

# **City of Hattiesburg, MS**

*200 Forrest St.  
P.O. Box 1898  
Hattiesburg, MS 39401*



## **Meeting Agenda**

**Monday, August 27, 2012**

**4:00 PM**

**Special Called Meeting**

**Council Chambers**

**City Council**

- 1        2012-1090        TAKE FROM THE TABLE TO Adopt Resolution levying ad valorem taxes on all of the taxable property within the City of Hattiesburg, Mississippi, for the purpose of raising revenue for said City for the fiscal year beginning October 1, 2012, and ending September 30, 2013

**Attachments:**        Resolution tax levy.12-13  
                              Executed Resol.2012-93 Tax Levy

- 2        2012-1088        Adopt Resolution declaring State of Emergency due to Tropical Storm Isaac.

**Attachments:**        Resol.State of Emg  
                              Executed Resol.2012-92 State of Emg



# City of Hattiesburg, MS

200 Forrest St.  
P.O. Box 1898  
Hattiesburg, MS 39401

## Master

**File Number: 2012-1090**

**File ID:** 2012-1090

**Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**In Control:** City Council

**File Created:**

**Brief Title:** Resolution Levying Ad Valorem Taxes for fiscal year beginning October 1, 2012, and ending September 30, 2013

**Final Action:** 08/27/2012

**Minute Book Number:** MB 2012-1/293-294

**Title:** TAKE FROM THE TABLE TO Adopt Resolution levying ad valorem taxes on all of the taxable property within the City of Hattiesburg, Mississippi, for the purpose of raising revenue for said City for the fiscal year beginning October 1, 2012, and ending September 30, 2013

### Notes:

### Sponsors:

**Enactment Date:**

**Attachments:** Resolution tax levy.12-13, Executed Resol.2012-93  
Tax Levy

**Enactment Number:**

**Contact:**

**Meeting Date:**

**Drafter:**

**Effective Date:**

## History of Legislative File

| Ver-<br>sion:                                                                                                                                                                                                                                                                                                                                                                      | Acting Body: | Date:      | Action: | Sent To: | Due Date: | Return<br>Date: | Result: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|---------|----------|-----------|-----------------|---------|
| 1                                                                                                                                                                                                                                                                                                                                                                                  | City Council | 08/27/2012 | Adopt   |          |           |                 | Pass    |
| <b>Action Text:</b> A MOTION was made by Vice President Ware and seconded by Council Member Delgado to TAKE FROM THE TABLE TO Adopt Resolution levying ad valorem taxes on all of the taxable property within the City of Hattiesburg, Mississippi, for the purpose of raising revenue for said City for the fiscal year beginning October 1, 2012, and ending September 30, 2013. |              |            |         |          |           |                 |         |
| Council Vice President Ware clarified that this resolution will not include any millage increase from the City's portion; he said there will be a millage increase for the school district, and applauded the school district for reaching into its reserve funds to shore up its budget.                                                                                          |              |            |         |          |           |                 |         |
| Council President Bradley reiterated that there are no increased taxes from the City of Hattiesburg; he noted that the City has been operating at the same millage for almost 12 years.                                                                                                                                                                                            |              |            |         |          |           |                 |         |
| Following discussion, the Motion received the affirmative vote of the Council as follows:                                                                                                                                                                                                                                                                                          |              |            |         |          |           |                 |         |
| Yeas: 5 - Bradley, Delgado, Carroll, Ware and Naylor                                                                                                                                                                                                                                                                                                                               |              |            |         |          |           |                 |         |
| Nays: 0                                                                                                                                                                                                                                                                                                                                                                            |              |            |         |          |           |                 |         |

Yea: 5    President Bradley  
                 Council Member Delgado  
                 Council Member Carroll  
                 Vice President Ware  
                 Council Member Naylor

TEL-No Vote: 0

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**Text of Legislative File 2012-1090**

Title

TAKE FROM THE TABLE TO Adopt Resolution levying ad valorem taxes on all of the taxable property within the City of Hattiesburg, Mississippi, for the purpose of raising revenue for said City for the fiscal year beginning October 1, 2012, and ending September 30, 2013

