

Docket of Claims  
Release date from 01/15/2013 thru 01/15/2013

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SOUTHERN WATERWORKS SUPPLY, INC	130767	01/15/2013	01/10/2013			1,968.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-581	CARSON METER BOX W/ LID	46083	12/31/2012	130220	1,349.25		
	400-651-581	CARSON BLACK HINGE LID	46083	12/31/2012	130220	618.75		
400	STAPLES BUSINESS ADVANTAGE DEPT ATL	130770	01/15/2013	01/10/2013			52.82	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-500	AT A GLANCE 922315	3188393696	12/19/2012	130236	9.49		
	400-650-500	BASE 527085	3188393696	12/19/2012	130236	14.99		
	400-650-500	DESK ORGANIZER	3188393696	12/19/2012	130236	28.34		
400	NYLC/NPL	130772	01/15/2013	01/10/2013			562.92	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-584	4X4X10 TREATED PINE	20080197	12/11/2012	130215	109.89		
	400-651-584	2X4X8 TRTD PINE #2	20080197	12/11/2012	130215	98.88		
	400-651-584	1X6X6 TRTD DE FENCE	20080197	12/11/2012	130215	218.23		
	400-651-584	PREMIX CONCRETE MIX	20080197	12/11/2012	130215	40.59		
	400-651-584	CD482US2C DOOR FULL	20080197	12/11/2012	130215	10.77		
	400-651-584	14-5160700 HYY T HIN	20080197	12/11/2012	130215	34.74		
	400-651-584	6" SAFETY HASP D91 Y	20080197	12/11/2012	130215	14.78		
	400-651-584	2IN 6D HDG COMMON 12	20080197	12/11/2012	130215	21.90		
	400-651-584	25070161 1# 16D HDG	20080197	12/11/2012	130215	13.14		
FUND TOTAL 400	Claims	to	Checks	32 Total	501,732.37	Manual	Held	Total 501,732.37

Docket of Claims  
Release date from 01/15/2013 thru 01/15/2013

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
404	APPLEWHITE IND	130675	01/15/2013	01/07/2013			172.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-695	DECEMBER 2012 86.00 @ 2.00		1414	12/31/2012		172.00	
404	DELTA SANITATION OF MS, LLC	130719	01/15/2013	01/09/2013			80,735.44	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-693	DEC 12 RES GARBAGE SERV		7374	12/31/2012		77,650.00	
	404-677-693	DEC 12 RES CART RENTAL		7374	12/31/2012		2,888.00	
	404-677-693	DEC 12 COM CART RENTAL		7374	12/31/2012		197.44	
404	ARRINGTON & ASSOCIATES LLC	130757	01/15/2013	01/10/2013			3,510.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-695	SITE MONITOR:10/27-11/2/12		2103	01/10/2013		210.00	
	404-677-695	PROJECT MGR:10/27-11/9/12		2103	01/10/2013		2,400.00	
	404-677-695	CLERICAL:10/27-11/9/12		2103	01/10/2013		900.00	
FUND TOTAL 404	Claims	to	Checks	3 Total	84,417.44	Manual	Held	Total 84,417.44

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SUMMARY OF ALL FUNDS

FUND 1 Claims	to	Checks	56 Total	114,511.40 Manual	Held	Total	114,511.40
FUND 130 Claims	to	Checks	1 Total	109,743.76 Manual	Held	Total	109,743.76
FUND 172 Claims	to	Checks	1 Total	2,183.12 Manual	Held	Total	2,183.12
FUND 400 Claims	to	Checks	32 Total	501,732.37 Manual	Held	Total	501,732.37
FUND 404 Claims	to	Checks	3 Total	84,417.44 Manual	Held	Total	84,417.44
Total for all Funds			93 Total	812,588.09 Manual	Held	Total	812,588.09

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 014-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Consent Agenda is hereby approved.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilman Macfarland and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 15, 2013.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 015-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Minutes from Council Meeting held January 2, 2013 are hereby approved.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilman Macfarland and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 15, 2013.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 016-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Inter-local agreement between Jackson County and the City of Gautier for use of County owned voting machines in Municipal Elections is hereby approved.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilman Macfarland and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 15, 2013.

