

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

SPECIAL CALLED MEETING OF JANUARY 31, 2005  
Occurring During the January, 2005 Term

BE IT REMEMBERED that a special called meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 31, 2005, in Courtroom #2 of the Madison County Circuit Courthouse and thereafter recessed to the Law Library of said Courthouse in Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. Paul Griffin, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Tim Johnson  
Supervisor Douglas L. Jones  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Chancery Clerk Arthur Johnston

Absent:

Supervisor Andy Taggart<sup>1</sup>

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
Board Secretary Cynthia Parker  
Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. The President stated the purpose of the instant meeting, and decreed that sufficient notice had been given, the same having been posted at the courthouse door for at least five days in accordance with Miss. Code Ann. § 19-3-19 (1972). The President then directed that the Clerk enter said notice in full on the Minutes hereof, the same being attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference. County Administrator Donnie Caughman offered a prayer and Comptroller Mark Houston led the members and audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Payments in Lieu of Tax Obligation of Nissan  
North America, Inc. and Related Entities***

**ORDER PROVIDING FOR THE PAYMENT AND DISTRIBUTION OF  
PAYMENT IN LIEU OF TAXES TO BE RECEIVED  
FROM NISSAN NORTH AMERICA, INC. AND FOR RELATED PURPOSES**

WHEREAS, on November 8, 2000 Madison County, together with the State of Mississippi, the City of Canton, Mississippi, and numerous other governmental bodies entered into a certain Memorandum of Understanding ("MOU") with Nissan North America, Inc., commonly known as the "Delta I" MOU, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, heretofore Madison County entered into an "Agreement to Make Payments in Lieu of Ad Valorem Taxes" (hereinafter, "PILOT Agreement") dated April 23, 2003, said

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<sup>1</sup>Because of the short notice of this meeting, Supervisor Andy Taggart was unable to attend due to a previously scheduled out of town commitment.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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PILOT Agreement having been approved by the Madison County Board of Supervisors on March 21, 2003, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, on June 2, 2004 Madison County received the sum of \$200,000 from Nissan North America, Inc. as an "early remittance" of its 2004 payment in lieu of tax (hereinafter "PILOT") obligation and, on December 3, 2004, received a second "early remittance" in the amount of \$600,000, both "early remittances" having been made pursuant to Section 6, paragraph (b) of the aforesaid PILOT Agreement, and

WHEREAS, Nissan North America, Inc. shall be and is hereby given due and proper credit for said sums in accordance with said PILOT Agreement, and Nissan North America, Inc. stands ready, willing, and able to make the remainder of its 2004 payment in lieu of taxes pursuant to said PILOT Agreement, and

WHEREAS, the Board finds it necessary, pursuant to Miss. Code Ann. § 27-31-104, to (1) establish the amount due from Nissan North America, Inc. in satisfaction of its PILOT obligation for 2004, and (2) provide for the payment, distribution, and apportionment of such sums as shall be remitted from Nissan North America, Inc. and related entities in satisfaction thereof,

WHEREFORE, PREMISES CONSIDERED, and pursuant to the provisions of Miss. Code Ann. § 27-31-104, and upon the advice of counsel, the Board of Supervisors of Madison County, Mississippi does find and order as follows:

1. That, based on statutory authority set forth in Miss. Code Ann. § 27-31-104, Nissan North America, Inc. has been granted a ten-year exemption from ad valorem taxation pursuant to Section 1.3(d)(i) of the "Delta I" MOU.
2. That, in exchange for said exemption, Nissan North America, Inc. is obligated to make annual payments in lieu of taxes to Madison County, and that such payments in lieu of taxes are fee payments, not ad valorem taxes or taxes of any other nature.
3. That the Madison County Board of Supervisors has the authority, pursuant to Miss. Code Ann. § 27-31-104, to determine the amount of the payment in lieu of taxes owed by Nissan North America, Inc. and to apportion said amount between Madison County and the Canton Public School District as directed in said code section and pursuant to the "Delta I" MOU and the PILOT Agreement.
4. That the Tax Assessor of Madison County has prepared and submitted to the Madison County Board of Supervisors a calculation of the amount owed by Nissan North America, Inc. as its payment in lieu of taxes for 2004, which calculation is attached hereto as Collective Exhibit A, spread hereupon and incorporated herein by reference and which is summarized as follows, to-wit:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_