

RESOLUTION AUTHORIZING AMENDED APPLICATION TO THE DEPARTMENT OF MARINE RESOURCES FOR MISSISSIPPI TIDELANDS TRUST FUND FUNDING TO BE UTILIZED FOR NOMA DRIVE PUBLIC ACCESS .

WHEREAS, the City of Diamondhead (the “City”) has identified a need to improve public access to waterways and to ensure its waterways are navigable for its residents and visitors; and

WHEREAS, the City is eligible to receive funding under the Mississippi Tidelands Trust Funds; and

WHEREAS, the Mississippi Department of Marine Resources (the “MDMR”) is the administrator of the Mississippi Tidelands Trust Funds program, has awarded unto the City of Diamondhead FY23 Tidelands Funding for its Noma Drive Public Access Project; grant application for FY24 Tidelands Funding; and

WHEREAS, a notice of a reduction in Tidelands Revenue received by the Secretary of State’s Office, Department of Marine Resources with authority provided pursuant to H.B. 1624 Section 5 for an award reduction in the amount of 16% or \$64,000 for FY23; and

WHEREAS, the Mississippi Department of Marine Resources having notified the City of Diamondhead of such reduction for FY23 Tidelands allocation from \$400,000 to \$336,000 and accordingly requesting an amended application to reflect the reduction.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, THAT:

SECTION ONE: The statements, findings, determinations, and conclusions contained in the preamble of this resolution are hereby adopted, ratified and incorporated therein.

SECTION TWO: The City Manager, is hereby authorized to submit an amended FY23 Mississippi Tidelands Grant Funds in the amount of \$336,000 and further authorized execution of an amended Tidelands Grant Agreement with the Mississippi Department of Marine Resources for the Noma Drive Public Access Project.

SECTION THREE: The City Manager is hereby authorized to take any and all actions necessary to carry out the intent of this resolution and to provide any information to the Mississippi Department of Marine Resources in order to effectuate FY23 Mississippi Tidelands Grant allocation as amended.

SECTION FOUR: This Resolution shall take effect and be in force from and after adoption.

The above and foregoing resolution, after having been first reduced to writing, was introduced by

Councilmember Maheer, seconded by Councilmember Liese and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Mayor Depreo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Finley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Liese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Cumberland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Maheer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the 6th day of December, 2022.

Mayor Nancy Depreo
MAYOR

ATTEST:

Shannie K. Green
CITY CLERK







STATE OF MISSISSIPPI

Tate Reeves
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Joe Spraggins, Executive Director

November 22, 2022

Mayor Nancy Depreo
5000 Diamondhead Circle
Diamondhead, MS 39576

Re: Tidelands Grant Award –Noma Drive Public Access

Dear Mayor Nancy Depreo:

Due to the change in the Tidelands Revenue received by the Secretary of State's Office, the Department of Marine Resources will be reducing your FY23 Tidelands Awards (at a) prorated amount of 16%. H.B. No. 1624 Section 5 gives the Department of Marine Resources the authority to allocate funding on a pro rata basis as needed when the actual funding is less than the appropriations bill. Your new FY23 Tidelands funding for the above referenced project will be \$336,000.00.

As per H.B. No 1624 Section 4, The Mississippi Department of Marine Resources (MDMR) request that you submit an amended Tidelands Application to reflect the change in funding. An Amended Tidelands application can be found on our website at (dmr.ms.gov). Attached you will find your approved FY23 Tidelands Grant Agreement. Please review and return a fully executed copy with the amended application by December 15, 2022.

Thank you for making the Mississippi Gulf Coast a better place to live and work. Please feel free to contact me at any time should the Mississippi Department of Marine Resources be of service to you, (P)228-523-4011 or joe.spraggins@dmr.ms.gov.

In appreciation,


Joe Spraggins 11/22/2022 11:24 CST

Joe Spraggins
Executive Director

cc: Jeannie Klein

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES****Tidelands Grant Agreement
City of Diamondhead
FISCAL YEAR 2022**

City of Diamondhead hereby agrees to expend funds as authorized by the Mississippi Legislature in H.B. 1624 2022 Regular Session and Mississippi Code Section 29-15-9.