STATE OF MISSISSIPPI  
COUNTY OF JACKSON

INTER-LOCAL GOVERNMENTAL AGREEMENT  
BETWEEN JACKSON COUNTY, MISSISSIPPI AND THE CITY OF GAUTIER, MISSISSIPPI  
FOR USE OF COUNTY OWNED VOTING MACHINES  
IN MUNICIPAL ELECTIONS

WHEREAS, the City of Gautier, Mississippi (hereinafter "CITY") and the Board of Supervisors of Jackson County, Mississippi (hereinafter "County") desire to work together to operate local government in an efficient and cost-effective manner; and

WHEREAS, the City and the County wish to enter into this agreement to allow the City to utilize the voting machines owned by Jackson County, Mississippi in the upcoming municipal elections in order to maximize efficiency in the provision of governmental services and minimize expenditures; and

WHEREAS the authority for municipal use of the County voting machines is set forth in Mississippi Code Annotated Section 23-15-405;

NOW THEREFORE, in consideration of the above and foregoing premises and under the authority of Sections 17-13-1 through 17-13-17, Mississippi Code of 1972, Annotated, and the further consideration of the mutual advantages and promises hereinafter contained, this contract and agreement is made and entered into on the date hereinafter stated by and between the City and the County; and the parties do contract and agree to the terms and conditions hereinafter set forth:

**DURATION.** The term of this agreement is for the period extending from March 1, 2013 through March 1, 2015.

**PURPOSE.** The purpose of this Agreement is to allow the City to utilize the County voting Machines for municipal elections as contemplated by MCA 23-15-405.

**ORGANIZATION.** There will be no separate legal or administrative entity created by this agreement.

a) COUNTY RESPONSIBILITIES.

- i. County agrees to allow City to utilize the Voting machines and system of the County for municipal elections under the terms and conditions herein;

b) CITY RESPONSIBILITIES.

- i. City will be allowed to utilize the voting machines and system of the County in its municipal elections provided that the municipality and its poll workers receive training in the use and care of the Voting System. Poll workers must have current certificates of training and if any

- additional training is necessary for City's chosen poll workers it shall be at the city's sole expense.
- ii. City will make arrangements and have available technical support in the preparation and administration of the election at its own expense.
  - iii. City will be solely responsible for receiving US Justice Department Section 5 Preclearance, if required.
  - iv. City shall make arrangements with the County Election Commission for transport and return of the machines.
  - v. Machines shall be returned to County in the same condition in which they were received and City shall be responsible to County for any damages thereto.
  - vi. City shall be responsible for securing any services that it needs or desires from the County Election Commission and all reimbursement of expenses and payments associated therewith.

**AMENDMENT.** This agreement may be amended by either entity, upon joint written agreement of both entities, and the amendment shall be spread upon the minutes of both entities and forwarded to the Attorney General of the State of Mississippi for approval prior to enactment of any amendments.

**APPROVAL OF AGREEMENT.** This Agreement must be ratified and approved by the respective governing authorities prior to initiation, and this Agreement is expressly subject to the approval by the Attorney General of the State of Mississippi as required by Section 17-13-11, Mississippi Code 1972, Annotated.

IN WITNESS WHEREOF, the parties hereto have caused the execution and delivery of this

Agreement of this the 15th day of January, 2013.

Motion was made by Councilman MacFarland seconded by Councilman Colledge and the following vote was recorded:

	AYES	NAYS
Mayor Tommy Fortenberry	<u>Yes</u>	_____
Councilman Johnny Jones	<u>Yes</u>	_____
Councilman Hurley Ray Guillotte	<u>Yes</u>	_____
Councilman Gordon Gollott	<u>Yes</u>	_____
Councilwoman At Large Mary Martin	<u>Yes</u>	_____
Councilman Scott Macfarland	<u>Yes</u>	_____
Councilman Adam Colledge	<u>Yes</u>	_____

JACKSON COUNTY, MISSISSIPPI  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Clerk of the Board

CITY OF GAUTIER, MISSISSIPPI

By: Tommy Latakey  
Mayor

ATTEST:

By: Cynthia Pusey  
City Clerk



There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 017-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that City is hereby authorized to declare attached inventory items surplus and remove items from the Public Works and Streets Department Inventory list.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilman Macfarland and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 15, 2013.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 018-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the following appointment to the Planning Commission is hereby authorized:

<u>NAME</u>	<u>TERM EXPIRES</u>
Jimmy Green (Ward 1)	At Will

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilman Macfarland and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 15, 2013.

