Requirement**

Indicate if match is required for this subgrant. Nonprofit, nongovernmental organizations are exempt from the match requirement. Also indicate the total amount of match to be provided, how the match is divided between cash and in-kind services, the source of the cash match (e.g., local

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appropriations). Briefly describe the in-kind match (e.g., donated volunteers' time).

14. Underserved Population

If this subgrant serves an underserved population, check yes and specify the population / location to be served. If the answer is no, proceed to question #15.

15. Full Faith & Credit

If the subgrant addresses inter- and intrastate enforcement of protection orders (full faith and credit), check yes and briefly describe the proposed activities. If not, proceed to question #16.

16. Coordination

If the subgrant addresses coordination, either within a particular discipline or through a larger system-wide effort, check yes and briefly describe the proposed activities. If not, proceed to question #17.

17. Description of Project

Provide a brief narrative description of the project. Include in the narrative what activities will be implemented, who is responsible for their implementation, when the activities will take place, what geographic location will benefit from these activities, and why these activities will improve the criminal justice system's response to violence against women and victim safety. Identify the beneficiary of the activities (e.g., judiciary, if training is being conducted for the court). If the project is multi-disciplinary for either the beneficiaries or in its delivery, be sure to describe the participants and the groups who

are benefitting from the project. FOR EXAMPLE: a local shelter could receive funding from the prosecution category to conduct training for prosecutors, the courts, and probation and parole officers. If the training curriculum were developed collaboratively by an advisory group made up of representatives from the criminal justice system and victim services providers, this project would be multi-disciplinary in both delivery and beneficiaries.

18. Evaluation and Assessment

Briefly describe how the success of the subgrant will be assessed and/or evaluated. In particular, please specify what performance indicators, outcomes, or impact or effectiveness measures will be used. If the project beneficiaries are victims, please include aggregate numbers for the estimated number of victims to be served, including demographics about race, age, gender, relationship of victim to offender, geographic distribution, ethnicity, language and disability.

NOTE: State administrative agencies may complete this form for each of the subgrants made under the STOP Violence Against Women Formula Program. They may also pass this form to the respective subgrantees for their completion. If subgrantees complete the form, the State administrative agency should review the forms before they are forwarded to the Office of Justice Programs to check for accuracy in the amount of the subgrant, category of funding, and purpose of project. Please call the Violence Against Women Grants Office at 202-307-6026 with any questions.

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| <br>U.S. DEPARTMENT OF JUSTICE<br>OFFICE OF JUSTICE PROGRAMS<br><br><b>SUBGRANT AWARD REPORT</b><br>STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM   |   |
|--|---|
| Initial Report <input checked="" type="checkbox"/> Revised Report <input type="checkbox"/> <span style="float: right;">Date of Submission: ___/___/___</span>  |   |
| 1. Federal Grant Number: <u>97-WF-VX-0028</u>  | 2. Amount of Subgrant: \$ _____   |
| 3. A) State Agency:  |   |
| B) Subgrant Number:  |   |
| 4. Subgrant Project Period: Start Date ___/___/___ End Date ___/___/___  |   |
| 5. Subgrant Project Title:   |   |
| 6. Subgrantee Agency Name and Address:   | 7. Subgrantee Agency Administrator, Telephone and Fax Number:<br><br>Subgrant Contact Person, Telephone and Fax Number:<br><br>E-mail Address (if available):   |
| 8. Purpose of Subgrant: please check all that apply<br><input type="checkbox"/> #1 - training for law enforcement / prosecution<br><input type="checkbox"/> #2 - specialized units for law enforcement / prosecution<br><input type="checkbox"/> #3 - development of policies and/or protocols<br><input type="checkbox"/> #4 - development of data and communication systems<br><input type="checkbox"/> #5 - development/ enhancement of victim services<br><input type="checkbox"/> #6 - programs addressing stalking<br><input type="checkbox"/> #7 - programs addressing Indian tribes<br><input type="checkbox"/> - Evaluation | 9. Focus of Subgrant:<br><input type="checkbox"/> Domestic Violence<br><input type="checkbox"/> Sexual Assault<br><input type="checkbox"/> Stalking<br><input type="checkbox"/> Other<br>Please explain:<br><br>If the Subgrant has multiple focuses, please briefly describe the split or balance among the focuses: |
| 10. Level of Organization:<br><input type="checkbox"/> State-wide <input type="checkbox"/> Regional <input type="checkbox"/> County <input type="checkbox"/> Local   |   |
| If "state-wide" is checked, proceed to #11. If "regional," "county," or "local" is checked, please provide the name or a description of the geographic area to be served. _____  |   |

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|   |   |   |  |   |
|---|---|---|--|---|
|  <p><b>U.S. DEPARTMENT OF JUSTICE</b><br/> <b>OFFICE OF JUSTICE PROGRAMS</b></p> <p><b>SUBGRANT AWARD REPORT</b></p> <p><b>STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM</b></p>  |   |   |  |   |
| <p><b>11. Type of Organization Funded: (check one)</b></p> <p>a. Law Enforcement <input type="checkbox"/><br/>             Victim Service Unit/Office <input type="checkbox"/></p> <p>b. Prosecution <input type="checkbox"/><br/>             Victim Service Unit/Office <input type="checkbox"/></p> <p>c. Nonprofit, Nongovernmental Victim Services <input type="checkbox"/></p> <p>d. Government Victim Services <input type="checkbox"/><br/>             (e.g., county shelter)</p> <p>e. Courts <input type="checkbox"/><br/>             Victim Service Unit/Office <input type="checkbox"/></p> <p>f. Probation <input type="checkbox"/><br/>             Victim Service Unit/Office <input type="checkbox"/></p> <p>g. Parole <input type="checkbox"/><br/>             Victim Service Unit/Office <input type="checkbox"/></p> <p>h. State Administrative Agency <input type="checkbox"/></p> <p>i. Tribal Government <input type="checkbox"/></p> <p>j. Other <input type="checkbox"/><br/>             Explain: _____</p> | <p><b>12. Category of Funding:</b></p> <p><input type="checkbox"/> Law Enforcement      <input type="checkbox"/> Prosecution<br/> <input type="checkbox"/> Victim Services      <input type="checkbox"/> Undesignated</p> <p>If the subgrant is funded from more than one category, please indicate the amounts from each category:</p><br><br><p><b>13. Match Required: YES <input type="checkbox"/> NO <input type="checkbox"/></b></p> <p>Total Amount of Match: _____</p> <p>Cash <input type="checkbox"/> \$ _____</p> <p>What is the source of the match funds?</p> <p><input type="checkbox"/> state funds      <input type="checkbox"/> local funds<br/> <input type="checkbox"/> other Federal funds      <input type="checkbox"/> private funds<br/> <input type="checkbox"/> other, explain: _____</p> <p>In-Kind <input type="checkbox"/> \$ _____</p> <p>Briefly describe the in-kind match: _____</p> |   |  |   |
| <p><b>14. Will this subgrant serve an underserved population?</b></p> <p><input type="checkbox"/> YES- the subgrant will target the following underserved population classifications:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Geographic Location<br/>Location to be served:</td> <td style="width: 33%;"><input type="checkbox"/> Racial/ Ethnic Population<br/>Population to be served:</td> <td style="width: 33%;"><input type="checkbox"/> Special Needs<br/>Language:<br/>Physical Barriers:<br/>Other:</td> </tr> </table> <p><input type="checkbox"/> NO- proceed to question # 15</p>   |   | <input type="checkbox"/> Geographic Location<br>Location to be served:              | <input type="checkbox"/> Racial/ Ethnic Population<br>Population to be served: | <input type="checkbox"/> Special Needs<br>Language:<br>Physical Barriers:<br>Other: |
| <input type="checkbox"/> Geographic Location<br>Location to be served:  | <input type="checkbox"/> Racial/ Ethnic Population<br>Population to be served:  | <input type="checkbox"/> Special Needs<br>Language:<br>Physical Barriers:<br>Other: |  |   |
| <p><b>15. Does this subgrant address intra- and/or interstate enforcement of protection orders ?</b></p> <p><input type="checkbox"/> YES- briefly describe how this project will address this issue:</p><br><br><p><input type="checkbox"/> NO- proceed to question # 16</p>  |   |   |  |   |



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KIRK FORDICE  
GOVERNOR

**STATE OF MISSISSIPPI**  
 DEPARTMENT OF PUBLIC SAFETY  
 DIVISION OF PUBLIC SAFETY PLANNING

JIM INGRAM  
COMMISSIONER

RON SENNETT  
EXECUTIVE DIRECTOR

Mr. Robert Payne  
Harrison County Attorney's Office  
P. O. Box 1754  
Gulfport, MS 39502

June 26, 1998

Subject:      Project Number:      7SP1241  
                  Program:                STOP Violence Against Women Program  
                  Effective Date:        July 1, 1998

Dear Mr. Payne:

We are pleased to inform you that the Division of Public Safety Planning has approved your subgrant application for the **Harrison County Attorney's Office** in the amount of \$30,626 (federal dollars). Enclosed are the following contractual items. Please read these documents to determine your requirements under the subgrant.

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| 1. Subgrant Signature Sheet;          | 5. Statement of Special Conditions; |
| 2. Certification Regarding Debarment; | 6. Budget Summary; and              |
| 3. Certification Regarding Lobbying;  | 7. Cost Summary Support Sheet(s).   |
| 4. Subgrant Standard Assurances;      |                                     |

We particularly want to bring to your attention the requirement that items 1-5 should be signed and returned to us immediately. Please retain a copy for your files. If there are questions concerning this award, please contact Wavette Davis at 359-7880.

Sincerely,

Ron Sennett  
Executive Director

RS:lp  
Enclosures

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER APPROVING TRAVELS, AS LISTED**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY APPROVE the following travels:

- 1) Carleen Shaw and two Justice Court employees to attend the Mississippi Justice Court Clerk's Association Annual Workshop/Convention September 9 - 11, 1998, in Robinsonville, Mississippi, at an estimated total expense of \$550.00.
- 2) Mary Cavanaugh, Human Resources, and any Supervisor to attend the 1998 Aging Network Training Conference in Orlando, Florida August 10 - 13, 1998, at an estimated total expense of \$1,450.00.
- 3) Gerald Watson and Sandra Dugan, Family Court, to attend the Juvenile Justice Conference in Jackson, Mississippi August 2 - 4, 1998, at a total expense of \$80.00.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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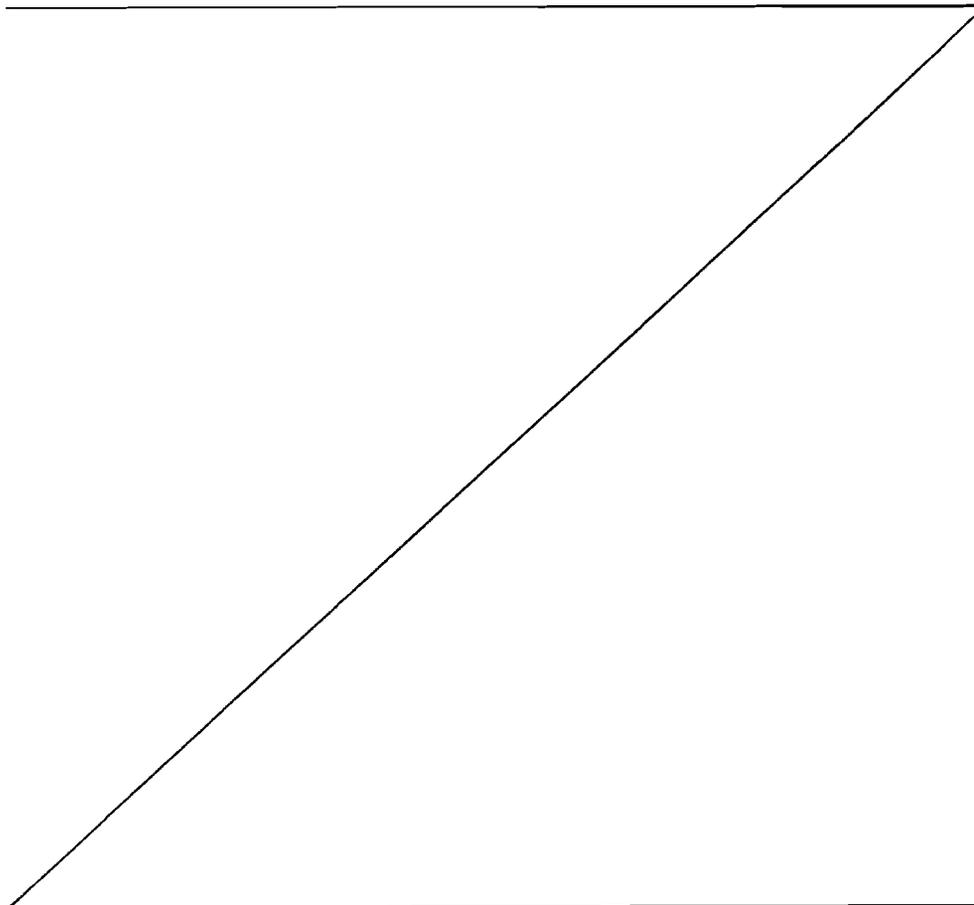
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Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER CONCURRING WITH THE SHERIFF IN THE APPOINTMENT OF THE MEMBERS TO THE ADVISORY BOARD, WHOSE FUNCTION WILL BE TO REVIEW AND MAKE RECOMMENDATIONS FOR THE USE OF THE GRANT MONIES FROM THE U.S. DEPARTMENT OF JUSTICE - OFFICE OF JUSTICE PROGRAMS - BJA GRANT # 9LBVX5057 FOR PURCHASE OF RADIO EQUIPMENT AND COMPUTERS, AND AUTHORIZING ADVERTISEMENT FOR A PUBLIC HEARING TO BE HELD MONDAY, AUGUST 10, 1998 AT 6:00 P.M.**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY CONCUR with the Sheriff in the appointment of the members to the Advisory Board, whose function will be to review and make recommendations for the use of the grant monies from the U.S. Department of Justice - Office of Justice Programs - BJA Grant # 9LBVX5057 for purchase of radio equipment and computers, and authorizing advertisement for a public hearing to be held Monday, August 10, 1998 at 6:00 p.m. The appointees to the Advisory Board are set forth in the following letter from Sheriff Joe Price:

