

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

REGULAR MEETING OF SEPTEMBER 29, 2008
Recessed from regular meeting conducted on September 15, 2008

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 29, 2008, in the Board Room on the first floor of the new addition to the Chancery and Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor John Bell Crosby
Supervisor D. I. Smith
Supervisor Paul Griffin
Supervisor Karl M. Banks
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

Supervisor Tim Johnson

Also in attendance:

County Administrator Donnie Caughman
Deputy Chancery Clerk and County Comptroller Mark Houston
County Purchase Clerk Hardy Crunk
Board Secretary Cynthia Parker
Board Attorney Eric Hamer
John Granberry, on behalf of County Engineer Rudy Warnock
County Road Manager Lawrence Morris
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green
County Fire Coordinator Mack Pigg

Special Guest:

Hon. Pat Truesdale, Election Commissioner

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Assistant County Comptroller and Deputy Chancery Clerk Quandice Green opened the meeting with a prayer and County Comptroller Mark Houston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Consent Agenda Items

WHEREAS, the Board Vice President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (1) through (8) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board Vice President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

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Therefore, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to take the following actions on the Consent Agenda:

1. **Approve and Adopt the Recommendation of the Bid Opening Committee Regarding the Sale of County Property Highway 463 to Take the Same Under Advisement**
(A true and correct copy of said Recommendation is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
2. **Approve Use of Voting Booths for Mock Election by Canton Public School District**
(A true and correct copy of explanatory correspondence provided by the Canton Public School District is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Authorize and Approve the Annual Maintenance Agreement for Jail Management Software with DCS of Ladson, South Carolina in the Amount of \$24,884.50**
(A true and correct copy of said Agreement is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
4. **Acknowledge Receipt of the Report of the Madison County Grand Jury**
(A true and correct copy of said Report is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
5. **Approve and Authorize all Clerks of Court in Madison County to Assess and Collect a Local Government Records Fee of \$1.00 for Each Initial Court Filing which Otherwise Carries a Filing Fee, Effective October 1, 2008**
(In accordance with that certain Opinion of the Attorney General dated September 5, 2008, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
6. **Approve Inter-fund Loan Reclassification**
(As set forth in that certain one-page document entitled "Madison County Interfund Loan Reclassification FYE September 30, 2008," a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
7. **Declare Certain Inventory Items as Surplus and Authorize Inventory Clerk to Properly Dispose and Re-instate Two Items Previously Removed from Inventory**
(As requested in that certain Memorandum dated September 23, 2008 from Inventory Clerk Loretta D. Phillips, a true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
8. **Approve Phone Switch Maintenance Contracts and Authorize Board President to Execute Same**
(True and correct copies of said Contracts are attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present, and each item was and is approved, adopted and authorized.

SO ORDERED this the 29th day of September, 2008.

President's Initials: _____

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In re: Approval of Claims Docket for September 29, 2008

WHEREAS, the Board reviewed the claims docket for September 29, 2008; and

WHEREAS, the Chancery Clerk and the Comptroller did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	4471 to 4483, 4489 to 4491	16	13,443.22
051	32 to 33	2	97,800.91
105	39 to 39	1	22,009.95
113	20 to 21	2	35,448.20
150	851 to 854	4	25,655.87
160	290 to 292	3	3,567.02
302	99 to 99	1	14,475.66
TOTAL ALL FUNDS		29	212,400.83

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to adopt and approve said Claims Docket as presented. Said motion directed that invoice numbers should be attached to each claim on the Claims Docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit I spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 29th day of September, 2008.

In the Matter of Amending the Budget for the Current Fiscal Year

WHEREAS, County Comptroller and Deputy Chancery Clerk Mark Houston appeared before the Board of Supervisors and presented a budget update together with certain budget amendments for FY 2008 and requested that the Board of Supervisors amend the current fiscal year budget and accept the amended budget as presented, and

WHEREAS, a printout reflecting amended budget receipts and amended budget expenditures is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

Following discussion of this matter, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to amend the current fiscal year budget to include actual expenditures incurred

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as of September 29, 2008 and to accept and approve the same as the Clerk of the Board Report for the month of September, 2008. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the aforesaid amendment budget was and is hereby approved and said budget was and is hereby accepted as the Clerk of the Board Report for the month of September, 2008.

SO ORDERED this the 29th day of September, 2008.