**Tricia Thigpen**

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**From:** Samantha Abell <sabell@gautier-ms.gov>  
**Sent:** Thursday, January 10, 2013 3:09 PM  
**To:** tthigpen@gautier-ms.gov  
**Cc:** crussell@gautier-ms.gov; cbilbo@gautier-ms.gov  
**Subject:** FW: Ward 1 appointee to Planning Commission

Tricia,  
Please add as back-up to this agenda item.

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**From:** john [<mailto:jfjones1@cableone.net>]  
**Sent:** Sunday, December 09, 2012 9:54 AM  
**To:** [sabell@gautier-ms.gov](mailto:sabell@gautier-ms.gov)  
**Cc:** [tfortenberry@hotmail.com](mailto:tfortenberry@hotmail.com); [sdmacfarland@peoplepc.com](mailto:sdmacfarland@peoplepc.com); [marymartincouncilwomanatlarge@yahoo.com](mailto:marymartincouncilwomanatlarge@yahoo.com); [adamcolledge@aol.com](mailto:adamcolledge@aol.com); [gollottd@bellsouth.net](mailto:gollottd@bellsouth.net); [crussell@gautier-ms.gov](mailto:crussell@gautier-ms.gov)  
**Subject:** Re: Ward 1 appointee to Planning Commission

Sam, Jimmy's address is 1905 Tradewinds and his phone # is 497-1406.

**From:** john  
**Sent:** Sunday, December 09, 2012 9:49 AM  
**To:** [sabell@gautier-ms.gov](mailto:sabell@gautier-ms.gov)  
**Cc:** [tfortenberry@hotmail.com](mailto:tfortenberry@hotmail.com); [sdmacfarland@peoplepc.com](mailto:sdmacfarland@peoplepc.com); [marymartincouncilwomanatlarge@yahoo.com](mailto:marymartincouncilwomanatlarge@yahoo.com); [adamcolledge@aol.com](mailto:adamcolledge@aol.com); [gollottd@bellsouth.net](mailto:gollottd@bellsouth.net); [crussell@gautier-ms.gov](mailto:crussell@gautier-ms.gov)  
**Subject:** Ward 1 appointee to Planning Commission

Bobby called yesterday and due to a situation that came up, he respectfully has withdrawn his name as an appointee on the Planning Commission. I have talked with Jimmy (James) Green and he has accepted my appointment to the Commission. Jimmy brings with him years of senior management experience, and has been involved heavily in a committee involving the restoration of graveline bayou in which I have been a part of. In doing so, I have been exposed to Jimmy's ability to make sound decisions, his vision for our City, and ability to work with others to accomplish what is best for our City. Please have Jimmy's name placed on our future agenda for Ward 1 appointment to the Planning Commission.

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**Motion was made by Mayor Fortenberry to go into Executive Session to discuss BP Oil Spill. Motion was seconded by Councilman Macfarland and unanimously carried.**

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**Motion was made by Mayor Fortenberry to move forward with Mayor and City Manager signing Presentment of Claim for BP oil spill. Motion was seconded by Councilman Macfarland and unanimously carried.**

**DOGAN & WILKINSON, PLLC**  
**ATTORNEYS AT LAW**

ALETA W. BARNES<sup>2</sup>  
NATHAN A. BOSIO<sup>3</sup>  
JOSHUA W. DANOS<sup>6</sup>  
DAVID W. DOGAN, III  
JOHN B. EDWARDS, II  
THI T. GILLIES<sup>3</sup>  
HANSON D. HORN<sup>7</sup>  
JOHN M. KINARD  
MICHAEL J. MCELHANEY, JR.  
ROUN S. MCNEAL  
W. CHARLES McVEA<sup>4</sup>  
KEVIN M. MELCHIE<sup>5</sup>  
LARRY A. SMITH

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<sup>1</sup>AMY LASSITTER ST.PE  
DAVID L. TREWOLLA  
ROBERT W. WILKINSON  
BRETT K. WILLIAMS  
ROY C. WILLIAMS

OF COUNSEL:

