

**DIAMONDHEAD WATER AND SEWER DISTRICT
RECESSED MEETING MINUTES**

May 25, 2021 – 4:00pm

from May 13, 2021

DWSD Meeting Trailer, 4425 Park Ten Dr, Diamondhead, MS

- 1. Present Board Members:** Chairman John Kirschenbaum, Vice-Chairman David Boan, Secretary/Treasurer Ben Taylor (by phone), and Commissioner Bryon Griffith.

Absent: None.

The presence of a quorum was noted and the meeting was called to order at 4:00pm. The public was duly notified in compliance with the District's open meeting policy.

- 2. Approve Agenda.**

Motion by Commissioner Griffith, second by Commissioner Boan to approve the agenda. Motion carried unanimously.

- 3. *Motion by Commissioner Boan, second by Commissioner Griffith to approve the Resolution of the Board of Commissioners of the Diamondhead Water and Sewer District making a final adjudication regarding a petition filed in response to the Resolution of the Board declaring its intention to issue water and sewer bond(s), Series 2021, of the District and/or to borrow funds by entering into a loan with the Mississippi Development Bank in a total amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000) adopted on March 11, 2021 and authorizing the bond(s) and/or loan to be issued pursuant to further Board actions to be taken at a later date.***

Upon discussion of the matter, District Legal Counsel reminded the Board that during their May 13, 2021 meeting, they went through the process of canvassing the invalidly filed petition for persons who may not have validly signed the petition pursuant to statutory requirements. In addition, after consultation with the Mississippi Secretary of State's Office, the petition was submitted to the Hancock County Circuit Clerk for purposes of identifying persons not legally registered on the voter roll. On May 14, 2021, and in accordance with Miss. Code Ann. §1-3-76 (1972), as amended, the District posted notices of names proposed to be stricken by both the Circuit Clerk and the District at the Hancock County Courthouse, Diamondhead City Hall and District Administrative Offices as well as published once in the Sea Coast Echo on May 19, 2021.

The Notice posted with regard to the Circuit Clerk's canvass as posted on May 14, 2021, identified seven (7) individuals who signed the petition as not being validly registered voters. Upon expiration of the ten (10) day period in which persons removed from the petition by the Circuit Clerk, the District sought certification of the petition whereupon Legal Counsel for the District was advised that the Circuit Clerk had been contacted by Jeannie Klein, Diamondhead City Clerk, who identified three (3) persons who were erroneously stricken from the voter roll. The Circuit Clerk advised that the certification had been revised to add those three (3) individuals back to the petition leaving a total number of validly registered voters on the petition as of May 25, 2021 at 149. Legal Counsel advised that while the statutory process for certifying the petition did not provide for the City Clerk's actions, her legal opinion was to not oppose those individuals being reinstated on the petition due to the time sensitive nature of the bond issue.

The Notice posted with regard to the District's canvass as posted on May 14, 2021, identified thirty-one (31) individuals whose signature was questioned because of (i) failure to comply with Miss. Code Ann. §1-3-75 (1972), as amended; or (ii) reside outside the District's service area.

Upon advice of Counsel, the Chairman then called for any interested person to appear make his/her case for reinstatement to the petition. No one in attendance appeared before the Board seeking reinstatement. Further, the District's Comptroller confirmed that no one had contacted the District with regard to reinstatement since the Notice was posted on May 14, 2021. The Chairman then asked Legal Counsel to read the list of names of persons identified on the District's Notice. All names were read aloud and the Board conducted a final canvass. Upon completion of the canvass, a total of thirteen (13) persons were removed from the petition by the District.

Discussion ensued amongst the Board as to process for reinstatement to the petition by persons identified in either Notice. Miss. Code Ann. §1-3-76 (1972), as amended, clearly states the process by which an individual can be reinstated on the petition. Actions by the City Clerk for the City of Diamondhead with regard to separately canvassing the petition and directly contacting the Hancock Circuit Clerk regarding reinstatement of voters is not defined as an allowable method for reinstatement per the language of the statute. Legal Counsel advised that while the names were invalidly reinstated, it was her opinion that it would be in the District's best interest to continue to move forward with the petition as certified by the Circuit Clerk on May 25, 2021.

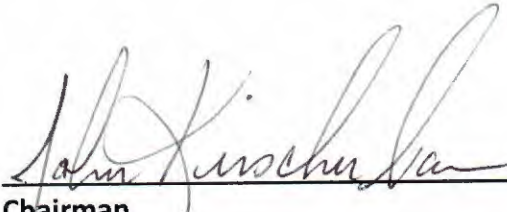
AYE: Kirschenbaum, Boan, Taylor and Griffith. NAY: None. Motion carried unanimously. (Attachment A.)

4. Update by Lindsey Rea and Jim Young regarding revenue bonds. A presentation was provided indicating the interest rates were holding steady and that they are still at the lowest they have been since 2001. All documents are being finalized for presenting to the MS Development Bank on June 9, 2021.

5. **Adjournment.** Motion by Commissioner Griffith, second by Commissioner Boan to adjourn at 4:35pm. Motion carried unanimously.

The next regular meeting of the Board of Commissioners is scheduled for June 10, 2021 at 6:00 p.m. at City Hall Council Chambers, 5000 Diamondhead Circle, Diamondhead, MS.




Chairman

6-10-2021
Date