Summary

Resolution Levying Ad Valorem Taxes for fiscal year beginning October 1, 2012, and ending September 30, 2013

Budget Information

Expenditure Type

Purchasing Item

Publication Information

**A RESOLUTION LEVYING AD VALOREM TAXES ON  
ALL OF THE TAXABLE PROPERTY WITHIN THE  
CITY OF HATTIESBURG, MISSISSIPPI, FOR THE PURPOSE  
OF RAISING REVENUE FOR SAID CITY OF THE FISCAL YEAR  
BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013**

**WHEREAS**, the governing authorities of the City of Hattiesburg, Mississippi, are required by Section 21-33-45 OF THE Mississippi Code of 1972 at a meeting held in September of each year to levy the municipal ad valorem taxes for the fiscal year next succeeding, and are required to fix this rate or levy for the municipality and the municipal separate school district and to express the rates or levies therefore in mills or a decimal fraction of a mill; and

**WHEREAS**, the governing authorities have fully, carefully and maturely considered the requirements of the various funds of the City of Hattiesburg and of Hattiesburg Municipal Separate School District; and

**WHEREAS**, the Council does now find, determine and adjudge that the tax rates or levies appearing hereinafter for the said City of Hattiesburg, in order to raise funds required to meet the expenses of said City of Hattiesburg and for municipal purposes and the expense of said school district:

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI**, that the following ad valorem tax rates or levies be and the same are hereby fixed, imposed and levied for the current fiscal year 2012-2013 of said City upon said assessed value of all of the taxable property in the City of Hattiesburg, Forrest and/or Lamar Counties, Mississippi, and in said municipal separate school district, as said property is now assessed and listed, and as it may be hereafter assessed and listed upon the assessment rolls of said City of Hattiesburg, as of January 1, 2012, and the said rates or levies expressed in mills or a decimal fraction of a mill and determining the ad valorem taxes to be collected upon each dollar of valuation upon the assessment rolls of the City of Hattiesburg, Mississippi, and upon each dollar or valuation for the municipal separate school district as shown upon the assessment rolls of said City, being fixed, imposed levied as follows, to wit:

TAX LEVY FOR FISCAL YEAR 2012-2013  
CITY OF HATTIESBURG

|                                                                                                                                                                   |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| For General Revenue Purposes and<br>General Improvements:<br>General Fund<br>Section 27-39-307, Code of 1972                                                      | 32.15 Mills                |
| For Parks and Recreation Purposes:<br>Parks and Recreation Fund<br>Section 21-37-43, Code of 1972                                                                 | 2.00 Mills                 |
| For Library Purposes:<br>Library Fund<br>Section 39-3-7, Code of 1972                                                                                             | 1.95 Mills                 |
| For Municipal Bonds and Interest:<br>For General Municipal Bonds and<br>Interest<br>Section 21-33-87, Code of 1972                                                | 7.00 Mills                 |
| For Disability and Relief:<br>For Police and Firemen's Disability And Relief<br>Section 21-29-117, Code of 1972                                                   | 3.82 Mills                 |
| For Hattiesburg Mass Transit System<br>SB No. 2841-MS Legislative Session<br>Of 1975                                                                              | 0.50 Mills                 |
| TOTAL EXCLUSIVE OF SCHOOLS                                                                                                                                        | <u>47.42 Mills</u>         |
| For School Purposes and Maintenance of<br>Schools:<br>District Maintenance                                                                                        | 58.50 Mills                |
| For School Bonds and Interest:<br>For Municipal Separate School District<br>Bonds and Interest Thereon<br>Section 37-59-23 and<br>Section 37-59-107, Code of 1972 | 6.71 Mills                 |
| For School Shortfall Notes:<br>Section 37-57-108                                                                                                                  | 1.02 Mills                 |
|                                                                                                                                                                   | <hr/>                      |
| TOTAL LEVY FOR SCHOOL PURPOSES                                                                                                                                    | <u>66.23 Mills</u>         |
| TOTAL LEVY FOR ALL PUPOSES UPON EACH DOLLAR<br>ASSESSED VALUATION                                                                                                 | <u><u>113.65 Mills</u></u> |

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, and was adopted by the following vote, to-wit:

YEAS:

NAYS:

The President thereby declared the motion carried and the Resolution adopted, this the 27<sup>th</sup> day of August, 2012.