OSCAR R. JORDAN  
<sup>3</sup>PHIL BROWN  
<sup>3</sup>MARK D. VANCLEAVE

<sup>1</sup> ALSO LICENSED IN AL  
<sup>2</sup> LICENSED IN LA ONLY  
<sup>3</sup> LICENSED IN TX ONLY  
<sup>4</sup> ALSO LICENSED IN LA  
<sup>5</sup> ALSO LICENSED IN AL AND TX  
<sup>6</sup> ALSO LICENSED IN TX  
<sup>7</sup> ALSO LICENSED IN FL

January 15, 2013

City of Gautier  
Samantha Abell  
3330 Highway 90  
Gautier, MS 39553

Re: BP Oil Spill Claim

Dear Samantha:

I am in receipt of your letter dated today and want to first state that I appreciate you voicing your concerns regarding our association with Warren Averett, LLC. I was also extremely frustrated to find out late Friday that the information needed to determine the baseline figures for the City of Gautier had not been gathered by the accountants. It was my understanding, after we met, that Warren Averett would be working directly with the City in gathering all information needed to devise a formula to determine Gautier's loss from the BP oil spill. As I understand from your letter, Warren Averett requested the information back in October, but the emails got missed, so January 9, 2013 was the first time you actually saw the data needed. I have spoken to Warren Averett and have advised them to contact me immediately if there is ANY breakdown in communication with the governmental entities that we represent. While I would love to pass blame here, I take full responsibility for not following up throughout the process to ensure that the accountants were getting all data needed to move forward.

I do want you to understand that the Presentment being filed Friday is only the beginning of the process. All governmental entities are required under Section 2713 of the Oil Pollution Act to file the Presentment by Friday. By filing the Presentment, we are preserving the claim for the City of Gautier. In order to file the Presentment, we had to have a baseline, wherein we compared historical collections from 2007-2009 to the collections in 2010. This is the approach that has been approved by the Court for the Economic and Property Damage Settlement claims. From this baseline number, we will add a multiplier to compensate for the claims that you cannot quantify by looking at the City's books. This could include the negative impact the spill had on the census number for the City, as a result of the exodus of residents after the spill. While at this early stage

120 N. CONGRESS STREET  
SUITE 800  
JACKSON, MS 39201

1010 LAMAR, SUITE 860  
HOUSTON, TX 77002

914 WASHINGTON AVE.  
OCEAN SPRINGS, MS 39564

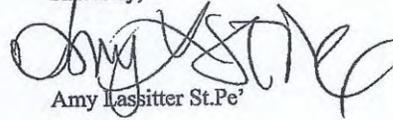
SUITE 2000, ENERGY BLDG.  
1100 POYDRAS STREET  
NEW ORLEANS, LA 70163

of Presentment, we will simply increase the multiplier for Gautier to ensure that the number demanded includes loss from the census, as well as other unknowns, and we will fine tune the formula to give an exact amount that was lost due to the census numbers prior to making a formal demand on BP. The number presented "now" will be inflated as we continue to review damages for the City.

I again want to apologize and tell you that I will be involved from this point forward. I have asked Warren Averett to copy this firm on all correspondence to the City and requested that we be notified if they do not receive a prompt response from the governmental entities. We will have numbers for you to look at by Friday at the latest. The accountants are working on the information you provided now, but we wanted to compare the State's numbers and computations to the City's claims. The State has not yet completed their computations.

Please call if you have any questions or I will be happy to set up a time to meet with you.

Sincerely,



Amy Lassitter St.Pe'

ALS:tab

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January 15, 2012

Re: Presentment Claim to the Responsible Parties  
Gautier, Mississippi  
Governmental Claim

To Whom It May Concern:

The below listed attorneys represent Gautier, Mississippi, a political subdivision of the State of Mississippi. Please communicate with the attorneys only regarding this claim. The attorneys' names and addresses, firm addresses, phone numbers and email addresses are listed below. Proof of authority to act on behalf of Gautier, Mississippi is attached hereto as Exhibit A. The City previously filed a short-form joinder in the Limitation action joining in the Bundle C Master Complaint (Attached hereto as Exhibit "B").