The Mississippi Department of Marine Resources will disburse funds in the amount of **\$ 336,000** for the Diamondhead Noma Drive Public Access, upon (1) receipt of this signed document; (2) MDMR possession of amended application with complete and final project designs and plans; (3) release of funds from the Mississippi Department of Finance and Administration; and (4) availability of said funds. The Mississippi Department of Marine Resources shall make progress payments in installments based on work completed and material used in the performance of a Tidelands project only after receiving written verification using Form TTF-3 and Form TTF-4 or Form TTF-5.

The **City of Diamondhead** agrees to:

- 1) Expend monies for the project as designated by the Legislature in H.B. 1624 2022 Regular Session Diamondhead Noma Drive Public Access and Mississippi Code Section 29-15-9 and be subject to an audit by the State Auditor.
- 2) Provide the Department of Marine Resources with detailed reports beginning June 30, 2023, and every six months thereafter for the duration of project, using the attached form TTF-4. Project reports will include:

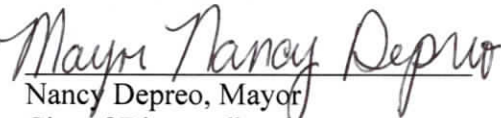
-Final project design and budget	- Description of Work Completed
-Benefits to the public and community	- Milestones for Completion
-Visual presentation (photographs) of project	- Funds expended (to include Tidelands and Matching Funds)
-Narrative description of project	
- 3) Provide the Department of Marine Resources with a Notification of Completion – TTF-5 (to be included in final payment request-Form TTF-3) to include a detailed final report of entire project, using the attached forms.
- 4) Erect a prominent, permanent sign to be displayed at all funded public access and construction related projects. The sign shall read “Funds for this project appropriated by the Mississippi Legislature, 2023 Tidelands Trust Fund, through the Secretary of State, Michael Watson, and the Mississippi Department of Marine Resources.”
- 5) To comply with the Stop Work Order Provisions listed below:
 1. *Order to Stop Work:* The MDMR may, by written order to the Grantee at any time, and without notice to any surety, require Grantee to stop all or any part of the work called for by this Grant Agreement. This order shall be for a specified period not exceeding 90 days after the order is delivered to Grantee, unless the parties agree to any further period. Any such order shall be identified specifically as a stop work order issued pursuant to this clause. Upon receipt of such an order, Grantee shall forthwith comply with its terms and take all reasonable steps to minimize the occurrence of costs allocable to the work covered by the order during the period of work stoppage. Before the stop work order expires, or within any further period to which the parties shall have agreed, the MDMR shall either:

2. cancel the stop work order; or,
3. terminate the work covered by such order by terminating the Grant Agreement, in whole or in part.
4. *Cancellation or Expiration of the Order:* If a stop work order issued under this clause is canceled at any time during the period specified in the order, or if the period of the order or any extension thereof expires, Grantee shall have the right to resume work. An appropriate adjustment shall be made in the time required for completion of the work, and the Grant Agreement shall be modified in writing accordingly, if the Grantee asserts a claim for such adjustment within 30 days after the period of work stoppage; provided that if the MDMR determines that the facts justify such action, any such claim asserted may be received and acted upon at any time prior to final payment under this Grant Agreement. In no event will the MDMR be responsible for additional costs allocable to the work covered by the order during the period of work stoppage.

On behalf of the **City of Diamondhead** I have read, understand, and agree to all terms listed above, and recognize that failure to comply with any portion of this Grant Agreement could jeopardize the receipt of any future Tidelands Trust Funds Appropriations.


Joe Spraggins, 11/22/2022 10:28 CST

Joe Spraggins, Executive Director
Department of Marine Resources


Nancy Depreo, Mayor
City of Diamondhead

Nov 22, 2022

Date

December 07, 2022

Date

Noma Drive Public Access award letter 11-22-2022

Final Audit Report

2022-11-22

Created:	2022-11-22
By:	Sonja Slater (sonja.slater@dmr.ms.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAR2CO3KS7IUuWg86CKx04zzUEN5_9auxw

