

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF FEBRUARY 28, 2002
recessed from regular meeting conducted on February 22, 2002

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 28th day of February, 2002, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The meeting had previously been recessed from the regular meeting conducted on February 22, 2002 until 9:30 a.m. on February 28, 2002. At 9:30 a.m. on February 28, 2002, a quorum of the Board of Supervisors was not present and Sheriff Toby Trowbridge, pursuant to Section 19-3-23 Mississippi Code Annotated recessed the meeting due to the fact that the law firm of Copeland, Cook, Taylor & Bush, who were to meet with the Supervisors, could not be present until 11:00 a.m. and therefore the Sheriff recessed said meeting until 11:00 a.m. on February 28, 2002. At 11:00 a.m. on February 28, 2002 the following members were present:

Present:

Supervisor W.T. "Bill" Banks
Supervisor Marc Sharpe
Supervisor David H. Richardson
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Mike Crook, Chancery Clerk
George Touart, County Administrator

Absent:

Supervisor Karl M. Banks

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor W.T. "Bill" Banks opened the meeting with a prayer and Supervisor Paul Griffin led the Pledge of Allegiance to the Flag of the United States of America.

**In the Matter of Reviewing an Appraisal
for Two Parcels of Property for Right-of-Way
and Easements**

WHEREAS, Mr. Woody Sample, with Sample & Associates, Inc., Project Administrator on the sewer project for the Nissan suppliers, did appear before the Board of Supervisors and present two appraisals prepared by Randy Wingfield, concerning the property owned by Alice Pike Dear and Susan Stout Hinton; and

WHEREAS, the Board of Supervisors did review said appraisals and determined that the amounts of just compensation stated therein were reasonable, based on data contained in said appraisals, which determined said compensation as follows: Alice Pike Dear - \$3,550.00 and Susan Stout Hinton - \$9,700.00; and

WHEREAS, Mr. Sample also informed the Board of Supervisors that said Board's review of said appraisals would suffice under the requirements of both the State of Mississippi and Federal Uniform Real Estate Acquisition laws in lieu of a review appraisal and that he had reviewed this matter with federal officials prior to presenting it to the Board with the understanding that the Board may be requesting federal funds for said project in the future.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to acknowledge receipt of the above referenced appraisals for property owned by Alice Pike Dear and Susan Stout Hinton and did review said appraisals and concur with the values as stated therein and that said Board further determined that the just compensation due Alice Pike Dear for the right-of-way necessary for said project is \$3,550.00 and that just compensation due Susan Stout Hinton for the right-of-way should be \$9,700.00. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 28th day of February, 2002.

In the Matter of Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion.

Following this discussion and pursuant to the terms of Mississippi Code Annotated Section 25-41-7, as amended, Supervisor W.T. “Bill” Banks offered and Supervisor Paul Griffin seconded the motion to make a closed determination upon the issue of whether or not to declare an Executive Session at approximately 11:45 a.m. for the purpose of discussing leasing of county property with the following persons deemed necessary for discussions, deliberations and recording of such executive session: Members of the Board, the Attorney for the Board, the County Administrator, the Sheriff, Tom Cook and Tom Kirkland. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 28th day of February, 2002.

In the Matter of Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring the Executive Session was had, and Supervisor David H. Richardson, informed the Board that he wished to discuss the leasing of County property and other assets.

Following a brief discussion, Supervisor Paul Griffin did move and Supervisor Marc Sharpe seconded the motion to enter into Executive Session to discuss the leasing of County property and other assets as allowed by law. The vote on said matter was follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried and he declared the Board of Supervisors to be in Executive Session for the consideration of such matters as set forth above on this the 28th day of February, 2002.

President Richardson then reopened the meeting and informed the public of the reason for the Executive Session being taken.

At approximately 12:45 p.m. the Board of Supervisors recessed upon the motion of Supervisor Marc Sharpe and second of Supervisor Paul Griffin until 3:00 p.m. to allow the Supervisors to attend other meetings previously scheduled for that day.

Later that same day, the Board of Supervisors reconvened in Executive Session discussing the terms as outlined above.

No formal action was taken by the Board in Executive Session and after a discussion, and upon a unanimous vote of the Board it was ordered and the President declared the Board to again be “Open Session” to discuss all County business at 4:55 p.m.