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BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
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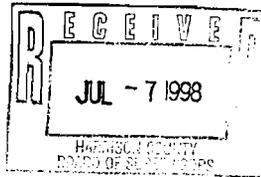
**HARRISON COUNTY SHERIFF'S DEPARTMENT**



**JOE PRICE, Sheriff**  
601-865-7060  
601-865-7095



Larry Benefield  
President of the Board of Supervisors  
Harrison County, Mississippi  
1801 23<sup>rd</sup> Avenue  
Gulfport, Mississippi 39501



July 3, 1998



Re: United States Department of Justice - Office of Justice Programs  
BJA Grant # 97LBVX5057



Dear Larry:

Enclosed please find copies of the letters I have sent to various members of the community inviting them to serve on the advisory board for the LLEBG grant monies. The program requirements for the grant provide that an advisory board be established to review the application and to make nonbinding recommendations as to the use of the grant monies. The grant requirements further provide that at a minimum the members must include a member from law enforcement, the prosecutor's office, the court system, the school system and a non-profit group.

I am also sending you copies of the grant requirements so that you have them for your reference and I ask that you please consider placing on the board agenda the need to hold a public hearing and the need to advertise as required under this grant.

After reviewing this material, if you should have any questions or comments, please call me.

Sincerely,

*Joe Price*  
Joe Price

Sheriff of Harrison County, Mississippi

pc: Albert Necaise, Esquire  
Administrative File

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Larry Benefield  
President of the Board of Supervisors  
Harrison County, Mississippi  
1801 23<sup>rd</sup> Avenue  
Gulfport, Mississippi 39501

Albert Necaise  
P.O. Box 717  
Gulfport, Mississippi 39502

**Invited to Serve on Advisory Board**

Wayne Farve  
10451 Larkin Smith Drive  
Gulfport, Mississippi 39503

Warden Bill Haden  
10451 Larkin Smith Drive  
Gulfport, Mississippi 39502

Honorable Judge Diane Ladner  
Justice Court of Harrison County  
P.O. Box 1754  
Gulfport, Mississippi 39502

Bobby Payne  
Prosecuting Attorney of Harrison County  
P.O. Box 1754  
Gulfport, MS 39502

Frank Roskopf  
130 Bayou Circle  
Gulfport, MS 39507

Lt. Col. Joe Spraggins  
Mississippi Air National Guard  
4715 Hewes Avenue, Bldg. 1  
Gulfport, MS 39501

Chaplin Paul Springer  
306 Lakeview Blvd.  
Biloxi, MS 39532

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Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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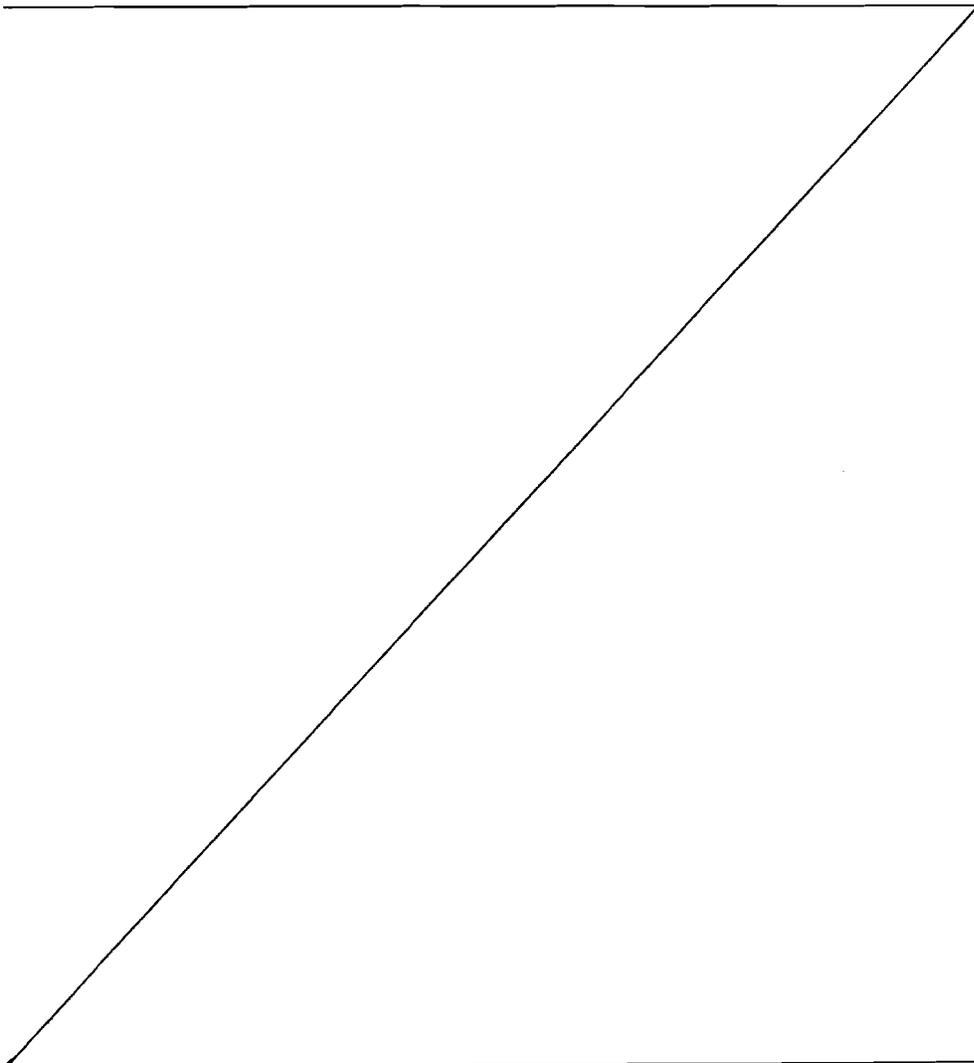
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Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER ACKNOWLEDGING RECEIPT OF AN APPLICATION FOR  
EXEMPTION FOR AD VALOREM TAXATION FOR THE VALUE OF  
MANUFACTURED PRODUCTS, PURSUANT TO SEC. 27-31-7 OF THE  
MISSISSIPPI CODE OF 1972, FILED BY CHOCTAW, INC., AND OF A  
LETTER FROM THE HARRISON COUNTY DEVELOPMENT COMMISSION  
RECOMMENDING THE DENIAL OF SAID APPLICATION**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY ACKNOWLEDGE receipt of an application for exemption for Ad Valorem taxation for the value of manufactured products, pursuant to Sec. 27-31-7 of the Mississippi Code of 1972, filed by Choctaw, Inc., and of a letter from the Harrison County Development Commission recommending the denial of said application, said application and letter being as follows, to-wit:

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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**HARRISON COUNTY  
DEVELOPMENT COMMISSION**

One Hancock Plaza - Suite 1105

P.O. Box 1870 - Gulfport, MS 39502

Tel: 228-863-3807 - Fax: 228-863-4555

email: hcdcc@clatsmc.com

July 15, 1998

**HAND DELIVERY**

Harrison County Board of Supervisors  
C/O Larry Benefield, President  
Harrison County Courthouse  
Gulfport, Mississippi 39501

Re: Application of Choctaw, Inc. for Ad Valorem Tax Exemption

TO THE BOARD OF SUPERVISORS:

As you may recall, Choctaw, Inc. filed an application for exemption from ad valorem taxation for the value of manufactured products for a period of ten (10) years as authorized by Mississippi Code §27-31-7. The application was filed with John McAdams on or about December 24, 1997. The application was then forwarded by McAdams to the Development Commission for evaluation and recommendation. Choctaw, Inc. has a facility in Gulfport which stores concrete pipe finished goods which are used primarily to construct bridges. The pipes are not manufactured at the Gulfport facility; they are merely stored for use elsewhere.

Choctaw, Inc. has filed for an exemption pursuant to §27-31-7 of the Mississippi Code which provides a manufactured products exemption for the value of products "owned by or remaining in the hands of any manufacturer, or its subsidiary...located within [the] county."

We have evaluated the application pursuant to the criteria established jointly by the Harrison County Board of Supervisors and the Harrison County Development Commission in January 1998. The Harrison County Development Commission is recommending that the Board of Supervisors reject the application for the primary reason that Choctaw, Inc. employs less than ten (10) employees in Harrison County. Specifically, the Choctaw facility employs six (6) people. As you may recall, the criteria adopted by your Board and this Commission required a minimum of ten (10) employees.

If you have any questions, please feel free to contact me or Kim Compton in my office at 863-3807.

Sincerely,

Michael J. Olivier  
Executive Director

MJO/tla

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

## § 27-31-1

## TAXATION AND FINANCE

Where lender delivered to borrower \$95, taking note for \$100 due ten months after date, loan held not exempt from taxation. Industrial Loan & Inv. Co. v Adams County (1932) Miss 654, 141 So 756.

## § 27-31-3. Turpentine, etc.; agricultural products.

Crude turpentine gum (oleoresin), the product of a living tree, or trees, the pine species, and gum-spirits-of-turpentine and gum-rosin as processed therefrom, are hereby classified and declared to be agricultural commodities, agricultural products and farm products.

SOURCES: Codes, 1942, § 9698; Laws, 1934, ch. 301.

## § 27-31-5. Little theatre property.

All real and personal property, excepting motor vehicles, owned by incorporated or unincorporated little theatres which promote the dramatic art and are created as or for a literary institution, a civic improvement society or for fraternal and benevolent purposes, shall be and the same is hereby exempt from ad valorem taxation, both state, county and municipal; provide however, that this section shall not apply to such little theatre organizations which are operated as profit-making institutions or organizations.

SOURCES: Codes, 1942, § 9697.5; Laws, 1956, ch. 426; 1978, ch. 514, § 2, eff from and aft July 1, 1978.

## Cross references—

Exemptions from ad valorem tax on automobiles, see § 27-51-41.

## Annotations—

Exemption of nonprofit theater or concert hall from local property taxation. 42 ALR4th 614

## § 27-31-7. Certain manufactured products held for sale or shipment to other than final consumer.

(1) The board of supervisors of any county or the governing authority of any municipality is hereby authorized and empowered, in its discretion, to exempt from ad valorem taxation, excepting ad valorem taxes for school district purposes, all or any portion of the value of the products, including finished goods, owned by or remaining in the hands of any manufacturer, or its subsidiary, or any distributor or wholesale merchant, located within such county or municipality. The time of such exemption shall be for a period not to exceed a total of ten (10) years, which shall commence from the date such exemption is granted. Any request for an exemption must be made in writing to the board of supervisors or the municipal governing authority.

(2) The exemption granted herein shall be in addition to all other exemptions heretofore granted by the laws of the State of Mississippi.

(3) It is the sense of the Legislature that time limits imposed in Section 182 Mississippi Constitution of 1890, on the terms of certain ad valorem tax exemptions which may be granted to manufacturers and other new enterprises of public utility apply only to the physical plant of such manufacturers and enterprises and to any personal property necessary for the operation thereof; and any exemption for the finished products of such manufacturers and enterprises granted by the governing authorities of any county or municipality under this section after December 31, 1960, but prior to July 1,

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AD VALOREM TAXES—GEN. EXEMPTIONS § 27-31-9

1982, shall not be affected by the time limits established in subsequent amendments to this section after July 1, 1982, but shall remain in full force and effect subject to the original terms granted by such governing authorities.