( S E A L )

ATTEST:

ADOPTED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 27<sup>th</sup> day of August, 2012.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

**A RESOLUTION LEVYING AD VALOREM TAXES ON  
ALL OF THE TAXABLE PROPERTY WITHIN THE  
CITY OF HATTIESBURG, MISSISSIPPI, FOR THE PURPOSE  
OF RAISING REVENUE FOR SAID CITY FOR THE FISCAL YEAR  
BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013**

**WHEREAS**, the governing authorities of the City of Hattiesburg, Mississippi, are required by Section 21-33-45 of the Mississippi Code of 1972 at a meeting held in August 2012 to levy the municipal ad valorem taxes for the fiscal year next succeeding, and are required to fix this rate or levy for the municipality and the municipal separate school district and to express the rates or levies therefore in mills or a decimal fraction of a mill; and

**WHEREAS**, the governing authorities have fully, carefully and maturely considered the requirements of the various funds of the City of Hattiesburg and of Hattiesburg Municipal Separate School District; and

**WHEREAS**, the Council does now find, determine and adjudge that the tax rates or levies appearing hereinafter for the said City of Hattiesburg, in order to raise funds required to meet the expenses of said City of Hattiesburg and for municipal purposes and the expense of said school district:

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI**, that the following ad valorem tax rates or levies be and the same are hereby fixed, imposed and levied for the current fiscal year 2012-2013 of said City upon said assessed value of all of the taxable property in the City of Hattiesburg, Forrest and/or Lamar Counties, Mississippi, and in said municipal separate school district, as said property is now assessed and listed, and as it may be hereafter assessed and listed upon the assessment rolls of said City of Hattiesburg, as of January 1, 2012, and the said rates or levies expressed in mills or a decimal fraction of a mill and determining the ad valorem taxes to be collected upon each dollar of valuation upon the assessment rolls of the City of Hattiesburg, Mississippi, and upon each dollar or valuation for the municipal separate school district as shown upon the assessment rolls of said City, being fixed, imposed levied as follows, to wit:

TAX LEVY FOR FISCAL YEAR 2012-2013  
CITY OF HATTIESBURG

|                                                                                                                                                                   |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| For General Revenue Purposes and<br>General Improvements:<br>General Fund<br>Section 27-39-307, Code of 1972                                                      | 32.15 Mills                |
| For Parks and Recreation Purposes:<br>Parks and Recreation Fund<br>Section 21-37-43, Code of 1972                                                                 | 2.00 Mills                 |
| For Library Purposes:<br>Library Fund<br>Section 39-3-7, Code of 1972                                                                                             | 1.95 Mills                 |
| For Municipal Bonds and Interest:<br>For General Municipal Bonds and<br>Interest<br>Section 21-33-87, Code of 1972                                                | 7.00 Mills                 |
| For Disability and Relief:<br>For Police and Firemen's Disability And Relief<br>Section 21-29-117, Code of 1972                                                   | 3.82 Mills                 |
| For Hattiesburg Mass Transit System<br>SB No. 2841-MS Legislative Session<br>Of 1975                                                                              | 0.50 Mills                 |
| TOTAL EXCLUSIVE OF SCHOOLS                                                                                                                                        | <u>47.42 Mills</u>         |
| For School Purposes and Maintenance of<br>Schools:<br>District Maintenance                                                                                        | 58.50 Mills                |
| For School Bonds and Interest:<br>For Municipal Separate School District<br>Bonds and Interest Thereon<br>Section 37-59-23 and<br>Section 37-59-107, Code of 1972 | 6.71 Mills                 |
| For School Shortfall Notes:<br>Section 37-57-108                                                                                                                  | 1.02 Mills                 |
| TOTAL LEVY FOR SCHOOL PURPOSES                                                                                                                                    | <u>66.23 Mills</u>         |
| TOTAL LEVY FOR ALL PURPOSES UPON EACH DOLLAR<br>ASSESSED VALUATION                                                                                                | <u><u>113.65 Mills</u></u> |