***In re: Fixing of Lien Amounts as Allowed by
Miss. Code Ann. § 19-5-105 for Cleaning Assessments
Previously Levied by the Board***

Following discussion, and at the recommendation of the Chancery Clerk, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to adopt and enter the following Order, to-wit:

**ORDER BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

WHEREAS, after issuing the notices required by Miss. Code Ann. § 19-5-105, on July 25, 2005 and September 6, 2005, the Madison County Board of Supervisors held a hearing and declared, on its own motion, that the parcels set forth herein below were in a state of uncleanliness as to be a menace to the public health and safety of the community, authorized the cleaning thereof, and directed the imposition of a lien on said properties in such amounts as would represent the actual cost of said cleaning, and

WHEREAS, the Madison County Road Department did thereafter perform cleaning and demolition work on said properties, incurring the following costs, inclusive of a \$3,000.00 invoice submitted by Canton Municipal Utilities representing the cost of disconnecting electric, gas, water and sewer lines to said properties which sum is prorated among all properties, to wit:

OWNER	PARCEL	AMOUNT
Jamie Lee and Mary Lee George Estate	093D-17C-98/00.00	\$2,581.00
Cleophus Meeks	093D-17C-36/00.00	\$8,575.00
Minnie B. Moore	093D-17C-17/00.00	\$2,800.00
Harvey C. Smith	093D-17C-73/00.00	\$2,135.00
L. C. Myers	093D-17C-60/00.00	\$2,135.00
Elary and Estaella Potts	093D-17C-57/00.00	\$2,135.00
Elary and Estaella Potts	093D-17C-69/00.00	\$2,135.00
Edward D. and Maxine P. Lindsey	093D-17C-99/00.00	\$4,771.00
Cleophus Meeks	093D-17C-101/00.00	\$4,771.00
Monnnie C. Anders	093D-17C-124/04.00	\$4,771.00

IT IS THEREFORE ORDERED AND ADJUDGED THAT

- (1) the foregoing sums represent the cost of said cleaning;
- (2) the same be and they are hereby established as a lien on said properties as allowed by Miss. Code Ann. § 19-5-105;

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(3) The Circuit Clerk be and she is hereby ordered to enroll the same in the Judgment Roll of Madison County and index the same under the names of each of the above listed landowners, there to remain until satisfied; and

(4) The Tax Collector be and she is hereby ordered to sell said land to satisfy said lien at the next tax sale.

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Order was and is hereby adopted and entered.

SO ORDERED AND ADJUDGED this the 29th day of September, 2008.

In re: Approval of Memorandum of Understanding Between Madison County and City of Madison for Solid Waste Collection Services

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain Memorandum of Understanding Between Madison County and the City of Madison for Solid Waste Collection Services (MOU), a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said MOU as presented. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1) of the Board and said MOU was and is hereby approved.

SO ORDERED this the 29th day of September, 2008.

In re: Authorization for Board Attorney to Assist West Madison Utility District with Regard to Legal Discrepancies in Engineering Contracts and Fees

At the request of Mr. Nate Johnson, a member of the Board of the West Madison Utility District, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize and direct the Board Attorney to assist the District and its Board in sorting out certain legal discrepancies in engineering contracts and fees. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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the matter carried by the unanimous vote of those present and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 29th day of September, 2008.

In re: Review of Burns Cooley Dennis Proposed Rate Increases

WHEREAS, Mr. John Granberry, on behalf of County Engineer Rudy Warnock did appear before the Board and presented certain correspondence dated September 22, 2008 from R. C. Ahlrich, a principal in the firm of Burns Cooley Dennis requesting the Board's approval of an amendment to the county's general services contract with said firm to reflect the firm's 2008 fee schedule, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct the Board Attorney to review the same and present a recommendation to the Board in the October 2008 term. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board Attorney was and is so authorized.

SO ORDERED this the 29th day of September, 2008.

In re: Approval of Amendment to Debris Management Plan for Madison County Pertaining to W. S. "Red" Hancock, Inc.

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and presented a letter dated September 2, 2008 from W. S. "Red" Hancock, Inc. setting forth certain prices to be charged in the event said firm is utilized for emergency clean up and debris management pursuant to the county's Debris Management Plan previously adopted on July 7, 2008, and

WHEREAS, said letter setting forth said prices is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge and approve said prices. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said prices were and are hereby acknowledged and approved.

SO ORDERED this the 29th day of September, 2008.