**SOURCES:** Codes, 1942, § 9697.7; Laws, 1960, ch. 466, §§ 1-4; 1966, ch. 640, § 1; 1982, ch. 433; 1990, ch. 502, § 2; 1992, ch. 378, § 1; 1992, ch. 518, § 1; 1993, ch. 621, § 1, eff from and after July 1, 1993.

**Editor's Note—**

Laws, 1992, ch. 378, § 2, effective from and after July 1, 1992, provides as follows:

"SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Laws, 1993, ch. 621, § 3, effective July 1, 1993, provides as follows:

"SECTION 3. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

**Research and Practice References—**

71 Am Jur 2d, State and Local Taxation §§ 354 et seq.  
 84 CJS, Taxation §§ 273 et seq.

**JUDICIAL DECISIONS**

The exemption authorized by this section [Code 1942, § 9697.7] is applicable to products manufactured in Mississippi and not to products manufactured outside the state and merely stored in Mississippi. *Jackson v Schenley Affiliated Brands Corp.* (1970, Miss) 240 So 2d 451.

An order denying a New York corporation an exemption from municipal ad valorem taxes on its products stored in a private warehouse in Mississippi was correct, where the products had been manufactured outside the state. *Jackson v Schenley Affiliated Brands Corp.* (1970, Miss) 240 So 2d 451.

**§ 27-31-9. Parking garages not operated for profit; exemption by counties.**

The board of supervisors of any county having a population of more than forty-two thousand according to the most recent federal census and in which there is now or may hereafter be situated a national military park and cemetery, may, in their discretion, exempt from all county ad valorem taxation, for a period of not more than ten years, any parking garage providing motor vehicle parking service to the general public, provided the parking garage is operated solely for the purpose of promoting business and commerce for the benefit of the general public and provided further, that said parking garage shall be operated so that no part of the income therefrom inures to or to the benefit of any person, partnership, firm, association or corporation organized for profit.

**SOURCES:** Codes, 1942, § 9697.8; Laws, 1966, ch. 593, § 1, eff from and after passage (approved August 8, 1968).

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**JULY 1998 TERM**

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JUN. 9.1998 2:23PM CHANCERY CLK/BKKG.

NO. 737 P. 3/12

BEFORE THE BOARD OF SUPERVISORS OF  
HARRISON COUNTY, MISSISSIPPI

**APPLICATION OF CHOCTAW, INC. FOR EXEMPTION FROM  
AD VALOREM TAXATION FOR THE VALUE OF MANUFACTURED  
PRODUCTS FOR A PERIOD OF TEN (10) YEARS AS AUTHORIZED BY  
SECTION 27-31-7 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED**

TO THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI:

COMES NOW Choctaw, Inc. ("Choctaw"), acting through its undersigned duly authorized representative, and pursuant to Section 27-31-7 of the Mississippi Code of 1972, as amended, and applicable law, files, in duplicate and under oath, this its Application for exemption from ad valorem taxation for the value of all finished goods inventory of concrete pipe which Choctaw manufactures within the State of Mississippi and owns and holds in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi, and in support of its Application would show unto this Honorable Board of Supervisors (the "Board") the following:

1.

Choctaw is a Delaware corporation authorized to do, and presently doing, business in the State of Mississippi.

2.

Choctaw owns and operates a facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi, at which facility Choctaw owns and holds in its possession concrete pipe finished goods inventory within the meaning of Section 27-31-7 of the Mississippi Code Annotated of 1972, as amended.

3.

Choctaw requests that this Board exempt from ad valorem taxation, excepting

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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JUN. 9.1998 2:24PM CHANCERY CLK/BKKG.

NO.737 P.4/12

ad valorem taxes for school district purposes, for a period of ten (10) years from January 1, 1998, through January 1, 2008, the value of all finished goods inventory of concrete pipe which Choctaw manufactures within in the State of Mississippi and owns and holds in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi.

4.

Choctaw avers that it will maintain such records and file such reports with the applicable taxing authorities as may be required by said taxing authorities to make an accurate determination of Chocraw's finished goods inventory of concrete pipe eligible for exemption from ad valorem taxation under Section 27-31-7 of the Mississippi Code Annotated of 1972, as amended.

5.

Choctaw is providing and will continue to provide a stable job source which will benefit the county and, in the process, will promote the industrialization and further development of the county and community.

6.

Any exemption from ad valorem taxation, excepting school district taxes, granted to Choctaw on its finished goods inventory of concrete pipe manufactured within the State of Mississippi and owned and held in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi, shall be in addition to all other exemptions heretofore granted under the laws of the State of Mississippi.

WHEREFORE, Choctaw prays that:

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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JUN. 9. 1998 2:24PM CHANCERY CLK/BKKG.

NO. 737 P. 5/12

a) The Board of Supervisors of Harrison County, Mississippi, enter a finding that Choctaw owns and holds finished goods inventory within the meaning of Section 27-31-7 of the Mississippi Code Annotated of 1972, as amended; and

b) Choctaw be granted an exemption from ad valorem taxation, excepting school district ad valorem taxes, as provided by law, for a period of ten (10) years from January 1, 1998 through January 1, 2008, for the value of all finished goods inventory of concrete pipe which Choctaw manufactures within the State of Mississippi and owns and holds in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi; and

c) The Board of Supervisors approve this Application by an order or resolution spread upon its minutes, declaring that all property specified in paragraph b) above is exempt from all ad valorem taxation, excepting school district ad valorem taxes, for a period of ten (10) years and notify the County Tax Assessor of such exemption and obtain a certificate from the County Tax Assessor verifying the status of said property as "Non-Taxable" on the appropriate tax rolls.

Respectfully submitted, this the 18<sup>th</sup> day of December, 1997.

CHOCTAW, INC.

BY: Elaine Covin  
ELAINE COVIN, TREASURER

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

JUN. 9.1998 2:24PM CHANCERY CLK/BKKG.

NO.737 P.6/12

STATE OF TENNESSEE

COUNTY OF SHELBY

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction aforesaid, Elaine Covin, who having been by me first duly sworn, states on oath that she is the Treasurer for Choctaw, Inc., and as such has authority to make this affidavit for and on behalf of said corporation, and that the matters and facts set forth in the foregoing Application are true and correct as herein stated.

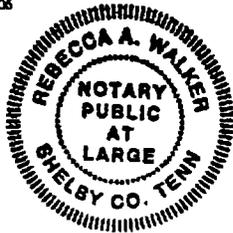
Elaine Covin  
ELAINE COVIN

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18<sup>th</sup> day of December, 1997.

Rebecca A Walker  
Notary Public

My Commission Expires:  
April 12, 2000  
(Notary Seal Required)

510168UMF006



**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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JUN. 9.1998 2:24PM CHANCERY CLK/BKKG.

NO. 737 P. 7/12

BEFORE THE BOARD OF SUPERVISORS OF  
HARRISON COUNTY, MISSISSIPPI

**APPLICATION OF CHOCTAW, INC. FOR EXEMPTION FROM  
AD VALOREM TAXATION FOR THE VALUE OF MANUFACTURED  
PRODUCTS FOR A PERIOD OF TEN (10) YEARS AS AUTHORIZED BY  
SECTION 27-31-7 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED**

TO THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI:

COMES NOW Choctaw, Inc. ("Choctaw"), acting through its undersigned duly authorized representative, and pursuant to Section 27-31-7 of the Mississippi Code of 1972, as amended, and applicable law, files, in duplicate and under oath, this its Application for exemption from ad valorem taxation for the value of all finished goods inventory of concrete pipe which Choctaw manufactures within the State of Mississippi and owns and holds in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi, and in support of its Application would show unto this Honorable Board of Supervisors (the "Board") the following:

1.

Choctaw is a Delaware corporation authorized to do, and presently doing, business in the State of Mississippi.

2.

Choctaw owns and operates a facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi, at which facility Choctaw owns and holds in its possession concrete pipe finished goods inventory within the meaning of Section 27-31-7 of the Mississippi Code Annotated of 1972, as amended.

3.

Choctaw requests that this Board exempt from ad valorem taxation, excepting

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JUN. 9. 1998 2:25PM CHANCERY CLK/BKKG.

NO. 737 P. 8/12

ad valorem taxes for school district purposes, for a period of ten (10) years from January 1, 1998, through January 1, 2008, the value of all finished goods inventory of concrete pipe which Choctaw manufactures within in the State of Mississippi and owns and holds in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi.

4.

Choctaw avers that it will maintain such records and file such reports with the applicable taxing authorities as may be required by said taxing authorities to make an accurate determination of Choctaw's finished goods inventory of concrete pipe eligible for exemption from ad valorem taxation under Section 27-31-7 of the Mississippi Code Annotated of 1972, as amended.

5.

Choctaw is providing and will continue to provide a stable job source which will benefit the county and, in the process, will promote the industrialization and further development of the county and community.

6.

Any exemption from ad valorem taxation, excepting school district taxes, granted to Choctaw on its finished goods inventory of concrete pipe manufactured within the State of Mississippi and owned and held in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi, shall be in addition to all other exemptions heretofore granted under the laws of the State of Mississippi.

**WHEREFORE**, Choctaw prays that:

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JUN. 9.1998 2:25PM CHANCERY CLK/BKKG.

NO.737 P.9/12

a) The Board of Supervisors of Harrison County, Mississippi, enter a finding that Choctaw owns and holds finished goods inventory within the meaning of Section 27-31-7 of the Mississippi Code Annotated of 1972, as amended; and

b) Choctaw be granted an exemption from ad valorem taxation, excepting school district ad valorem taxes, as provided by law, for a period of ten (10) years from January 1, 1998 through January 1, 2008, for the value of all finished goods inventory of concrete pipe which Choctaw manufactures within the State of Mississippi and owns and holds in its possession at its facility located at 3000 Faulkner Avenue, Gulfport, Harrison County, Mississippi; and

c) The Board of Supervisors approve this Application by an order or resolution spread upon its minutes, declaring that all property specified in paragraph b) above is exempt from all ad valorem taxation, excepting school district ad valorem taxes, for a period of ten (10) years and notify the County Tax Assessor of such exemption and obtain a certificate from the County Tax Assessor verifying the status of said property as "Non-Taxable" on the appropriate tax rolls.

Respectfully submitted, this the 18<sup>th</sup> day of December, 1997.

CHOCTAW, INC.

BY: Elaine Covin  
ELAINE COVIN, TREASURER

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

JUN. 9.1998 2:25PM CHANCERY CLK/BKKG.

NO. 737 P. 10/12

STATE OF TENNESSEE

COUNTY OF SHELBY

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction aforesaid, Elaine Covin, who having been by me first duly sworn, states on oath that she is the Treasurer for Choctaw, Inc., and as such has authority to make this affidavit for and on behalf of said corporation, and that the matters and facts set forth in the foregoing Application are true and correct as herein stated.

Elaine Covin  
ELAINE COVIN

SWORN TO AND SUBSCRIBED BEFORE ME. this the 18<sup>th</sup> day of December, 1997.

Rebecca A Walker  
Notary Public

My Commission Expires:  
April 12, 2000  
(Notary Seal Required)

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**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

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Supervisor **C.T. SWITZER, JR.** moved adoption of the following Order:

**ORDER DENYING APPLICATION FOR AD VALOREM TAX  
EXEMPTION FILED BY CHOCTAW, INC.**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY DENY application for Ad Valorem Tax  
exemption filed by Choctaw, Inc.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the  
above and foregoing Order, whereupon the President put the question to a  
vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of  
the Supervisors present, the President then declared the motion carried and  
the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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The following came on for consideration by the Board:

**RESOLUTION**

There next came on for discussion the execution and grant of a Release of Covenant for certain real property located in the Bernard Bayou Industrial District, and after a general discussion of the subject, Commission Member Esther Coleman offered the adoption of the following Resolution:

**A RESOLUTION OF THE HARRISON COUNTY DEVELOPMENT COMMISSION AUTHORIZING THE PRESIDENT AND SECRETARY TO EXECUTE A RELEASE OF COVENANT RELEASING A RIGHT OF FIRST REFUSAL IN FAVOR OF HARRISON COUNTY AND REQUESTING THE HARRISON COUNTY BOARD OF SUPERVISORS TO CONCUR HEREIN AND TO JOIN IN THE EXECUTION OF SAID RELEASE.**

BE IT RESOLVED by the Harrison County Development Commission that:

WHEREAS, Hubbell's Central Industrial Supply Co., Inc. has purchased a portion of a parcel of property originally conveyed by Harrison County, Mississippi, by and through the Harrison County Development Commission and the Harrison County Board of Supervisors to LTV Steel Company, Inc. located in the Bernard Bayou Industrial District; and

WHEREAS, said property was conveyed by Special Warranty Deed on or about July 21, 1987, and was recorded in Book 1079 at Page 113, in the office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District; and

WHEREAS, said 1987 deed provides, in part, that grantors reserve the right of first refusal; and

WHEREAS, said property has been conveyed subsequent to 1987; and

WHEREAS, the Harrison County Development Commission does hereby find and does so adjudicate that the use of the property by Hubbell's Central Industrial Supply Co., Inc. falls within the statutory definition of "industrial operations" as defined in

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Mississippi Code §59-9-5 (Revised 1996) and therefore finds that it would be in the public interest to execute a release of said right of first refusal in order to remove a cloud on the title of the property now owned by Hubbell's Central Supply Co., Inc.; and

WHEREAS, the Harrison County Board of Supervisors, should be requested to concur herein and to join in the execution of said release. It is therefore,

RESOLVED, that the President and Secretary of the Harrison County Development Commission are hereby authorized and directed to execute a Release in substantial conformity to the Release attached hereto as Exhibit "A". It is further,

RESOLVED, that the Harrison County Board of Supervisors are requested to concur herein and to join in the execution of said Release.