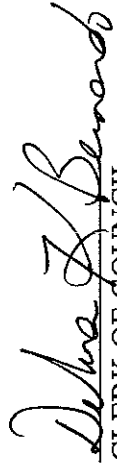
The above and foregoing Resolution, after having been first reduced to writing, was introduced by Councilperson Ware, seconded by Councilperson Delgado and was adopted by the following vote, to-wit:

|       |         |       |      |
|-------|---------|-------|------|
| YEAS: | Bradley | NAYS: | None |
|       | Delgado |       |      |
|       | Carroll |       |      |
|       | Ware    |       |      |
|       | Naylor  |       |      |

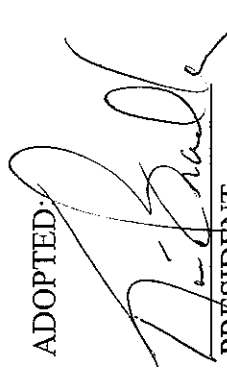
The President thereby declared the motion carried and the Resolution adopted, this the 27<sup>st</sup> day of August 2012.

( S E A L )

ATTEST:

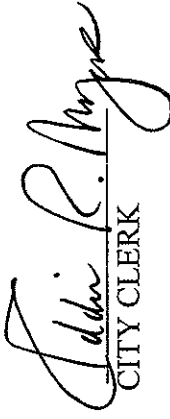
  
CLERK OF COUNCIL

ADOPTED:

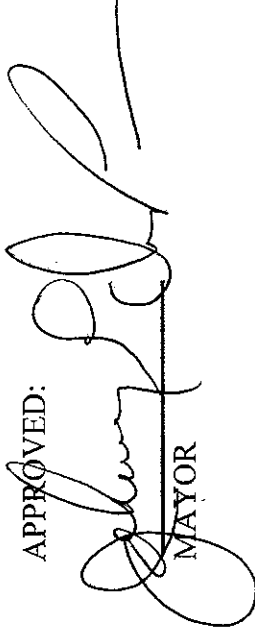
  
PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 27<sup>st</sup> day of August, 2012.

ATTEST:

  
CITY CLERK

APPROVED:

  
MAYOR



# City of Hattiesburg, MS

200 Forrest St.  
P.O. Box 1898  
Hattiesburg, MS 39401

## Master

**File Number: 2012-1088**

**File ID:** 2012-1088

**Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**In Control:** City Council

**File Created:** 08/27/2012

**Brief Title:** Resolution declaring State of Emergency due to Tropical Storm Isaac

**Final Action:** 08/27/2012

**Minute Book Number:** MB 2012-1/293

**Title:**

Adopt Resolution declaring State of Emergency due to Tropical Storm Isaac.

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Resol.State of Emg, Executed Resol.2012-92 State of Emg

**Enactment Number:**

**Contact:**

**Meeting Date:** 08/27/2012

**Drafter:** Marilyn Schwandt

**Effective Date:**

## History of Legislative File

| Ver-<br>sion:                                                                                                                                                                     | Acting Body: | Date:      | Action: | Sent To: | Due Date: | Return<br>Date: | Result: |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|---------|----------|-----------|-----------------|---------|
| 1                                                                                                                                                                                 | City Council | 08/27/2012 | Adopt   |          |           |                 | Pass    |
| <b>Action Text:</b> A MOTION was made by Vice President Ware and seconded by Council Member Delgado to Adopt Resolution declaring State of Emergency due to Tropical Storm Isaac. |              |            |         |          |           |                 |         |
| There being no discussion, the Motion received the affirmative vote of the Council as follows:                                                                                    |              |            |         |          |           |                 |         |
| Yeas: 5 - Bradley, Delgado, Carroll, Ware and Naylor                                                                                                                              |              |            |         |          |           |                 |         |
| Nays: 0                                                                                                                                                                           |              |            |         |          |           |                 |         |
| Yea: 5 President Bradley<br>Council Member Delgado<br>Council Member Carroll<br>Vice President Ware<br>Council Member Naylor                                                      |              |            |         |          |           |                 |         |
| TEL-No Vote: 0                                                                                                                                                                    |              |            |         |          |           |                 |         |

**Text of Legislative File 2012-1088**

**Title**

Adopt Resolution declaring State of Emergency due to Tropical Storm Isaac.