**In the Matter of the Authorization of Copeland, Cook,
Taylor & Bush, P.A. to Represent the County in an Action in the
Chancery Court of Madison County, Mississippi, Seeking to
Seal Certain Records Previously Presented to the Board of Supervisors**

WHEREAS, the Board of Supervisors has been informed that a law suit is being, or has been, filed in the Chancery Court of Madison County (the "Litigation") by Madison Health Management Services, LLC ("MHMS"), one of the respondents submitting proposals to the Board of Supervisors in response to the Request for Proposals ("RFP") to Lease the Madison County Medical Center Hospital authorized by the Board on November 16, 2001 (the "Proposal");

WHEREAS, the Litigation asks, or will ask, that financial information relating to certain members of MHMS contained in the Proposal ("Financial Information") remain confidential and be expunged from the Proposal notwithstanding that a request has been filed with the County under the Mississippi Public Access to Public Records Act asking for copies of all proposals submitted in response to the RFP;

Following discussion of this matter, Supervisor Karl M. Banks did move and Supervisor Paul Griffin did second a motion to hire and authorize the law firm of Copeland, Cook, Taylor & Bush, P.A. ("Firm") to represent the County in the Litigation under the same terms and conditions and hourly rates as set forth in the Firm's July, 2001 agreement with the County, having found that said services were necessary and in the best interest of the citizens of Madison County, Mississippi, for the Firm to represent Madison County in the Litigation, and further authorize the Firm to join in the relief sought by MHMS in the Litigation. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 28th day of February, 2002.

**In the matter of the Authorization
of the Clerk to issue a check for Postage
for the Madison County Tax Collectors Office**

RESOLUTION

WHEREAS, the Chancery Clerk, Mike Crook, requested approval from the Board of Supervisors to issue funds from the budget of the Madison County Tax Collector's Office in the amount of \$5,000.00 to the United States Postal Service for postage for the operation of the Tax Collectors Office;

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to immediately pay the sum of \$5,000.00 from the budget of the Madison County Tax Collector to the United States Postal Service for postage for the operation of said Tax Collectors Office.

After discussion on the matter, Supervisor Karl M. Banks offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor W.T. "Bill" Banks. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 28th day of February, 2002.

**In the Matter of the Approval of Travel for Certain
Members of the Madison County Board of Supervisors,
The County Administrator and Mr. Rudy Warnock**

RESOLUTION

WHEREAS, the Madison County Board of Supervisors has previously approved travel to Washington D.C. for Supervisors Paul Griffin, Marc Sharpe and W. T. "Bill" Banks, and for the County Administrator, George Touart, and for County Employee, Rudy Warnock, for the purposes of meeting with the Mississippi Congressional delegation and staff to obtain additional funding for infrastructure needs in association with the Nissan Development in Madison County; and

WHEREAS, the Board desires to further authorize said members and employees to receive a sum of money up to \$500.00, prior to such travel, for the purposes of paying necessary expenses incurred during such travel, provided that said members and employees, upon their return, provide receipts of their transportation, lodging, meals, fees and any other expenses incurred through the use of said funds during their travel and provided that any portion of the funds advanced, which is not used or expended, be returned by said member or employee; and

WHEREAS, the Board does hereby acknowledge that the County Administrator, George Touart, has used his personal credit card to obtain hotel reservations for the group, totaling the sum of \$3,420.10 and that he should be reimbursed by the clerk for said funds upon producing a copy of his statement for said charges.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that said Board does hereby adopt the findings in the preamble hereto and does authorize said above named members and employees to receive a sum of money up to \$500.00, prior to such travel, as set forth above, for the purposes of paying necessary expenses incurred during such travel, provided that said members and employees, upon their return, provide receipts of their transportation, lodging, meals, fees and any other expenses incurred through the use of said funds during their travel and provided that any portion of the funds advanced, which is not used or expended, be returned by said member or employee and that since the County Administrator, George Touart, has used his personal credit card to obtain hotel reservations for the group, totaling the sum of \$3,420.10, that he should be reimbursed by the clerk for said funds upon his producing a copy of his statement for said charges in said amounts, as provided for by sections 19-3-67 and 25-3-41, Mississippi Code Annotated and that the clerk should include these funds in the summary publication proceedings of the board as required by law.

After discussion on the matter, Supervisor Karl M. Banks offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor W.T. "Bill" Banks. The question being put to a roll call vote, the result was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The Motion having received the affirmative vote of the majority of the Board members present, the President declared the Motion carried and the Resolution duly adopted, this the 28th day of February, 2002.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, MS, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor Marc Sharpe and approved by unanimous vote of all those present, the meeting of the Board of Supervisors was adjourned.

David H. Richardson, President