COMMISSION MEMBER Leroy Urie seconded the motion, and on a roll call vote, the result was as follows:

|  |                      |
|--|----------------------|
| Commissioner Mary Bankston             | Voted: <u>AYE</u>    |
| Commissioner Frank Castiglia, Jr.      | Voted: <u>AYE</u>    |
| Commissioner Esther Coleman            | Voted: <u>AYE</u>    |
| Commissioner Louis Elias               | Voted: <u>AYE</u>    |
| Commissioner John Heath                | Voted: <u>AYE</u>    |
| Commissioner Franklin Kyle, Jr.        | Voted: <u>AYE</u>    |
| Commissioner Eaton Lang, Jr.           | Voted: <u>AYE</u>    |
| Commissioner W. R. "Billy" Lyons       | Voted: <u>AYE</u>    |
| Commissioner Don Mason                 | Voted: <u>AYE</u>    |
| Commissioner Larry Patterson           | Voted: <u>AYE</u>    |
| Commissioner Leroy Urie                | Voted: <u>AYE</u>    |
| Commissioner Elmer Williams, President | Voted: <u>ABSENT</u> |

A majority of the Members present and voting in the affirmative, the President declared the motion carried and the resolution adopted on the 30th day of June, 1998.

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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STATE OF MISSISSIPPI  
COUNTY OF HARRISON

**CERTIFICATE**

I, Merry Mayo, Staff Secretary of the Harrison County Development Commission, hereby certify that the attached Resolution dated June 30, 1998, is a true and correct copy of such Resolution adopted on such date.

WITNESS MY SIGNATURE, this the 8th day of July, 1998.

  
\_\_\_\_\_  
Merry Mayo, Staff Secretary  
Harrison County Development Commission

SWORN TO AND SUBSCRIBED BEFORE ME, this the 8th day of July, 1998.

  
\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

MY COMMISSION EXPIRES:

11-7-99

**MINUTE BOOK  
BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI  
JULY 1998 TERM**

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STATE OF MISSISSIPPI  
COUNTY OF HARRISON

RELEASE OF RIGHT OF FIRST REFUSAL

TO THE CHANCERY CLERK OF HARRISON COUNTY, MISSISSIPPI:

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the Harrison County Development Commission and the Harrison County Board of Supervisors do hereby release the right of first refusal retained in the conveyance to LTV Steel Company, Inc. granted by the Harrison County Development Commission and the Harrison County Board of Supervisors on or about July 21, 1987, and recorded in Deed Book 1079 at Page 113, of the Harrison County Land Records, Mississippi.

WITNESS MY SIGNATURE, this the \_\_\_\_\_ day of July, 1998.

HARRISON COUNTY DEVELOPMENT  
COMMISSION

BY: \_\_\_\_\_  
PRESIDENT

ATTEST:

\_\_\_\_\_  
SECRETARY

HARRISON COUNTY BOARD OF SUPERVISORS

BY: *[Signature]*  
PRESIDENT

ATTEST:

\_\_\_\_\_  
CLERK

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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STATE OF MISSISSIPPI  
COUNTY OF HARRISON

PERSONALLY came and appeared before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the undersigned authority in and for the County and State aforesaid, the within named Elmer Williams, President, and Mary Bankston, Secretary, of the Harrison County Development Commission, a public entity of the State of Mississippi, and who acknowledged that they signed and delivered the above and foregoing instrument on the day and year therein set out as the act and deed of the Harrison County Development Commission, they having full authority to do so.

WITNESS my hand and official seal of office on this the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY came and appeared before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, the undersigned authority in and for the County and State aforesaid, the within named Larry Benefield, President, and John McAdams, Clerk, of The Harrison County Board of Supervisors, a public entity of the State of Mississippi, and who acknowledged that they signed and delivered the above and foregoing instrument on the day and year therein set out as the act and deed of the Harrison County Board of Supervisors, they having full authority to do so.

WITNESS my hand and official seal of office on this the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

Prepared By: Allen, Vaughn, Cobb & Hood, P.A.  
P.O. Drawer 4108  
Gulfport, MS 39502  
228-864-4011

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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ORDER

There next came on for consideration the request of the HARRISON COUNTY DEVELOPMENT COMMISSION to concur in a Resolution to enter into a Release of Covenant for certain real property located in the Bernard Bayou Industrial District, and after a full discussion of the subject, Supervisor ROBIN ALFRED MIDCALF offered the adoption of the following Order, to-wit:

**AN ORDER OF THE HARRISON COUNTY BOARD OF SUPERVISORS CONCURRING IN A RESOLUTION TO ENTER INTO A RELEASE OF COVENANT RELEASING A RIGHT OF FIRST REFUSAL IN FAVOR OF HARRISON COUNTY AND FINDING THAT THE PRESIDENT AND CLERK BE AND THE SAME ARE AUTHORIZED TO EXECUTE SAID RELEASE OF COVENANT AND TO CONCUR AND JOIN THEREIN.**

It is therefore,

ORDERED, that receipt of a Resolution by the Harrison County Development Commission authorizing the President and Secretary of the Commission to execute a Release of Covenant releasing a right of first refusal regarding certain real property located in Harrison County, Mississippi, finding that it would be in the public interest to do so in order to remove a cloud on the title of the property now owned by Hubbell's Central Supply Co., Inc., and finding that the President and Secretary of the Harrison County Development Commission should be authorized and directed to execute said Release of Covenant, and requesting the Harrison County Board of Supervisors to concur therein and to join in the execution of the Release, is hereby acknowledged.

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It is FURTHER ORDERED, that this Board does concur in said resolution and adopts the findings contained therein; and it is further

ORDERED, that the President and Clerk of the Harrison County Board of Supervisors are hereby authorized and directed to execute the Release of Covenant attached as Exhibit "A" to the resolution of the Harrison County Development Commission.

SUPERVISOR C.T. SWITZER, JR. seconded the motion, and on a roll call vote, the result was as follows:

|                               |                   |
|-------------------------------|-------------------|
| Supervisor Bobby Eleuterius   | Voted: <u>AYE</u> |
| Supervisor Larry Benefield    | Voted: <u>AYE</u> |
| Supervisor David LaRosa, Sr.  | Voted: <u>AYE</u> |
| Supervisor Robin Midcalf      | Voted: <u>AYE</u> |
| Supervisor C. T. Switzer, Jr. | Voted: <u>AYE</u> |

A majority of the Supervisors present and voting in the affirmative, the President declared the motion carried and the order adopted on the 27th day of July, 1998.

\* \* \*

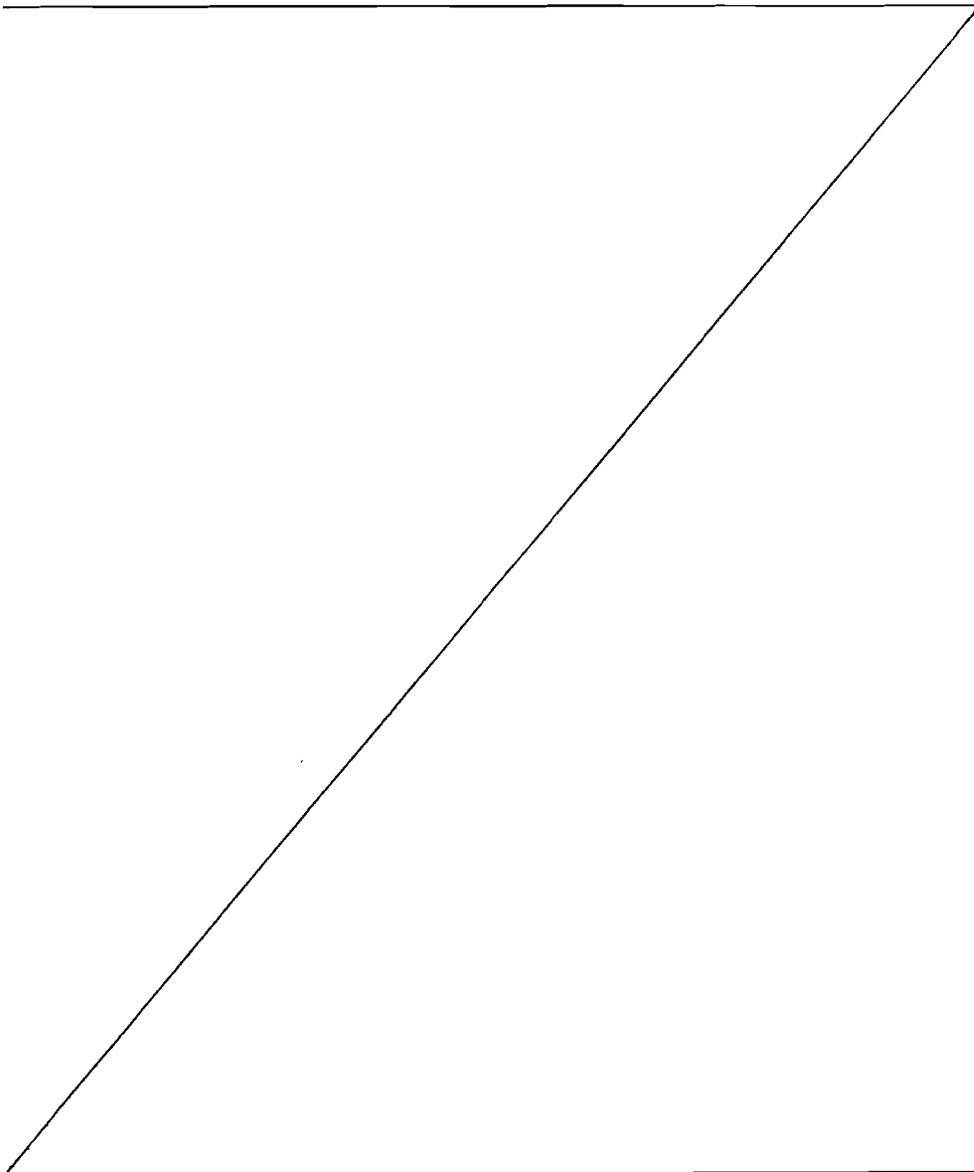
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Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER CONCURRING WITH THE HARRISON COUNTY BOARD OF  
EDUCATION IN AN AGRICULTURAL LEASE CONTRACT WITH C BAR  
J FARMS, AND AUTHORIZING THE PRESIDENT AND THE CLERK OF  
THE BOARD TO EXECUTE SAME**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY CONCUR with the Harrison County  
Board of Education in an agricultural lease contract with C Bar J Farms, same  
being as follows, to-wit:



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STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

**AGRICULTURAL LEASE CONTRACT**

THIS AGREEMENT, made and entered into this the 8<sup>TH</sup> day of June, 1998, by and between the Harrison County Board of Education (herein called Lessor) and C Bar J Farms (herein called Lessee).

**WITNESSETH**

That for the term and in consideration of the rentals hereinafter set forth, and the covenants, conditions, and obligations to be observed and performed by Lessee, the Lessor, by the authority and under the direction of the Board of Education of Harrison County, as recorded in Minute Book       , Page       , does hereby lease and rent unto Lessee the following land, to-wit:

The NE 1/4 of Section 16, Township 5 South, Range 13 West less approximately 10 acres located in gravel pit and less that portion of land lying in roadways; and the NW 1/4 of Section 16, Township 5 South, Range 13 West less the 5 acres presently under lease to Gilmer and Walline Shaw and less that portion of land lying in roadways. Said land contains 305 acres, more or less.