**Summary**

**Budget Information**

**Expenditure Type**

**Purchasing Item**

**Publication Information**

## RESOLUTION DECLARING A STATE OF EMERGENCY

**WHEREAS**, the City of Hattiesburg’s governing authorities recognizes the existence of a possible local emergency occurring as a result of Tropical Storm Isaac on Monday, August 27, 2012; and

**WHEREAS**, the governing authorities of the City of Hattiesburg recognizes that this local emergency means the existence of condition of disaster or extreme peril to the safety of persons and properties within the City limits of the City of Hattiesburg caused by this storm; and

**WHEREAS**, such conditions are beyond the normal control of services, personnel, equipment, and facilities; and

**WHEREAS**, this emergency is a result of a natural disaster resulting in substantial damage, loss of property and harm to the population; and

**WHEREAS**, this natural emergency was caused by a natural event, to wit: a severe storm; and

**WHEREAS**, this Resolution meets those requirements contained in Code Section 33-15-5 of the Mississippi Code of 1972, as annotated and amended; and

**WHEREAS**, in order to carry out the provisions of Code Section 33-15-17, of the Mississippi Code of 1972, as annotated and amended, the City of Hattiesburg, through its governing authorities are acting in accordance with the disaster relief as herein described;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and City Council of the City of Hattiesburg, Mississippi do hereby authorize the appropriate personnel to enter into contracts and incur obligations necessary to combat this disaster, protecting the health and safety of persons and property and providing emergency assistance to the victims of this disaster, and the appropriate personnel are authorized to exercise those powers vested under Mississippi law, in light of the exigencies of the extreme emergency situation, without regard to time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary worker, the rental of equipment, the purchase of supplies and materials and the appropriation and expenditure of public funds as outlined in Mississippi Code Section 33-15-17, sub-paragraph (B), (1972, as amended).

During this emergency, the Mayor is hereby authorized to issue orders or regulations concerning the protection of life and property, including the imposition of a curfew within designated boundaries where necessary to preserve public order and safety. Such orders or regulation will be in writing and terminated in writing. Imposition of a curfew shall not be construed as restricting in any manner the existing authority to impose a curfew pursuant to police power for any other lawful purpose.

Further, the Mayor is authorized to act in accordance with Mississippi Code Section 33-15-49, a copy of which is attached hereto as Exhibit “A”.

Section 1. That public interest and necessity requiring same, this resolution shall become effective immediately.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and was adopted by the following vote, to-wit:

YEAS:

NAYS:

The President thereby declared the motion carried and the resolution adopted, this the 27<sup>th</sup> day of August, 2012.

(SEAL)

ATTEST:

ADOPTED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT

The above and foregoing resolution having been submitted to and approved by the Mayor, this the 27<sup>th</sup> day of August, 2012.

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

\_\_\_\_\_  
MAYOR

## MISSISSIPPI CODE OF 1972

*As Amended*

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### **SEC. 33-15-49. Emergency use of state or local personnel and equipment authorized; limitation of liability.**

In the event an impending enemy attack, an enemy attack, or a man-made, technological or natural disaster occurs within the state or within any portion of it and a proclamation is issued by the office of the governor of the state or the president of the United States declaring such affected areas to be disaster areas, the governing authorities of any county or municipality adversely affected by such disaster may:

- (a) Use county or municipally owned equipment and such public employees as necessary to venture onto private property to aid in removing debris and to prevent further damage to such property at the request of the property owners;
- (b) Use county or municipally owned equipment and such public employees as necessary to venture onto private property to remove debris and to perform any other necessary and needed services to prevent the spread of disease or any other health hazard to the community at large.