"Noma Drive Public Access award letter 11-22-2022" History

-  Document created by Sonja Slater (sonja.slater@dmr.ms.gov)
2022-11-22 - 4:57:12 PM GMT - IP address: 69.60.32.16
-  Document emailed to Joe Spraggins (joe.spraggins@dmr.ms.gov) for signature
2022-11-22 - 4:57:34 PM GMT
-  Email viewed by Joe Spraggins (joe.spraggins@dmr.ms.gov)
2022-11-22 - 5:24:42 PM GMT - IP address: 69.60.32.16
-  Document e-signed by Joe Spraggins (joe.spraggins@dmr.ms.gov)
Signature Date: 2022-11-22 - 5:24:48 PM GMT - Time Source: server- IP address: 69.60.32.16
-  Agreement completed.
2022-11-22 - 5:24:48 PM GMT

Noma Drive Grant Agreement 04-18-2022

Final Audit Report

2022-11-22

Created:	2022-11-22
By:	Sonja Slater (sonja.slater@dmr.ms.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAtuHtwvgW9LdwSIU4t7457Vfkj9mueof3

"Noma Drive Grant Agreement 04-18-2022" History

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-  Agreement completed.
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MISSISSIPPI TIDELANDS TRUST FUND PROGRAM

Amended Application for FY

Project Number:

PROJECT SUMMARY

- 1. Title of Project:** *red outlines indicate required fields*
Diamondhead Noma Drive Public Access Improvements
- 2. Location of Project:**
Noma Drive
Diamondhead, Mississippi
- 3. Requesting Agency:**
City of Diamondhead
- 4. Requesting Agency Representative:**
- a. Name:** John McGraw, City Manager
 - b. Phone:** (228) 222-4626
 - c. Fax:** (228) 222-4390
 - d. Address:** 5000 Diamondhead Circle, Diamondhead, MS 39525
 - e. Email:** jmcgraw@diamondhead.ms.gov
- 5. Project Manager:**
- a. Name:** Jason Chiniche, P.E.
 - b. Phone:** (228) 467-6755
 - c. Fax:** (844) 273-1291
 - d. Address:** 407 Hwy 90, Bay St. Louis, MS 39520
 - e. Email:** jason@jjc-eng.com
- 6. Funding Requested:**
\$ 336,000.00
- 7. Matching Funds:**
- 8. Source of Matching Funds:**
- 9. Total Project Funds:**
\$ 336,000.00



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MISSISSIPPI TIDELANDS TRUST FUND PROGRAM Amended Application for FY

Project Number:

PROJECT SUMMARY

? 10. Provide Brief Project Description/Overview:

The City of Diamondhead proposes to improve Public Access to coastal waterways at Noma Drive to include an improved boat launch, timber access piers, timber fishing and bird watching piers, parking, portable restroom facilities, landscaping, seating areas, board walk, property acquisition and utilities

? 11. LIST Project Goals/Objectives:

Promote more safe public access to local residents, visitors and nature enthusiasts to coastal waters.

? 12. LIST Project Benefits:

Increase recreational use and access to coastal waters, promote economic development for water front property, provide safe docking temporary docking space for boaters during inclement weather.



MISSISSIPPI TIDELANDS TRUST FUND PROGRAM

Amended Application for FY

Project Number:

PROJECT SUMMARY

? 13. LIST Project Tasks:

- Preliminary Design
- Property Acquisition
- Final Design/Permitting
- Bid Phase
- Construction Phase

? 14. Project Timetable/Milestones:

- Preliminary Design - 1 month
- Property Acquisition - 4 months
- Final Design/Permitting - 4 months
- Bid Phase - 1 month
- Construction Phase - 6 months

? 15. If this project has been funded previously through Tidelands Trust Fund indicate which fiscal years: (type N/A if not applicable)

N/A

? 16. Project Timing:

Short-term (3 years or less) Deferred/long-term (3 – 5 years)



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MISSISSIPPI TIDELANDS TRUST FUND PROGRAM Amended Application for FY

Project Number:

APPLICATION SUMMARY QUESTIONNAIRE

? 17. Is this a Multi-Phase Project? Yes No

18. Is any part of this project located on private property? Yes No

19. Is there an existing lease between the requesting agency and property owner? Yes No

20. If required, are the plans approved by the DMR Permitting Office? Yes No

? 21. Will this project enhance an existing water-dependent activity?
Identify the activity:

Fishing, birding and water access for recreational use.

? 22. Does this project coordinate with other existing or planned projects?
Identify the project(s):

Noma Drive Water Front Improvements and Dredging

? 23. Will this project involve impacting, filling, or dredging coastal wetlands?
If yes, what acreage: 0.24 Yes No

? 24. Identify the constituency or interest group(s) which this project will serve:

Local residents, tourists, fisherman, boaters, kayakers, and nature enthusiasts.