1. This lease shall commence on the 1<sup>st</sup> day of January, 1998, and unless sooner terminated as hereinafter provided, shall expire on the 31<sup>st</sup> day of December, 2002.
2. Lessee covenants and agrees to pay as annual rental to Lessor the following amounts on or before the following dates:
  - \$ 3,300.00 rental, on January 1, 1998.
  - \$ 3,300.00 rental, on January 1, 1999.
  - \$ 3,300.00 rental, on January 1, 2000.
  - \$ 3,300.00 rental, on January 1, 2001.
  - \$ 3,300.00 rental, on January 1, 2002.
3. Lessee agrees to keep the property in a good state of repair and to return it to Lessor in the same condition as said property was in at the beginning of the term of this lease, the natural wear and tear and acts of God excepted.
4. It is expressly agreed and understood and made a condition of this lease that this lease is made for agricultural or pasturage purposes only and the Lessee shall in no event have the right to sublease or give permission for the use of said land for any other purpose. Any breach of this condition shall give Lessor the right to terminate this lease at will.
5. Lessee agrees to pay all taxes and special assessment, including drainage tax, of whatever kind and description, levied on such land.
6. Lessee agrees that he will NOT cut any timber and will assume responsibility, and to pay for any trees, timber, or other forest products that may be cut, used, damaged and/or removed from said lands by Lessee.
7. Lessee agrees to pay the rental herein stipulated promptly when due, but if the Lessee shall fail to refuse to pay said rental promptly when due, Lessor shall then have the immediate right to cancel the said contract and to re-enter and retake possession of the premises herein leased; but the re-entering and retaking of said land shall not relieve the Lessee from the payment of rentals in accordance with

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the terms of this contract; except that Lessor shall re-advertise the said land for the rental of the balance of the lease contract forfeited by the Lessee because of non-payment of rentals, which said rentals if said land is released for the remainder of the said term, shall be credited against the indebtedness owing by the Lessee herein under the terms of this lease contract.

8. No warranty or representation of any kind whatsoever is made by Lessor to Lessee as to the adaptability or suitability of said property for the purpose and uses herein set forth.
9. Lessee agrees to indemnify, save and hold harmless Lessor from and against any claims, debts, demands, damages, costs, fees, or expenses on the part of person or persons whomsoever, arising out of, or attributable to, the use of this said land by Lessee under the terms of this agreement.
10. Condemnation Proceedings: In the event that the leased parcel of land or any portion thereof, shall be the subject of condemnation proceedings by eminent domain, the parcel of land that is subject to said proceedings shall be considered to be owned by the Lessor and the Lessee shall be compensated only for the damages it sustains as a result of the loss of the improvements on the property that the Lessee has constructed. All other damages sustained by the Lessee shall revert to the Lessor, and the compensation for said damages shall be paid to the Lessor, along with compensation for any other damages determined to have been sustained by the Lessor.

IN WITNESS WHEREOF, This lease is executed by Lessor pursuant to order entered upon its minutes and is executed by Lessee this 15<sup>th</sup> day of June, 1998.

BOARD OF EDUCATION OF  
HARRISON COUNTY SCHOOL  
DISTRICT - LESSOR

BY: Bill Bradley  
Its President

BY: Henry Alford  
Superintendent of Education

C Bar J Farms  
LESSEE

BY: Jennifer Lagan  
Authorized Representative

APPROVED:  
BOARD OF SUPERVISORS  
HARRISON COUNTY, MISSISSIPPI

ATTEST: \_\_\_\_\_  
Clerk

BY: \_\_\_\_\_  
Its President

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IT IS FURTHER ORDERED that the Board does HEREBY AUTHORIZE the President and the Clerk of the Board to execute said contract.

Supervisor **C.T. SWITZER, JR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

- |                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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The Board considered for second reading and adopted the following Ordinance:

Supervisor BOBBY ELEUTERIUS moved the adoption of the following Resolution:

AN ORDINANCE OF THE HARRISON COUNTY BOARD OF SUPERVISORS PROHIBITING THE SALE, DISTRIBUTION OR CONSUMPTION OF ANY ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE IN ANY COMMERCIAL ESTABLISHMENT FEATURING CERTAIN SEXUALLY ORIENTED ADULT ENTERTAINMENT, AND PROHIBITING CERTAIN SEXUALLY ORIENTED ADULT ENTERTAINMENT ACTIVITIES IN ANY COMMERCIAL ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE MAY BE SOLD, DISTRIBUTED OR CONSUMED.

WHEREAS, the Board of Supervisors of Harrison County, Mississippi, finds that the County has vital governmental interest in preventing crime, maintaining property values, preserving the quality of the county's neighborhoods, protecting minors, and promoting the public health, morals and safety; and

WHEREAS, the Board of Supervisors of Harrison County, Mississippi, further finds, based upon reliable information, that commercial establishments exist, or may exist within the boundaries of Harrison County, Mississippi, outside the corporate boundaries of the cities of Biloxi, D'Iberville, Gulfport, Long Beach and Pass Christian, where dancers, entertainers, performers, or other individuals who, for commercial gain, dance, perform, model or demonstrate while displaying or exposing "specified anatomical areas", or engage in "specified sexual activities", "straddle dancing", or erotic touching with customers; and

WHEREAS, the Board of Supervisors of Harrison County, Mississippi, finds, based upon reliable information and after careful consideration, that the sexually oriented activities herein referred to often occur in establishments concurrent with the sale,

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distribution and/or consumption of alcoholic beverages, which combination tends to further increase criminal activities, disrupt the peace and order to the community, affect the quality of life of the community, reduce property values of the areas surrounding such establishments, encourage and attract prostitution and sexual permissiveness, adversely affect the perception of the community's reputation as a good and wholesome location for the family, and contribute to the moral degradation of the community, and further, finds that the exploitation of such sexually oriented activities induces persons to purchase and consume alcoholic beverages, light wine or beer, and in many cases to consume intolerable amounts thereof; and

WHEREAS, it is the finding and opinion of the Board of Supervisors of Harrison County, Mississippi, based upon reliable information, that in order to preserve and safeguard the health, safety, property values, community moral standards, and the general welfare of the people, businesses and industries of Harrison County, it is advisable for the County to regulate the sale, distribution and/or consumption of alcoholic beverages, light wine or beer at establishments where sexually oriented activities as herein referred to occur; and

WHEREAS, the Board of Supervisors of Harrison County, Mississippi, is advised that the State of Mississippi has absolute power under the Twenty First Amendment to the United States Constitution to prohibit the sale, distribution and consumption of alcoholic beverages within its borders; and the Mississippi Legislature has delegated to the Mississippi State Tax Commission

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the authority to promulgate rules and regulations regarding the sale of alcoholic beverages, and the States Tax Commission prohibits the sale of alcoholic beverages where the sexually oriented activities hereinabove referred to occur; and

WHEREAS, the Board of Supervisors of Harrison County, Mississippi, is further advised that the County has legislative authority to prohibit the sale, distribution and consumption of light wine and beer in commercial establishments where the sexually oriented activities herein referred to occur for the purpose of promoting public health, morals and safety in Harrison County, Mississippi; and

WHEREAS, the State's and county's power to regulate the sale, distribution and consumption of alcoholic beverages, light wine and beer in commercial establishments under the Twenty First Amendment overrides and is unrelated to any communicative or artistic value that may attach to the sexually oriented activities herein described, and it is specifically not the intent of this action to suppress any speech activities protected by the First Amendment of the United States Constitution, but rather to address secondary effects of sexually oriented businesses as well as the health problems associated with such businesses; and

WHEREAS, it is further not the intent of the Board of Supervisors of Harrison County, Mississippi, to condone or legitimize the distribution of obscene materials, and the Board recognizes that State and Federal Law prohibits the distribution of obscene materials, and expects and encourages State Enforcement officials to enforce State and Federal Obscenity Statutes against

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any such illegal activities in Harrison County, Mississippi; and

WHEREAS, in the course of considering this Ordinance, the Board of Supervisors of Harrison County, Mississippi, has reviewed and/or been advised of the experiences and studies of other local governments, including the New Hanover County study, findings incorporated in many court cases, and summaries of land use studies in connection with secondary effects of sexually oriented adult businesses from Garden Grove, CA; Tucson, AZ; Seattle, WA; Austin, TX; Oklahoma City, OK; Indianapolis, IN; Houston, TX; Beaumont, TX; Minneapolis, MN; Phoenix, AZ; Whittler, CA; Amarillo, TX and Clevevent, OH, and further including, but not limited to, the findings by the Hattiesburg City Council as recited in its Ordinance No. 2419, the findings by the Gulfport City Council in its Ordinance No. 2041, the findings by the Warren County Board of Supervisors in the matter of its adoption of an Ordinance regarding adult entertainment, findings of the City of Vicksburg in connection with its adoption of Ordinance No. 93-37, findings of the Jackson City Council on the issue of adult entertainment establishments, and upon the personal general knowledge of the members of the Board of Supervisors concerning the general effects of alcohol, and the expressions of concern and request for action on the issue of multiple meetings of concerned citizens.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION I. The provisions of this Ordinance apply to all territory within the legal boundaries of Harrison County, Mississippi, but outside the legal corporate boundaries of the

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cities of Biloxi, Gulfport, Long Beach, and Pass Christian, Mississippi.

SECTION II. The following phrases or words shall have the meanings or definitions as follows:

A. "Alcoholic Beverages" means any alcoholic liquid regulated under the laws of the State of Mississippi.

B. "Beer" and "Light Wine" mean light wine and beer of an alcoholic content not more than 4% by weight as defined and regulated by the laws of the State of Mississippi.

C. "Commercial Establishments" means any location or place of business where the sale, distribution or consumption of alcoholic beverages, light wine or beer may occur, including, but not limited to private clubs.

D. "Employee" means a person who performs any service on the premises of a commercial establishment as herein defined on a full-time, part-time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "Employee" include a person exclusively on the premises

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as a patron or customer.

E. "Specified Anatomical Areas" means

(1) Any of the following areas of the human body less than completely or opaquely covered: (a) human genitals or pubic region; (b) the entire cleft of the male or female buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs); (c) That portion of the human female breast below a point immediately above the tope of the areola, which includes the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed;

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. "Specified Sexual Activities" are

(1) Human genitals in a state of sexual stimulation or arousal; or

(2) Acts of or simulated anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy,

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urolagnia or zoosrasty; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast, whether covered or uncovered; or

(4) Excretory functions as part of, or in connection with any of the activities set forth in (1) through (3) of this definition.

G. "Straddle Dance", also known as "lap dance" or "face dance", shall mean any of the following acts:

(1) The use by an employee of any part of his or her body to touch the genital or pubic area of a person while at the commercial establishment, or touching the genital or pubic area of any employee by a person while at the commercial establishment, regardless of whether the touch occurs while the employee is displaying or exposing any specified anatomical area or whether the touch or touching is direct or through a medium;

(2) The straddling of the legs of an employee over any part of the body of a person, at the commercial establishment, regardless of whether there is a touch or touching.

H. "Consume" and "Consumption" means the ingestion of alcoholic beverages, light wine or beer, or the possession of any alcoholic beverages, light wine or beer in any type of drinking container or in any bottle, can or other containers upon which the seal, cork, or cap has been opened.

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SECTION III. It shall be unlawful for any person, group, association, or other legal entity recognized by law to sell, give away, dispense, or consume any alcoholic beverage, light wine or beer in any commercial establishment which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" or by "straddle dance" or where any employee, operator or owner of a commercial establishment exposes his/her "specified anatomical areas" for viewing by patrons, customers or other persons.

SECTION IV. It shall be unlawful for any person, group, association, or other legal entity recognized by law which owns or operates a commercial establishment at which alcoholic beverages, light wine or beer are offered for sale, distribution, or consumption on the premises;

(1) To suffer or permit on the premises a person or employee to expose to the public view "specified anatomical areas" or any simulation thereof, or

(2) To suffer or permit on the premises a person or employee to engage in any "specified sexual activities" or any simulation thereof, or

(3) To suffer or permit the exposition on the premises of any graphic representation, including pictures or projection of film which depict "specified anatomical areas" or "sexual activities".

(4) To suffer or permit the performance of a "straddle dance".

SECTION V. It shall be unlawful for any employee of a

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commercial establishment at which alcoholic beverages, light wine or beer are offered for sale, distribution or consumption on the premises:

- (1) To expose to public view "specified anatomical areas" or any simulation thereof.
- (2) To engage in any "specified sexual activities" or any simulation thereof.
- (3) To perform a "straddle dance".

SECTION VI. Any violation of any of the provisions of this Ordinance shall be a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Each day any such violation occurs shall constitute a separate offense.

SECTION VII. In addition to the penalties hereinabove provided in Section 6, any condition caused or permitted to exist in violation of any provision of this Ordinance shall be subject to appropriate civil action, including, but not limited to, the declaration of a public nuisance, injunctive relief for abatement, damages and sanctions in any court of appropriate jurisdiction.

SECTION VIII. It is not the intention of this Ordinance to restrict, enlarge or affect in any way any existing laws or ordinances of the State of Mississippi or the separate enforcement thereof. No otherwise illegal acts or omissions are or shall be excused or made legal by the passage of this Ordinance. It is declared to be the legislative intent that if any Section, sentence, clause, or provision of this Ordinance is declared void,

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unconstitutional or invalid for any reason, such portion or provision, or the application or the enforceability thereof, shall be severable from this Ordinance. The remaining portion or provisions of this Ordinance, or all applications and the appropriate enforcement thereof, shall not be affected and shall be interpreted, if necessary, so as to give a meaning consistent with the purpose and intent of the enacted Ordinance.