Gautier, Mississippi (hereinafter "the City") hereby presents its claim for Response/Removal and Clean Up Costs, Damage to Real Property, Loss of Revenue for the year 2010, and costs of Government Public Services as a result of the Deepwater Horizon Oil Spill. This presentment is being provided pursuant to § 2713 of the Oil Pollution Act of 1990 and published regulations, including, but not necessarily limited to, 33 C.F.R. §§ 136.1, 136.103, 136.105, 136.201, 136.203, 136.205, 136.213, 136.215, 136.217, 136.225, 136.227, 136.229, 136.237, 136.239, and 136.241. This presentment of claim is submitted exclusively to comply with these and any other applicable provisions of OPA or published regulations. This presentment is not intended to provide an exhaustive list of claims that may be pursued by the City. This presentment shall not be read or relied upon by any recipient hereof as a statement by the City of any claims other than those for which the City may specifically be obligated to present to Responsible Parties under OPA. The City expressly reserves the right to pursue all available state and federal law causes of actions, claims, prayers for relief, and any other available remedies, whether sounding in law or in equity.

The background of this oil spill is well known. On April 20, 2010, an explosion and fire destroyed the Deepwater Horizon offshore drilling rig approximately 130 miles southeast of New Orleans and approximately 50 miles from the Mississippi River delta. The explosion killed several workers on the rig, which eventually sank in approximately 5,000 feet of water. Through mid-July, 2010, crude oil gushed from the site in unprecedented amounts. Although the leaking well is now capped, the spill's effects are widespread, with oil reported to have come ashore in Louisiana, Mississippi, Alabama, Florida and Texas. Its full impact on the lives and livelihoods of tens of thousands of Americans, especially those living in or near the Gulf of Mexico, is as yet undetermined. Gautier, Mississippi is making a claim for payment for revenue losses for the

year 2010 and is presenting its claim for other and ongoing damages that cannot currently be quantified.

I. Removal and Clean Up Costs

The City incurred removal and clean up costs. The removal and clean up took place throughout the coastline of Gautier, Mississippi. The removal and clean up included the removal of oil discharged by the spill, costs to prevent, mitigate and minimize the effects of the oil pollution, as well as preventative measures to keep the coastline as free from the oil spill as possible. All removal costs were incurred as a result of these actions. All actions taken by the City were determined by the federal on-scene coordinator or otherwise were consistent with the National Contingency Plan. As of now, Gautier does not have any uncompensated expenses related to removal and clean up, but the City reserves the right to make a Removal Cost claim if the City incurs future expenses for clean up or removal.

II. Damage to Real or Personal Property

The City believes it has suffered damages from oil intrusion onto real property owned by the City or on which the City has a legal right-of-way. The City intends to pursue all available remedies sounding in state statutory and common law and refutes any argument that OPA preempts state law. To ensure that the City has complied with the presentment statute and applicable regulations set forth above, however, the City hereby places the Responsible Parties on notice that it may pursue recovery for damages to real property. The City has also suffered lost revenue as an indirect result of damage it sustained to real property, but the City's lost revenue claim is presented in a separate section herein pursuant to applicable regulations rather than as a subpart of the City's claim for damage to real property.

The City's real property may be continuing to suffer damage by intrusion of oil and dispersants. The evaluation of which parcels of this property were or are contaminated by oil or dispersants is ongoing, and it is neither possible nor practical at this point to quantify the injury to this property. The City is presently aware that oil intruded its beaches as well as Parks and Boat Launches. The City does not represent that this is an exhaustive or complete identification of real property damaged by the spill.

As the Responsible Parties are aware, much of the land in the City was closed to the public for a period of time, and tar balls have washed onto the City's shores.

The damage to the City's real property cannot be quantified at this time. Under applicable state law, the City intends to leave the determination of the dollar value of the damages suffered by the City for intrusion of oil and dispersants onto City property to the enlightened conscience of a jury. The only quantification of losses that is possible at this time is quantification of the 2010

revenue losses, which at least indirectly resulted in part from damage to the City's real property. This quantification is discussed below.

### III. Loss of Revenue

The City has suffered a net loss of revenue, as that phrase is defined in 33 C.F.R. § 136.225, as a result of the oil spill for the year 2010. The City expects to continue to lose revenue for many years to come. This Presentment addresses only the City's loss of revenue for the year 2010 as no other revenue losses have been quantified. The City hereby places all Responsible Parties on notice, however, that it will be pursuing a revenue loss claim for 2011 and coming years should the evidence establish that the City has suffered or more likely than not will suffer such loss.