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Date Signed: _____

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***In re: Approval of Contract with Dirtworks, Inc. of Vicksburg
Regarding the Construction of the Gluckstadt Elementary School Turning Lanes***

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and presented a contract with Dirtworks, Inc. of Vicksburg and requested Board approval thereof,

WHEREAS, a true and correct copy of said contract is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said contract and authorize and direct the County Administrator to execute the same upon review and approval thereof by the Board Attorney and the County Administrator. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said contract was and is hereby approved subject to review by the Board Attorney and the County Administrator as aforesaid.

SO ORDERED this the 29th day of September, 2008.

***In re: Acknowledgment of Receipt of Funds for
Housing Prisoners and Acknowledgment of Donation to Sheriff's Department***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks representing funds received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
Valley Foods	\$ 2,093.89
City of Ridgeland	\$ 6,894.00
City of Madison	\$ 3,954.00
State of Mississippi	\$29,769.17
U. S. Marshal's Service	\$96,920.00
Proceeds from August DUI grant	\$ 2,748.49

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said checks. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the checks were and are hereby acknowledged.

SO ORDERED this the 29th day of September, 2008.

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In re: Authorization of Supervisor Karl M. Banks to Execute Grant Documents and Appointment of Committee to Study Renovations and Improvements Needed at Jail

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and reported that Supervisor Karl M. Banks' signature was needed on certain documents pertaining to the receipt of grant funds administered by the Division of Public Safety Planning Office of Justice Programs, Mr. Banks having served as Acting Board President during the absence of both the President and the Vice President when initial grant documents were approved and executed, and

WHEREAS, Sheriff Trowbridge addressed the matter of improvements needed to the county jail as set forth in that certain Order of the United States District Court for the Northern District of Mississippi, in Cause No. 4:71cv6-JAD, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) authorize Supervisor Karl M. Banks to execute all necessary documents associated with said grant program and (2) appoint a committee comprised of the County Administrator, the Sheriff, the Chancery Clerk, Supervisor Paul Griffin, Supervisors D. I. Smith, and Board Attorney Eric Hamer to serve as a working task force to make recommendations to the Board on addressing issues associated with the Jail. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Banks was and is so authorized and said individuals were and are so appointed.

SO ORDERED this the 29th day of September, 2008.

In re: 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 to ascertain whether an Executive Session was needed as to certain personnel matters and,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing pending and threatened litigation, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials: _____

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the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 29th day of September, 2008.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that matters pertaining to pending and threatened litigation were properly the subject of executive session,

Following a discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss pending or threatened litigation as provided by law. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Vice President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 29th day of September, 2008.

In re: Authorization to Settle Certain Items of Pending and Threatened Litigation

WHEREAS, Board Attorney Eric Hamer appeared before the Board in Executive Session and reported on two items involving litigation or threatened litigation against the county, and

WHEREAS, Mr. Hamer reported that the first item pertained to certain correspondence he had received from counsel for Bear Creek Water Association concerning Bear Creek's claim that it was entitled to remuneration from the county relative to the cost of moving certain water lines to accommodate the widening of Gluckstadt Road, and

WHEREAS, in particular, Mr. Hamer noted that even though (a) a search of public records did not reveal some of Bear Creek's easements, and (b) Bear Creek was intending to remove said lines and replace them with larger lines anyway, because the county had taken the property and would have to dig up Bear Creek's line, Bear Creek was likely due compensation,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize and direct the Board Attorney to offer up to a sum certain unto Bear Creek Water Association in settlement of said claim. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and Mr. Hamer is so authorized.

SO ORDERED this the 29th day of September, 2008.

Thereafter, Mr. Hamer reminded the Board that he had been previously authorized to institute eminent domain proceedings in the nature of a “quick take” against the owner of a certain parcel of land in the Lake Caroline Planned Unit Development for purposes of erecting a fire station. Mr. Hamer reported that as a result of that authority, he and Supervisor Karl M. Banks have had discussions with the owner of said property in an effort to avoid such litigation. Mr. Hamer reported that the owner may be willing to accept a sum certain for the acquisition by the county of said parcel and to avoid the cost and expense of litigation.

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize and direct the Board Attorney to offer up to a sum certain unto said property owner in order to avoid eminent domain litigation, settle the owner’s claim for compensation, and acquire the property in question. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Hamer was and is so authorized.

SO ORDERED this the 29th day of September, 2008.

In re: Adjournment of Executive Session

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 29th day of September, 2008.

President’s Initials: _____

Date Signed: _____

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of Board members present, the September 2008 term of the Board of Supervisors was adjourned.

Paul Griffin, Vice President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____