SECTION IX. Because the adoption of this Ordinance is necessary for the immediate and temporary preservation of the public peace, health and safety and because the opening of commercial establishments featuring adult entertainment in conjunction with the sale or consumption of alcoholic beverages, light wine and beer is a threat to public peace, health, safety and established community moral standards, this Ordinance shall take effect and be in force from and after the date of its enactment, that being July 27, 1998, provided, however, that for any currently operating non-conforming commercial establishment as of the effective date hereof, the effective date of application of the provisions of this Ordinance to such non-conforming establishment shall be extended by thirty (30) calendar days, after which this Ordinance shall be in full force and effect as to such non-conforming commercial establishment. This provision shall not be a defense or an excuse for any act or omission by any person that is or shall be charged with violation of any other existing laws or ordinances. Further, the extension of time to conform provided by this Section shall not apply to any commercial establishment where such beverages are sold, distributed or consumed and where at the

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time of passage hereof the acts or omissions of a non-conforming nature were not regularly being performed at such establishment.

SECTION X. The Clerk of this Board is hereby authorized and directed to publish this Ordinance one (1) time in a local newspaper.

Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Proclamation whereupon the President put the question to a vote with the following results:

|                                 |        |              |
|---------------------------------|--------|--------------|
| Supervisor BOBBY ELEUTERIUS     | voted, | <u>AYE</u> , |
| Supervisor ROBIN ALFRED MIDCALF | voted, | <u>AYE</u> , |
| Supervisor DAVID V. LAROSA, SR. | voted, | <u>AYE</u> , |
| Supervisor LARRY BENEFIELD      | voted, | <u>AYE</u> , |
| Supervisor C.T. SWITZER, JR.    | voted, | <u>AYE</u> , |

The majority of the members present having voted in the affirmative, the President then declared the Motion carried and the Proclamation adopted on this the 27th day of July, 1998.

\* \* \*

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following  
Order:

**ORDER APPROVING SUBGRANT APPLICATION WITH THE  
MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY TO INITIATE AND  
IMPLEMENT A TRIAD COMMITTEE IN HARRISON COUNTY**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY APPROVE subgrant application with  
the Mississippi Department of Public Safety to initiate and implement a Triad  
Committee in Harrison County, same being a one-year grant for \$3,000.00  
totally funded by the State.

Supervisor **DAVID V. LAROSA, SR.** seconded the motion to adopt the  
above and foregoing Order, whereupon the President put the question to a  
vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of  
the Supervisors present, the President then declared the motion carried and  
the Order adopted.

THIS, the 27th day of July 1998.

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Supervisor **ROBIN ALFRED MIDCALF** moved, and Supervisor **DAVID V.**

**LAROSA, SR.** seconded, adoption of the following:

ENTER CLOSED SESSION to discuss whether or not to enter Executive Session to discuss:

1 Possible litigation involving collection of property taxes by John Woodfield.

2) Wetlands litigation.

The Board voted unanimously, by show of hands, to enter Executive Session.

ALL ORDERED AND DONE, this the 27th day of July 1998.

\* \* \*

Supervisor **BOBBY ELEUTERIUS** moved, and Supervisor **C.T. SWITZER, JR.** seconded, adoption of the following:

RECONVENE FROM EXECUTIVE SESSION. The Board Attorney reported that the Board received a report on possible litigation regarding wetlands and tax collection. No Board action was taken.

ALL ORDERED AND DONE, this the 27th day of July 1998.

\* \* \*

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Supervisor **C.T. SWITZER, JR.** moved adoption of the following Order:

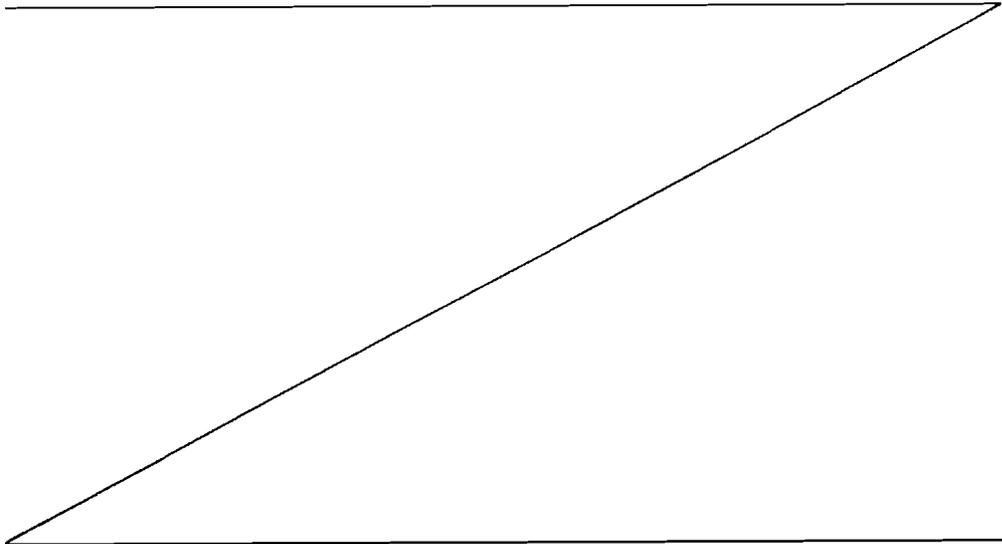
**ORDER RESCINDING ORDER PREVIOUSLY ADOPTED HEREIN AT  
PAGE 480, PURSUANT TO SEC. 27-35-143 OF THE MISS. CODE OF  
1972, AS AMENDED, APPROVING PETITIONS FOR REDUCTION OF  
PERSONAL PROPERTY ASSESSMENT ROLLS, AS LISTED, FOR  
YEARS PRIOR TO 1997**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
MISSISSIPPI, that the Board does HEREBY RESCIND Order previously adopted  
herein at page 480, pursuant to Sec. 27-35-143 of the Miss. Code of 1972, as  
amended, approving the following listed petitions for reduction of personal  
property assessment rolls for years prior to 1997:

- 1994 - PPIN 92, Gammels Shop Rite;
- 1995 - PPIN 357, Cumberland Automotive Service;
- 1996 - PPIN 357, Cumberland Automotive Service;
- 1996 - PPIN 1330, Jones Produce;
- 1996 - PPIN 4088, Tan Du Grocery;
- 1996 - PPIN 6958, Walker Rent All;
- 1996 - PPIN 12360, Casino Classics Inc.;
- 1996 - PPIN 15404, Hoda Chiropractic Clinic;
- 1996 - PPIN 11696, Unique Fashions,

said Code section being as follows, to-wit:

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§ 27-35-141                      **TAXATION AND FINANCE**

tax commission shall furnish blank rolls when requested by a board of supervisors.

SOURCES: Codes, Hemingway's 1921 Supp § 7769n1; 1930, § 3190; 1942, § 9814; Laws, 1920, ch. 323; 1928, ch. 214; 1984, ch. 422, § 5, *eff from and after July 1, 1984.*

**Cross references—**

Further procedure for change of assessment, see § 27-35-149.  
 Effect of theft, loss or destruction of assessment rolls, see § 25-55-15.

**JUDICIAL DECISIONS**

Where land assessment rolls which had been equalized and approved were destroyed in courthouse fire prior to filing of a copy thereof with the state tax commission and no copy of the rolls was left in existence, notice of special meeting of county board of supervisors to consider "the matter of assessment rolls" did not constitute sufficient notice to property owners that reassessment would be ordered at that meeting so that such reassessment and tax sales held thereunder were void, particularly

in view of the facts that the reassessment was equalized at a subsequent meeting without having been designated by the board as the time for such equalization, and approved at a later special meeting, without proper notice to the taxpayers as to what was to be done at either the meeting at which the reassessment was equalized or the meeting at which the objections could be heard and the rolls approved. *State v Butler* (1945) 197 Miss 218, 21 So 2d 650.

§ 27-35-143.    **Change of assessment in certain cases.**

The board of supervisors of each county shall have power, upon application of the party interested, or by the assessor on behalf of such party, or otherwise as prescribed in Sections 27-35-145 through 27-35-149, to change, cancel or decrease an assessment in the manner herein provided at any time after the assessment roll containing such assessment has been finally approved by the State Tax Commission, and prior to the last Monday in August next, under the following circumstances and no other:

1. When the same property has been assessed more than once to one or more persons.
2. When a clerical error has been made in transcribing the assessment from the tax list to the assessment roll, or from the assessment roll to the copies, or in amending the original assessment roll, in making the equalization of assessments, or in carrying out the instructions of the State Tax Commission.
3. When an error in addition or multiplication has been made in the compilation of the tax list, roll or copy of the roll.
4. When there is an assessment of property which never existed, or was not owned by or in the possession of the party to whom assessed, on the next preceding tax lien date.
5. When the assessment is in the name of another than the owner of the property on the next preceding tax lien date.
6. When the assessment is so indefinite as to give a vague or imperfect description of the property assessed.
7. When the property assessed is nontaxable, or was not subject to taxation on the next preceding tax lien date.
8. When the property is not liable to a special district tax levy for which it has been assessed.

# MINUTE BOOK

## BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI

### JULY 1998 TERM

#### AD VALOREM TAX—ASSESSMENT § 27-35-143

9. When the property, after the next preceding tax lien date, but before the payment of taxes due thereon, has ceased to exist, on account of death or destruction by fire, explosion, storm, flood, earthquake, lightning, or other inevitable accident or act of Providence; or has depreciated in value on account of any such accident or occurrence as the foregoing.

Provided, however, that where property has been insured the amount collected as insurance by reason of such loss shall be taken into account by the board in reducing the assessment, or refunding any tax payment thereon.

10. When the assessment does not show the correct number of acres, actually in the property described, or the correct quantity of any property.

11. When lands have been assessed and incorrectly classified; or when buildings and improvements have been assessed which were not on the land, at the preceding tax lien date; or where the buildings and improvements, at the preceding tax lien date, were exempt from assessment and taxation.

12. When the property has been assessed for more than its actual value; but in such cases the board shall require proof, under oath, of such excessive assessment by two (2) or more competent witnesses who know of their own personal knowledge that the property is assessed for a higher sum than its true value.

13. When the property has been assessed as subject to state taxes and is exempt; or when the property has been assessed as subject to county and district taxes and is exempt from such taxes.

14. When buildings and improvements have been assessed with the land, but are owned by someone other than the owner of the land.

SOURCES: Codes, 1857, ch. 3, art 28; 1871, § 1688; 1880, § 507; 1892, § 3799; 1906, § 4312; Hemingway's 1817, § 6948; 1930, § 3191; 1942, § 9815; Laws, 1934, ch. 187; 1950, ch. 298, § 5; 1993, ch. 466, § 1, eff from and after July 1, 1993.

**Cross references—**

Changes in municipal assessments, see § 21-33-43.

**Research and Practice References—**

72 Am Jur 2d, State and Local Taxation §§ 795 et seq., 831.  
84 CJS, Taxation § 510.

**Annotations—**

Who may complain of underassessment or nonassessment of property for taxation. 5 ALR2d 576.

#### JUDICIAL DECISIONS

1. In general
2. Construction and application
3. —Timing
4. —Banks
5. —Applicability to personal property
6. Destruction or deterioration by accident or act of providence; insurance
7. Timber lands; removal of timber

tional. Board of Sup'rs v Tate (1900) 78 Miss 294, 29 So 74.

#### 2. Construction and application

The actual or true value of property, assessment in excess of which entitles a taxpayer to relief under this section [Code 1942, § 9815], is its market value and not the cost of construction. Cleveland v T. V. Cable Co. (1960) 239 Miss 184, 121 So 2d 862.

Before the state tax commission could lawfully reject or disapprove an order of the board of supervisors making a reduction of an ad

1. In general  
This section [Code 1942, § 9815] is constitu-

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Supervisor **ROBIN ALFRED MIDCALF** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1997.

\* \* \*

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Supervisor **ROBIN ALFRED MIDCALF** moved adoption of the following Order:

**ORDER REQUESTING THE TAX ASSESSOR NOT TO ACCEPT ANY  
 PETITIONS FOR REDUCTION OF PERSONAL PROPERTY  
 ASSESSMENT ROLLS FOR PRIOR TAX YEARS, OTHER THAN THOSE  
 OUTLINED IN SECTION 27-35-143**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, that the Board does HEREBY REQUEST the Tax Assessor not to accept any petitions for reduction of personal property assessment rolls for prior tax years, other than those outlined in Section 27-35-143, i.e., prior to 1997.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|  |     |
|--|-----|
| Supervisor <b>BOBBY ELEUTERIUS</b> voted     | AYE |
| Supervisor <b>LARRY BENEFIELD</b> voted      | AYE |
| Supervisor <b>DAVID V. LAROSA, SR.</b> voted | AYE |
| Supervisor <b>ROBIN ALFRED MIDCALF</b> voted | AYE |
| Supervisor <b>C. T. SWITZER, JR.</b> voted   | AYE |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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Supervisor **BOBBY ELEUTERIUS** moved, and Supervisor **DAVID V.**

**LAROSA, SR.** seconded, adoption of the following:

ENTER CLOSED SESSION to discuss whether or not to enter Executive Session to discuss potential litigation involving the Sheriff's Department. The Board will receive a report from the Consultants.

