

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 5L

Council Meeting Date: July 19, 2016

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON:

  
Gerald Blessey, City Attorney & Counsel for Economic Development

**SUMMARY EXPLANATION:**

Resolution approving MOU with State Treasurer and acceptance of Five Million Dollars from the State of Mississippi for use in construction of a new Keesler Air Force Base Gate on the extension of Division Street.

Resolution  Ordinance \_\_\_\_\_ Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes \_\_\_\_\_ Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify): Exhibit "A"

Submittal Authorization: Council President \_\_\_\_\_ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

| Vote: | <u>Councilmember</u> | <u>Yes</u> | <u>No</u> | <u>Other</u> | <u>Councilmember</u> | <u>Yes</u> | <u>No</u> | <u>Other</u> |
|-------|----------------------|------------|-----------|--------------|----------------------|------------|-----------|--------------|
|       | Lawrence             | ___        | ___       | ___          | Tisdale              | ___        | ___       | ___          |
|       | Gines                | ___        | ___       | ___          | Glavan               | ___        | ___       | ___          |
|       | Newman               | ___        | ___       | ___          | Fayard               | ___        | ___       | ___          |
|       | Deming               | ___        | ___       | ___          |                      |            |           |              |

ACTION TAKEN:

RESOLUTION NO.

RESOLUTION APPROVING MOU WITH STATE TREASURER AND  
ACCEPTANCE OF FIVE MILLION DOLLARS FROM THE STATE OF MISSISSIPPI  
FOR USE IN CONSTRUCTION OF A NEW KEESLER AIR FORCE BASE GATE ON  
THE EXTENSION OF DIVISION STREET

WHEREAS, Senate Bill 2924, lines 251-252, appropriates from the Budget Contingency Fund the sum of Five Million Dollars for Keesler Air Force Base construction projects, said sum being contingent upon the BP Settlement funds being deposited in the Budget Contingency Fund, with said sum representing the initial grant for such project;

WHEREAS, for the purposes of facilitating the creation of anew Keesler Air Force Base main gate to be located on the extension of Division Street in the City of Biloxi, it is in the best interest of the City of Biloxi to accept the terms and conditions contained in the Memorandum of Understanding, attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BILOXI, MISSISSIPI AS FOLLOWS:

SECTION 1: The findings, conclusions and statements of fact contained in the preamble are hereby adopted, ratified and incorporated herein.

SECTION 2: The Mayor is authorized to execute the Memorandum of Understanding, attached hereto as Exhibit "A" and deliver it to the State Treasurer.

SECTION 3: The Mayor is hereby authorized to receive the sum of Five Million Dollars from the State of Mississippi, to be deposited in a City Depository for the purposes of a capital project to be known as Keesler - Division Street Gate Project Fund, as contemplated in the Memorandum of Understanding.

SECTION 4: This resolution shall take effect and be in force from and after adoption.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") is entered into between the Office of the State Treasurer (hereinafter the "OST") and the City of Biloxi, Mississippi (hereinafter the "City") for the purpose of establishing the agreed upon conditions under which the OST may disburse funds to assist in paying the costs associated with the "Keesler Air Force Base construction projects," (hereinafter the "Projects") pursuant to Section 14 of Senate Bill 2924, 2016 Regular Session, Laws of 2016 (hereinafter the "Act"). This MOU is entered into pursuant to, and subject to the terms of, the Act, which authorizes an amount not to exceed Five Million Dollars and No/100 (\$5,000,000.00), for the Projects.

### RECITALS

**WHEREAS**, the Act directs the disbursement of the funds to the City of Biloxi to pay costs of the projects; and

**WHEREAS**, pursuant to the Act, the disbursement of the funds is contingent upon the BP Settlement Funds being deposited to the Budget Contingency Fund, a fund maintained and operated by the OST; and

**WHEREAS**, the Act authorizes the allocation of the funds in the Budget Contingency Fund in a manner as determined by the OST; and

**WHEREAS**, the OST has requested the City to maintain on file the documentation to the extent required by State of Mississippi state bidding laws, and other policies and procedures of the City, and furnish any such documentation to the OST upon request; and

**WHEREAS**, the City agrees to provide quarterly reports to OST that summarize the expenditure of the funds provided for the Projects and the status of the Projects. The first quarterly report shall be provided within ninety (90) days of the effective date of this MOU, and thereafter within thirty (30) days of each calendar quarter end. The City shall also provide to the OST a final report no more than thirty (30) days after final expenditure of funds, including any/all documents not previously submitted, summarizing the expenditures and use of the proceeds upon completion of the Projects; and

**WHEREAS**, the OST finds, consistent with the Act, that it is in the OST and the City's best interests that the funds allocated for the Keesler Air Force Base construction projects should be disbursed to the City upon request made by the City and that the City shall directly administer the expenditure of such funds for the Projects.

**NOW THEREFORE, IT IS MUTUALLY AGREED BY THE OFFICE OF THE STATE TREASURER AND THE CITY OF BILOXI AS FOLLOWS:**

**EXHIBIT**     A

**SECTION 1.** Each and all of the facts and findings set forth in the preamble clauses of this memorandum are hereby found and determined to be true and accurate and are incorporated herein by this reference thereto as though set forth again in words and figures.

**SECTION 2.** The OST, pursuant to the Act, shall disburse funds from the Budget Contingency Fund upon the written request of the City to assist in paying the costs associated with the Keesler Air Force Base construction projects.

**SECTION 3.** The City agrees to use all funds received from the OST exclusively for the Projects as authorized and provided by the Act. Failure on the part of the City to adhere to any provision within this MOU may result in immediate action by the State to recover any unexpended funds.

**SECTION 4.** The City agrees to maintain on file the documentation in accordance with the recitals of this MOU and to submit such documentation to the OST upon request.

**SECTION 5.** The City agrees to provide the OST quarterly reports summarizing expenditure of the Keesler Air Force Base construction projects funds and the status of the Projects. The first quarterly report shall be provided within ninety (90) days of the effective date of this MOU, and thereafter within thirty (30) days of each calendar quarter end. The City shall also provide the OST with a final report summarizing the expenditures and use of the bond proceeds upon completion of the Projects.

**SECTION 6.** The City agrees to maintain copies of all invoices and similar documentation for each expenditure of all funds received for the Keesler Air Force Base construction projects sufficient to satisfy and confirm, to OST's satisfaction, that such funds have been expended **solely** for the costs of the Projects as authorized and provided by the Act.

**SECTION 7.** All notices or information pursuant to this MOU shall be provided as follows:

**City of Biloxi, Mississippi**  
Mayor Andrew "FoFo" Gilich  
Biloxi City Hall  
140 Lameuse St.  
Biloxi, MS 39530  
CONTACT EMAIL: [mayor@biloxi.ms.us](mailto:mayor@biloxi.ms.us)

**Office of the State Treasurer**  
Attention: Michelle Williams, Chief of Staff  
PO Box 138  
Jackson, Mississippi 39205

Phone: (601) 359-3913  
Fax: (601) 359-2001  
Email: michelle.williams@treasury.ms.gov

**SECTION 8.** This MOU shall be effective from and after signature date.

**IN WITNESS WHEREOF**, the parties have affixed their signatures on the dates indicated below.

**OFFICE OF THE STATE TREASURER**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Lynn Fitch, State Treasurer

**CITY OF BILOXI, MISSISSIPPI**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Andrew "FoFo" Gilich, Mayor