? 25. Identify the service that this project will provide to the group(s) identified in 24:

Safe access to coastal waters.



MISSISSIPPI TIDELANDS TRUST FUND PROGRAM Amended Application for FY

Project Number:

APPLICATION SUMMARY QUESTIONNAIRE

? 26. Project Category:

(more than one may apply)

- Conservation
- Reclamation
- Preservation
- Acquisition
- Education
- Public Access
- Public Improvement
- Other (Identify)

? 27. Current status of architectural/
engineering plans & specifications
for this project (if applicable):
(check one from each group)

- Group 1:
- Completed
 - In Progress
 - Ready to Bid
 - Other (identify)

- Group 2:
- Paid for
 - Funds budgeted
 - Funds not budgeted

? 28. Categorize the benefits from 12:

- Environmental
- Economic
- Safety
- Public
- Other (identify)

? 29. Have other State or Federal funding
sources been identified for the project?

- Yes
- No

If yes, identify:

? 30. In what way does this project meet the goals and objectives of the Department of Marine Resources and the Secretary of State's Office, which include enhancing, protecting, conserving and providing public access to tidelands affected areas?

This project meets the goals and objectives of the DMR and SOS by enhancing, protecting and providing public access to tidelands affected areas for local residents, tourists, boaters, fishing community and nature enthusiasts.



MISSISSIPPI TIDELANDS TRUST FUND PROGRAM

Amended Application for FY

Project Number:

APPLICATION SUMMARY

- ?** 31. Summarize, in paragraph form, your Tidelands Application below. Give additional detail from TTF-1 Section 7 and include how the project will meet the requirements of the Public Trust Tidelands Act and the potential benefits that would be derived from receipt of Tidelands Trust Funds.

The City of Diamondhead proposes to improve Public Access to coastal waterways at Noma Drive to include an improved boat launch, timber access piers, timber fishing and bird watching piers, parking, portable restroom facilities, landscaping, seating areas, boardwalk, property acquisition and utilities.

The goals of the project are to promote more safe public access to local residents, visitors and nature enthusiasts to coastal waters. The benefits are to increase recreational use and access to coastal waters, promote economic development for water front property, provide safe docking temporary docking space for boaters during inclement weather.



MISSISSIPPI TIDELANDS TRUST FUND PROGRAM

Amended Application for FY

Project Number:

APPLICATION SUMMARY

- 32. Estimated number of years to completion: 2
- 33. Estimated Completion Date: 2024
- 34. Prioritize if your agency has submitted multiple projects

1

35. SIGNATURES

Project Manager:

Jon Clh
Signature

11/30/22
Date

Requesting Agency Representative:

Signature

Date

Mayor Nancy Depina

36. Attach project schematics or drawings as appropriate



MISSISSIPPI TIDELANDS TRUST FUND PROGRAM Amended Application for FY

Project Number:

BUDGET

Category	? Year 1	? Year 2	? Year 3	? Year 4	? Year 5	Total
Salaries, wages, Fringe						\$ 0.00
Travel						\$ 0.00
Architecture & Engineering	25000	25000				\$ 50,000.00
Legal	3000	3000				\$ 6,000.00
Consulting						\$ 0.00
Construction	140000	120000				\$ 260,000.00
Site Work						\$ 0.00
Equipment						\$ 0.00
Land Acquisition	10000	10000				\$ 20,000.00
Indirects						\$ 0.00
Other						\$ 0.00
Total	\$ 178,000.00	\$ 158,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 336,000.00

Funding Sources	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Tidelands Funding Reallocated (Project #: _____, Year _____)						\$ 0.00
Tidelands Funding Awarded						\$ 0.00
Federal Grants Funding						\$ 0.00
FEMA Funding						\$ 0.00
MEMA Funding						\$ 0.00
CDBG Funding						\$ 0.00
In-Kind Donations						\$ 0.00
Other						\$ 0.00
Total	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Instructions:

1. If project will be completed in one year, complete only the "Year 1" budget column.
2. If project will be completed in two years, complete "Year 1" and "Year 2" columns.
3. Follow the same process as above for "Year 3", "Year 4", and "Year 5", if project will not be completed for 5 years.