The Board voted unanimously, by show of hands, to enter Executive Session.

ALL ORDERED AND DONE, this the 27th day of July 1998.

\* \* \*

Supervisor **BOBBY ELEUTERIUS** moved, and Supervisor **DAVID V.**

**LAROSA, SR.** seconded, adoption of the following:

RECONVENE FROM EXECUTIVE SESSION. The Board Attorney reported that the Board received a report from the Sheriff and from the Consultant, and preliminary information on the litigations styled Walgren and the U.S. Dept. of Justice v. Harrison County. No Board action was taken.

ALL ORDERED AND DONE, this the 27th day of July 1998.

(SUPERVISOR MIDCALF WAS OUT ON THE VOTE.)

\* \* \*

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(SUPERVISOR MIDCALF WAS OUT ON THE VOTE.)

Supervisor **DAVID V. LAROSA, SR.** moved adoption of the following  
 Order:

**ORDER APPROVING \$10,000.00 APPROPRIATION TO THE CITY  
 OF LONG BEACH, MISSISSIPPI, PUBLIC SAFETY DEPARTMENT,  
 PAYABLE FROM ESCROW FUNDS**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
 MISSISSIPPI, that the Board does HEREBY APPROVE a \$10,000.00 appropriation  
 to the City of Long Beach, Mississippi, Public Safety Department, payable  
 from Escrow Funds.

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the  
 above and foregoing Order, whereupon the President put the question to a  
 vote with the following results:

|                                       |               |
|---------------------------------------|---------------|
| Supervisor BOBBY ELEUTERIUS voted     | AYE           |
| Supervisor LARRY BENEFIELD voted      | AYE           |
| Supervisor DAVID V. LAROSA, SR. voted | AYE           |
| Supervisor ROBIN ALFRED MIDCALF voted | (OUT ON VOTE) |
| Supervisor C. T. SWITZER, JR. voted   | AYE           |

The motion having received the affirmative vote from the majority  
 of the Supervisors present, the President then declared the motion carried  
 and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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(SUPERVISOR MIDCALF OUT ON THE VOTE.)

There came on for consideration by the Board the matter of a request for the Board to provide adequate street lighting by assuming street lights as hereafter listed, located in Supervisor's Voting District 2, whereupon

Supervisor **BOBBY ELEUTERIUS** moved adoption of the following Order:

**ORDER APPROVING INSTALLATION OF STREET LIGHTS LOCATED IN  
SUPERVISOR'S VOTING DISTRICT 2, AS LISTED**

WHEREAS, the Board of Supervisors of Harrison County, Mississippi hereby finds that the Board shall approve installation of street lights at the following locations in Supervisor's Voting District 2 in Harrison County, Mississippi:

- 1) 11161 Magnolia Terrace,
- 2) 11248 Magnolia Terrace,
- 3) Dogwood Terrace,
- 4) Four (4) on Pinehurst,
- 5) Two (2) on Whitmore,
- 6) 11495 Landon Lake Blvd,
- 7) 11372 Landon Lake Blvd.

IT IS THEREFORE ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI that the Board does HEREBY APPROVE installation of the following street lights in Supervisor's Voting District 2:

- 1) 11161 Magnolia Terrace,
- 2) 11248 Magnolia Terrace,
- 3) Dogwood Terrace,
- 4) Four (4) on Pinehurst,
- 5) Two (2) on Whitmore,
- 6) 11495 Landon Lake Blvd,
- 7) 11372 Landon Lake Blvd.

IT IS FURTHER ORDERED BY THE BOARD that the Clerk of the Board be, and he is HEREBY AUTHORIZED AND DIRECTED to advise the electrical company

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involved that the County will assume payment for all future electrical bills, effective this date, for the above street light.

Supervisor **C.T. SWITZER, JR.** seconded the motion to adopt the above and foregoing Order, whereupon the President put the question to a vote with the following results:

|                                       |               |
|---------------------------------------|---------------|
| Supervisor BOBBY ELEUTERIUS voted     | AYE           |
| Supervisor LARRY BENEFIELD voted      | AYE           |
| Supervisor DAVID V. LAROSA, SR. voted | AYE           |
| Supervisor ROBIN ALFRED MIDCALF voted | (OUT ON VOTE) |
| Supervisor C. T. SWITZER, JR. voted   | AYE           |

The motion having received the affirmative vote from the majority of the Supervisors present, the President then declared the motion carried and the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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Supervisor BOBBY ELEUTERIUS moved the adoption of the following Order:

**AN ORDER OF THE HARRISON COUNTY BOARD OF SUPERVISORS ACKNOWLEDGING RECEIPT OF BOBBY LADNER'S MOTION TO RECONSIDER BOARD'S DESIGNATION OF RIVER ROAD AS A PUBLIC WAY, AND FOR RELATED PURPOSES.**

WHEREAS, Bobby Ladner has heretofore filed his Motion for Reconsideration of the road now designated as River Road, located in Section 6, Township 6 South, Range 12 West, Harrison County, Mississippi, as per previous action taken by this Board; and

WHEREAS, the Motion for Reconsideration shall be set for hearing on August 3, 1998, at 10:30 o'clock a.m.

NOW THEREFORE BE IT ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION I. The Board finds that the Motion for Reconsideration filed by Bobby Ladner as a result of the Board's action designating a portion of River Road as a public way, located in Section 6, Township 6 South, Range 12 West, Harrison County, Mississippi, is hereby received.

SECTION II. This Motion for Reconsideration shall be heard on August 3, 1998, at 10:30 o'clock a.m. in the Board Room in the Courthouse at Gulfport, Mississippi.

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Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Proclamation whereupon the President put the question to a vote with the following results:

|                                 |        |              |
|---------------------------------|--------|--------------|
| Supervisor BOBBY ELEUTERIUS     | voted, | <u>AYE</u> , |
| Supervisor ROBIN ALFRED MIDCALF | voted, | <u>AYE</u> , |
| Supervisor DAVID V. LAROSA, SR. | voted, | <u>AYE</u> , |
| Supervisor LARRY BENEFIELD      | voted, | <u>AYE</u> , |
| Supervisor C.T. SWITZER, JR.    | voted, | <u>AYE</u> , |

The majority of the members present having voted in the affirmative, the President then declared the Motion carried and the Proclamation adopted on this the 27th day of July, 1998.

\* \* \*

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Supervisor DAVID V. LAROSA, SR. moved the adoption of the following Order:

AN ORDER OF THE HARRISON COUNTY BOARD OF  
SUPERVISORS SETTING A HEARING DATE TO  
CONSIDER ALLEGED DERELICT PROPERTY  
LOCATED AT 1310 WEST BLVD., DISTRICT 3,  
FOR TUESDAY, SEPTEMBER 8, 1998, AND  
FOR RELATED PURPOSES.

WHEREAS, a Petition has been filed with the Harrison County Board of Supervisors alleging that certain property located at 1310 West Blvd., District 3, owned by William Morris is derelict property; and

WHEREAS, the Board finds that a hearing should be held on this Petition to determine the condition of the referenced property.

NOW THEREFORE BE IT ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION I. The Harrison County Board of Supervisors, upon Petition properly presented, does hereby set for hearing the question of whether or not property located at 1310 West Blvd., District 3, is derelict and should therefore be cleaned at the owner's expense.

SECTION II. This hearing shall be held on Tuesday, September 8, 1998, in the Board Room in the Courthouse of the First Judicial District, Gulfport, Mississippi.

SECTION III. That property notice shall be given to Mr. William Morris, the owner of the property.

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Supervisor ROBIN ALFRED MIDCALF seconded the motion to adopt the above and foregoing Proclamation whereupon the President put the question to a vote with the following results:

|            |                      |        |              |
|------------|----------------------|--------|--------------|
| Supervisor | BOBBY ELEUTERIUS     | voted, | <u>AYE</u> , |
| Supervisor | ROBIN ALFRED MIDCALF | voted, | <u>AYE</u> , |
| Supervisor | DAVID V. LAROSA, SR. | voted, | <u>AYE</u> , |
| Supervisor | LARRY BENEFIELD      | voted, | <u>AYE</u> , |
| Supervisor | C.T. SWITZER, JR.    | voted, | <u>AYE</u> , |

The majority of the members present having voted in the affirmative, the President then declared the Motion carried and the Proclamation adopted on this the 27th day of July, 1998.

\* \* \*

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**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
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Supervisor **C.T. SWITZER, JR.** moved adoption of the following Order:

**ORDER APPROVING PAYMENT TO GENEVA LAWRENCE IN THE  
 AMOUNT OF \$14,493.18 FOR SETTLEMENT OF ACCIDENT CLAIM**

ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY,  
 MISSISSIPPI, that the Board does HEREBY APPROVE payment to Geneva  
 Lawrence in the amount of \$14,493.18 for settlement of accident claim .

Supervisor **BOBBY ELEUTERIUS** seconded the motion to adopt the  
 above and foregoing Order, whereupon the President put the question to a  
 vote with the following results:

|                                       |     |
|---------------------------------------|-----|
| Supervisor BOBBY ELEUTERIUS voted     | AYE |
| Supervisor LARRY BENEFIELD voted      | AYE |
| Supervisor DAVID V. LAROSA, SR. voted | AYE |
| Supervisor ROBIN ALFRED MIDCALF voted | AYE |
| Supervisor C. T. SWITZER, JR. voted   | AYE |

The motion having received the affirmative vote from the majority of  
 the Supervisors present, the President then declared the motion carried and  
 the Order adopted.

THIS, the 27th day of July 1998.

\* \* \*

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The following items came on for discussion by the Board, with no Board action being taken:

1) The number of State inmates to be assigned to the various work centers. The Sheriff will review this matter.

2) The need to settle litigation with Mr. Bishop. This item will be taken up at the next meeting.

\* \* \*

Mr. John Mayne, who had requested to be placed on the agenda to discuss school bus turnaround on West Malley Road and a wash out problem on his property, did not appear.

\* \* \*

Brian H. Brooks, president of the Mississippi Gulf Coast Sand Soccer Association, who had requested to be placed on the agenda to discuss a tournament to be held on the beach June 19-20, July 31-Aug. 1, 1999, requested to be rescheduled.

\* \* \*

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Supervisor BOBBY ELEUTERIUS moved the adoption of the following Resolution:

**A RESOLUTION OF THE HARRISON COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO CLOSE, VACATE AND ABANDON CERTAIN ROADWAY EASEMENTS, AND FOR RELATED PURPOSES.**

WHEREAS, on or about October 24, 1996, Gulf Orleans, Inc., conveyed unto Harrison County two (2) easements; and

WHEREAS, since the conveyance of the referenced easements, they have not been opened, maintained or used by Harrison County. Additionally, it is not contemplated they will be used by Harrison County in the foreseeable future; and

WHEREAS, due to the change in the needs of the County, these easements will not provide primary access to any occupied properties and/or roadways, which are now being used by Harrison County or its citizens; and

WHEREAS, the public interest or convenience does not require that these easements be opened and/or remain open to the public and it is in the public interest or convenience to close, vacate and abandon these easements, described as follows, to-wit:

**SEE ATTACHED EXHIBITS "A" AND "B" RESPECTIVELY**

WHEREAS, the Board shall hold a public hearing on the question of such abandonment and shall publish notice of such hearing at least two (2) times, not less than two (2) weeks prior to the date of the hearing, in a newspaper having general circulation in the County.

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NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION I. Upon the adoption of this Resolution, the Harrison County Board of Supervisors does hereby declare its intention to close, vacate and abandon the following describe easements, recorded in Deed Book 301 at page 607, et seq., in the Office of the Chancery Clerk of the Second Judicial District of Harrison County, Mississippi, to-wit:

**SEE ATTACHED EXHIBITS "A" AND "B" RESPECTIVELY**

SECTION II. A public hearing will be held on the question of such abandonment of the referenced easements on the 14th day of September, 1998, at 10:00 a.m. in the Board Room of the Harrison County Board of Supervisors, Harrison County Courthouse, Second Judicial District, Biloxi, Mississippi.

SECTION III. Notice of such hearing shall be published at least two (2) times, not less than two (2) weeks prior to the date of the hearing, in a newspaper having general circulation in the County.

SECTION IV. At the conclusion of the public hearing, if the Board shall determine that the public interest or convenience does not require the two (2) easements remain open to the public or that it is in the public interest or convenience to close, vacate and abandon these two (2) easements, an Order of Abandonment shall be entered at that time.