If the governing authorities of such adversely affected counties or municipalities are unable to perform such necessary and needed functions with their own equipment and personnel, they may request aid from other counties and municipalities not adversely affected by such impending enemy attack, enemy attack, or man-made, technological or natural disaster, and capable and willing to furnish needed services.

Provided, however, if the governor determines that the governing authorities of such adversely affected counties or municipalities still lack sufficient equipment and personnel under such circumstances to perform such functions, any state agency or instrumentality, when directed by the governor, is authorized to enter upon publicly or privately owned land or water and to use state-owned equipment and state employees as necessary to clear or remove debris and wreckage. Whenever the governor provides for clearance of debris or wreckage pursuant hereto, employees of the designated state agencies or instrumentalities are authorized to enter upon private or public land or water and perform any tasks necessary to the removal or clearance operation. Except in cases of willful misconduct, gross negligence or bad faith, any state employee or agent complying with and performing duties pursuant hereto shall not be liable for death or injury to persons or damage to property.

**SOURCES:** Laws, 1980, ch. 491, Sec. 22, eff from and after passage (approved May 9, 1980).

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## RESOLUTION DECLARING A STATE OF EMERGENCY

**WHEREAS**, the City of Hattiesburg’s governing authorities recognizes the existence of a possible local emergency occurring as a result of Tropical Storm Isaac on Monday, August 27, 2012; and

**WHEREAS**, the governing authorities of the City of Hattiesburg recognizes that this local emergency means the existence of condition of disaster or extreme peril to the safety of persons and properties within the City limits of the City of Hattiesburg caused by this storm; and

**WHEREAS**, such conditions are beyond the normal control of services, personnel, equipment, and facilities; and

**WHEREAS**, this emergency is a result of a natural disaster resulting in substantial damage, loss of property and harm to the population; and

**WHEREAS**, this natural emergency was caused by a natural event, to wit: a severe storm; and

**WHEREAS**, this Resolution meets those requirements contained in Code Section 33-15-5 of the Mississippi Code of 1972, as annotated and amended; and

**WHEREAS**, in order to carry out the provisions of Code Section 33-15-17, of the Mississippi Code of 1972, as annotated and amended, the City of Hattiesburg, through its governing authorities are acting in accordance with the disaster relief as herein described;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and City Council of the City of Hattiesburg, Mississippi do hereby authorize the appropriate personnel to enter into contracts and incur obligations necessary to combat this disaster, protecting the health and safety of persons and property and providing emergency assistance to the victims of this disaster, and the appropriate personnel are authorized to exercise those powers vested under Mississippi law, in light of the exigencies of the extreme emergency situation, without regard to time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary worker, the rental of equipment, the purchase of supplies and materials and the appropriation and expenditure of public funds as outlined in Mississippi Code Section 33-15-17, sub-paragraph (B), (1972, as amended).

During this emergency, the Mayor is hereby authorized to issue orders or regulations concerning the protection of life and property, including the imposition of a curfew within designated boundaries where necessary to preserve public order and safety. Such orders or regulation will be in writing and terminated in writing. Imposition of a curfew shall not be construed as restricting in any manner the existing authority to impose a curfew pursuant to police power for any other lawful purpose.

Further, the Mayor is authorized to act in accordance with Mississippi Code Section 33-15-49, a copy of which is attached hereto as Exhibit “A”.

Section 1. That public interest and necessity requiring same, this resolution shall become effective immediately.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Council member Ware, seconded by Council member Delgado, and was adopted by the following vote, to-wit:

YEAS: Bradley  
Delgado  
Carroll  
Ware  
Naylor

NAYS: None

The President thereby declared the motion carried and the resolution adopted, this the 27<sup>th</sup> day of August, 2012.

(SEAL)

ATTEST:

Debra K. Benson  
CLERK OF COUNCIL

ADOPTED:

Richard Delgado  
PRESIDENT

The above and foregoing resolution having been submitted to and approved by the Mayor, this the 27<sup>th</sup> day of August, 2012.

John F. Naylor  
CITY CLERK

John F. Naylor  
MAYOR