Gautier previously discussed with representatives of BP a claim for its 2010 revenue loss prior to this presentment, but the City has not previously submitted a presentment in compliance with the applicable regulations set forth above. There is no insurer involved in this matter that may provide any compensation for the City's loss of revenue. The City earns revenue in part, from tourist dollars which have not been spent in the City since the oil spill. Specifically, the City has lost revenue from the following revenue sources:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

The net revenue loss suffered by Gautier as a result of the oil spill for 2010 is \$ \_\_\_\_\_. The City has thus far incurred costs, plus attorneys' fees to assess the damages claimed herein, the amount of which is protected by the attorney/client privilege. Further, to account for the uncertain future, punitive damages, and other future risks born by the City upon granting BP a full and final release, the City has calculated a future risk amount of \$ \_\_\_\_\_. The City therefore claims \$ \_\_\_\_\_ plus attorneys' fees and costs to assess the same for its net revenue loss for 2010. The City's 2010 revenue losses have been calculated by Mr. Johnnie Barranco. Mr. Barranco's calculation summary is attached hereto as Exhibit "C". For purposes of complying with 33 C.F.R. § 136.227(c), the City has attached hereto as Exhibit "D" audited financial statements for the years 2007, 2008, and 2009 to show total revenue for comparable revenue periods.

### IV. Methodology

For all revenue losses except ad valorem taxes, each revenue stream was analyzed based upon collections in 2010 as compared to historical collections from 2007-2009. The goal of the analysis applied is to compensate the City for all losses it suffered as a result of the spill. The

analysis uses a well-recognized approach to measure lost revenue by comparison of the post-incident compensation period to historical/benchmark revenue. This well-established two-step “before and after” method was applied as follows: (Step 1) provides compensation for the reduction in revenue between the compensation period months in 2010 (from May – December) as compared to the benchmark/historical revenue period, and (Step 2) provides compensation for increased revenue that reasonably could have been expected to be generated in 2010 but for the incident. The Step Two calculation applies the businesses growth trend to determine incremental revenue that was expected but for the spill. The results from Step One and Step Two are then added together to determine the total baseline 2010 damages. This analysis was recently approved by the Court in the approval of the Economic and Property Damages Settlement Agreement as accepted and reasonable method to determine economic damages.

Once the total loss for 2010 is determined, a multiplier is applied to the 2010 losses to compensate the City for pre-judgment interest, the risk of oil returning, consequential damages, inconvenience, aggravation, the lost value of money and other factors. The use of such a multiplier was described as “an economically sound method.” The multiplier is a multiple of the 2010 baseline compensation added to the City’s compensation for damages. The City has applied a future damages multiplier of \_\_\_\_\_ to the City’s non-ad valorem revenue streams.

For ad valorem taxes, a comparison was made as to appraised value for fiscal year 2010 and fiscal year 2011. The millage rate in effect in 2011 was then applied to the difference in appraised value to determine the total loss due to a reduction in appraised value. In the City, the Tax Assessor assess properties for appraisal purposes based upon their value in October of that year. Given that the Deepwater Horizon incident occurred in April of 2010, the impact due to an impairment on property value was not realized until fiscal year 2011 as the Tax Assessor would not re-appraise properties until the following year.

#### V. Government Services

Gautier’s evaluation of whether it has incurred increased costs for governmental services related to the spill is ongoing. The City has no unreimbursed out-of-pocket expenses for administrative costs such as overtime related directly to clean up of the spill, but the City cannot rule out at this time the possibility that it has incurred or may incur costs for matters such as law enforcement overtime as the effects of the oil spill on the local economy take their toll on the residents of Gautier. Job loss and revenue decline for families often result in increased reports of domestic abuse, alcohol related offenses, and similar crimes. As of this date, this Presentment is intended only to place the Responsible Parties on notice that the City reserves the right to pursue such a claim should a determination be made that the City indeed suffered such damages. The net cost of the increased or additional governmental service as contemplated by 33 C.F.R. §136.241 has not yet been determined, however.

The Gautier Mayor and City Council Members each have knowledge of the information contained herein. The Mayor and Council Members are:

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