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Supervisor C.T. SWITZER, JR. seconded the motion to adopt the above and foregoing Proclamation whereupon the President put the question to a vote with the following results:

|                                 |        |              |
|---------------------------------|--------|--------------|
| Supervisor BOBBY ELEUTERIUS     | voted, | <u>AYE</u> , |
| Supervisor ROBIN ALFRED MIDCALF | voted, | <u>AYE</u> , |
| Supervisor DAVID V. LAROSA, SR. | voted, | <u>AYE</u> , |
| Supervisor LARRY BENEFIELD      | voted, | <u>AYE</u> , |
| Supervisor C.T. SWITZER, JR.    | voted, | <u>AYE</u> , |

The majority of the members present having voted in the affirmative, the President then declared the Motion carried and the Proclamation adopted on this the 27th day of July, 1998.

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All of the SW 1/4 of Sec. 4, Township 7 South, Range 9 West, 2nd Judicial District, Harrison County, MS, lying So. of Mill Creek and West of Lamey Bridge Rd. and North of Hwy I-110.

Said easement being described as:

From the Southwest corner of Section 4, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, proceed S 89° 46' 06" E along the South line of said Section 4, 624.54 feet; thence N 0° 13' 54" E, 198.82 feet to a point in the East line of Highway I-110 (Highway 15), the point of beginning of the herein described right-of-way and easement.

From the above described point of beginning proceed N 57° 46' 10" E, 48.80 feet to a point of circular curvature to the right, which curve has a radius of 217.00 feet and a central angle of 44° 41' 51"; thence along the arc of said curve 169.29 feet to a point of compound circular curvature to the right, which curve has a radius of 665.00 feet and a central angle of 32° 31' 11"; thence along the arc of said curve 377.44 feet to a point of compound circular curvature to the left, which curve has a radius of 635.00 feet and a central angle of 10° 44' 50"; thence along the arc of said curve 119.11 feet to a point on curve, which point is in the South line of said Section 4; thence S 89° 46' 06" E along the South line of said Section 4, 149.88 feet to a point on a circular curve to the right, which curve has a radius of 565.00 feet and a central angle of 23° 27' 03"; thence along the arc of said curve 231.25 feet to a point of compound circular curvature to the left, which curve has a radius of 735.00 feet and a central angle of 32° 31' 11"; thence along the arc of said curve 417.17 feet to a point of compound circular curvature to the left, which curve has a radius of 287.00 feet and a central angle of 44° 41' 51"; thence along the arc of said curve 223.89 feet to a point of tangency; thence S 77° 47' 24" W, 53.55 feet to a concrete monument in the East right-of-way of Highway I-110 (Highway 15); thence S 33° 12' 51" E along said East right-of-way, 88.35 feet to the point of beginning.

The above described 70.00 foot wide right-of-way and perpetual easement contains 1.318 acres approximately and is located in the Southwest 1/4 of the Southwest 1/4 and in the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi.

AND ALSO:

From the intersection of the South line of Section 4, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, with the West line of Lamey Bridge Road, which point is S 89° 46' 06" E, 2669.21 feet from the Southwest corner of said Section 4 and which point is marked by a chiseled "X" in the west apron of a box culvert; proceed North along the West line of Lamey Bridge Road, 38.82 feet to the point of beginning of the herein described right-of-way and easement.

From the above described point of beginning proceed West, 471.54 feet to a point of circular curvature to the left, which curve has a radius of 665.00 feet and a central angle of 18° 57' 03"; thence along the arc of said curve, 219.95 feet to a point on curve, which point is in the South line of said Section 4; thence N 89° 46' 06" W along said

South line of Section 4, 173.89 feet to a point on a circular curve to the left, which curve has a radius of 565.00 feet and a central angle of 6° 03' 59"; thence along the arc of said curve 39.83 feet to a point of compound circular curvature to the right, which curve has a radius of 735.00 feet and a central angle of 27° 08' 39"; thence along the arc of said curve 348.14 feet to a point of tangency; thence East, 471.54 feet to a point in the West line of Lamey Bridge Road; thence South along said West line, 70.00 feet to the point of beginning.

The above described 70.00 foot wide Right-of-Way and perpetual easement contains 1.265 acres approximately and is located in the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 7 South, Range 9 West, Second Judicial District of Harrison County, Mississippi.

Exhibit "A"

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Commence at the Northwest corner of Section 9, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, and proceed S 89° 46' 06" E, 755.30 feet to a iron rod in the East Right-of-Way of Highway I-110 (Highway 15), the point of beginning.

From said point of beginning run thence S 56° 49' 19" W, 60.00 feet; thence S 33° 13' 10" E, 263.53 feet; thence S 36° 04' 47" E, 268.57 feet; thence S 59° 35' 58" E, 239.87 feet; thence S 74° 10' 24" E, 397.16 feet; thence S 57° 22' 22" E, 548.20 feet; thence N 00° 03' 19" W, 988.57 feet to a iron rod located in an existing road; thence N 89° 46' 06" W, 1302.32 feet to the point of beginning.

Said easement being described as:

From the NW corner of said Section 9, 2nd Judicial District, Harrison County, Mississippi, proceed S 89° 46' 06" E along the North line of said Section, 1247.38 feet to the point of beginning of the herein described Right-of-Way and easement.

From the above described point of beginning proceed 680.24 feet along the arc of a circular curve to the left, which curve has a radius of 635.00 feet and a central angle of 61° 22' 41", to a point of compound circular curvature to the right, which point bears S 86° 26' 58" E, 648.18 feet from said point of beginning and which curve has a radius of 665.00 feet and a central angle of 8° 11' 17"; thence along the arc of said curve 95.03 feet to a point in the North line of said Section; thence N 89° 46' 06" W along the North line of said Section, 173.89 feet to a point of circular curve to the right, which curve has a radius of 565.00 feet and a central angle of 42° 36' 17"; thence along the arc of said curve 420.17 to a point on curve, which point is in the North line of said Section; thence N 89° 46' 06" W along said North line, 149.88 feet to the point of beginning.

The above described 70.00 foot wide Right-of-Way and perpetual easement contains 0.965 acres approximately and is located in the Northwest 1/4 of the Northwest 1/4 and in the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi.

Exhibit "B"

**MINUTE BOOK**  
**BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI**  
**JULY 1998 TERM**

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NOTICE OF PUBLIC HEARING

The Harrison County Board of Supervisors will conduct a public hearing on the 14th day of September, 1998, at 10:00 a.m., in the Board Room of the Harrison County Board of Supervisors, Harrison County Courthouse, Second Judicial District, Biloxi, Mississippi, to consider closing, vacating and abandoning two (2) easements recorded in Deed Book 301 at page 607, et. seq., in the Office of the Chancery Clerk of the Second Judicial District of Harrison County, Mississippi, described as follows, to-wit:

FIRST EASEMENT

All of the SW 1/4 of Sec. 4, Township 7 South, Range 9 West, 2nd Judicial District, Harrison County, MS, lying So. of Mill Creek and West of Lamey Bridge Rd. and North of Hwy I-110.

Said easement being described as:

From the Southwest corner of Section 4, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, proceed S 89° 46' 06" E along the South line of said Section 4, 624.54 feet; thence N 0° 13' 54" E, 198.82 feet to a point in the East line of Highway I-110 (Highway 15), the point of beginning of the herein described right-of-way and easement.

From the above described point of beginning proceed N 57° 46' 10" E, 48.80 feet to a point of circular curvature to the right, which curve has a radius of 217.00 feet and a central angle of 44° 41' 51"; thence along the arc of said curve 169.29 feet to a point of compound circular curvature to the right, which curve has a radius of 665.00 feet and a central angle of 32° 31' 11"; thence along the arc of said curve 377.44 feet to a point of compound circular curvature to the left, which curve has a radius of 635.00 feet and a central angle of 10° 44' 50"; thence along the arc of said curve 119.11 feet to a point on curve, which point is in the South line of said Section 4; thence S 89° 46' 06" E along the South line of said Section 4, 149.88 feet to a point on a circular curve to the right, which curve has a radius of 565.00 feet and a central angle of 23° 27' 03"; thence along the arc of said curve 231.25 feet to a point of compound circular curvature to the left, which curve has a radius of 735.00 feet and a central angle of 32° 31' 11"; thence along the arc of said curve 417.17 feet to a point of compound circular curvature to the left, which curve has a radius of 287.00 feet and a central angle of 44° 41' 51"; thence along the arc of said curve 223.89 feet to a point of tangency; thence S 77° 47' 24" W, 53.55 feet to a concrete monument in the East right-of-way of Highway I-110 (Highway 15); thence S 33° 12' 51" E along said East right-of-way, 88.35 feet to the point of beginning.

The above described 70.00 foot wide right-of-way and perpetual easement contains 1.318 acres approximately and is located in the Southwest 1/4 of the Southwest 1/4 and in the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi.

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AND ALSO:

From the intersection of the South line of Section 4, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, with the West line of Lamey Bridge Road, which point is 5 by 46° 06" E, 2669.21 feet from the Southwest corner of said Section 4 and which point is marked by a chiseled "X" in the west apron of a box culvert; proceed North along the West line of Lamey Bridge Road, 38.82 feet to the point of beginning of the herein described right-of-way and easement.

From the above described point of beginning proceed West, 471.54 feet to a point of circular curvature to the left, which curve has a radius of 665.00 feet and a central angle of 18° 57' 03"; thence along the arc of said curve, 219.95 feet to a point on curve, which point is in the South line of said Section 4; thence N 89° 46' 06" W along said

South line of Section 4, 173.89 feet to a point on a circular curve to the left, which curve has a radius of 565.00 feet and a central angle of 6° 03' 59"; thence along the arc of said curve 59.83 feet to a point of compound circular curvature to the right, which curve has a radius of 735.00 feet and a central angle of 27° 08' 19"; thence along the arc of said curve 348.14 feet to a point of tangency; thence East, 471.54 feet to a point in the West line of Lamey Bridge Road; thence South along said West line, 70.00 feet to the point of beginning.

The above described 70.00 foot wide Right-of-Way and perpetual easement contains 1.265 acres approximately and is located in the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 7 South, Range 9 West, Second Judicial District of Harrison County, Mississippi.

SECOND EASEMENT

Commence at the Northwest corner of Section 9, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi, and proceed S 89° 46' 06" E, 755.30 feet to a iron rod in the East Right-of-Way of Highway I-110 (Highway 15), the point of beginning.

From said point of beginning run thence S 56° 49' 19" W, 60.00 feet; thence S 33° 13' 10" E, 263.53 feet; thence S 36° 04' 47" E, 268.57 feet; thence S 59° 35' 58" E, 239.87 feet; thence S 74° 10' 24" E, 397.16 feet; thence S 57° 22' 22" E, 548.20 feet; thence N 00° 03' 19" W, 988.57 feet to a iron rod located in an existing road; thence N 89° 46' 06" W, 1302.32 feet to the point of beginning.

Said easement being described as:

From the NW corner of said Section 9, 2nd Judicial District, Harrison County, Mississippi, proceed S 89° 46' 06" E along the North line of said Section, 1247.38 feet to the point of beginning of the herein described Right-of-Way and easement.

From the above described point of beginning proceed 680.24 feet along the arc of a circular curve to the left, which curve has a radius of 635.00 feet and a central angle of 61° 22' 41", to a point of compound circular curvature to the right, which point bears S 86° 26' 58" E, 648.18 feet from said point of beginning and which curve has a radius of 665.00 feet and a central angle of 8° 11' 17"; thence along the arc of said curve 95.03 feet to a point in the North line of said Section; thence N 89° 46' 06" W along the North line of said Section, 173.89 feet to a point of circular curve to the right, which curve has a radius of 565.00 feet and a central angle of 42° 36' 17"; thence along the arc of said curve 420.17 to a point on curve, which point is in the North line of said Section; thence N 89° 46' 06" W along said North line, 149.88 feet to the point of beginning.

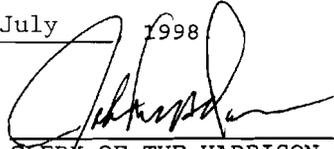
The above described 70.00 foot wide Right-of-Way and perpetual easement contains 0.965 acres approximately and is located in the Northwest 1/4 of the Northwest 1/4 and in the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 7 South, Range 9 West, Second Judicial District, Harrison County, Mississippi.

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At the conclusion of the public hearing, if the Board shall determine that the public interest or convenience does not require the two (2) easements remain open to the public or that it is in the public interest or convenience to close, vacate and abandon these two (2) easements, an Order of Abandonment shall be entered at that time.

This the 27th day of July 1998

  
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CLERK OF THE HARRISON COUNTY  
BOARD OF SUPERVISORS

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ORDERED THAT THE BOARD RECESS in the First Judicial District until August 3, 1998, to reconvene in the meeting room of the Board of Supervisors in the First Judicial District courthouse in the city of Gulfport, harrison County, Mississippi.

THIS, the 27th day of July 1998.

  
PRESIDENT