

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

REGULAR MEETING OF FEBRUARY 20, 2004
Recessed from regular meeting conducted on February 13, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on February 20, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, Douglas L. Jones, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Douglas L. Jones
Supervisor Tim Johnson
Supervisor Andy Taggart
Supervisor Paul Griffin
Supervisor Karl M. Banks
Chancery Clerk Arthur Johnston
Circuit Clerk Lee Westbrook
Sheriff Toby Trowbridge

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Engineer Mike McKenzie
State Aid and LSBP Engineer Rudy Warnock
County Zoning Administrator Brad Sellers
Board Attorney Edmund L. Brunini, Jr. and Lisa Usry

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Mr. William Bassett of AMR Ambulance Service opened the meeting with a prayer and State Aid and LSBP Engineer Rudy Warnock led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Authorization for Juvenile Accountability
Incentive Block Grant***

WHEREAS, County Judge Bill Agin did appear before the Board asking that the County submit a request for and receive the county's allocation from the Juvenile Accountability Incentive Block Grant program, and

WHEREAS, Judge Agin did also request that the Board President execute that certain Response Form for Counties, a copy of which may be found in the Miscellaneous Appendix to these Minutes.

Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to submit a request for and to receive the county's allocation from the Juvenile Accountability Incentive Block Grant Program and to authorize the Board President to execute that certain Response Form for Counties, a copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the Board President was and is so authorized.

SO ORDERED this the 20th day of February, 2004.

***In re: Proposal for Telephone Service
by eXpetel***

WHEREAS, Ms. Valerie Parsons with eXpetel did appear before the Board explaining that her firm would be able to save the county several thousands of dollars per month in telephone and telephone-related charges through arrangements her firm is able to make with providers, and

WHEREAS, Ms. Parsons indicated that her firm would be willing to agree that if at the end of the contract period any other provider offered a lower price for services, her firm would match it, and

WHEREAS, a copy of said proposal may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to take the eXpetel proposal under advisement for further consideration and recommendation by the County Administrator. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the aforesaid eXpetel proposal was and is hereby taken under advisement for further consideration and recommendation by the County Administrator.

SO ORDERED this the 20th day of February, 2004.

***In re: Security at St. Matthews United Methodist Church
Voting Precinct***

WHEREAS, County Administrator Donnie Caughman did inform the Board that he had received a request from St. Matthews United Methodist Church to have a uniformed officer on site for primary elections in March for security purposes.

Following discussions, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize County Administrator Donnie Caughman to send a letter to the Pastor at St. Matthews United Methodist Church informing him that Mr. Sid Spiro would be a bailiff at the church during primary elections in March. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and Mr. Caughman was and is so directed.

SO ORDERED this the 20th day of February, 2004.

In re: Approval of New Voting Precinct at Cedar

Grove Baptist Church

WHEREAS, County Administrator Donnie Caughman did inform the Board that Cedar Grove Baptist Church has requested to become a new voting precinct in District 5, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did inform the Board that he had reviewed the agreement and offered certain changes thereto, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to approve the request and to authorize the Board President to sign the Voting Precinct Agreement with Cedar Grove Baptist Church as prepared by the Board Attorney. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the Board President was and is so authorized.

SO ORDERED this the 20th day of February, 2004.

In re: Consideration of En Masse Petitions for Reduction in Assessment of Real and Personal Property Taxes (SB82 Forms)

WHEREAS, Tax Assessor Gerald Barber did appear before the Board and presented petitions for the reduction of assessment of personal property and real property taxes in the total amount of \$1,000,870 (\$399,088 of which represents reductions in assessment of personal property, and \$601,782 of which represents reductions in assessment of real property), which petitions, together with their respective spreadsheet attachments are attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the reduction in tax assessments as requested by the taxpayers listed on, and in the amounts and for the reasons as set forth in, the aforesaid Exhibit. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said reduction in tax assessments as presented by the Tax Assessor was and is hereby approved.

SO ORDERED this the 20th day of February, 2004.

In re: Appointment of Luke Gordon as County Patrol Officer

WHEREAS, Donnie Caughman did appear before the Board and did request that E911 Director Luke Gordon be appointed as County Patrol Officer under Section 45-7-1, Mississippi Code of 1972, Annotated.

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to appoint Luke Gordon as County Patrol Officer at no additional compensation. The vote on the

matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and Mr. Gordon was and is so appointed.

SO ORDERED this the 20th day of February, 2004.

In re: Appointment of Luke Gordon as Homeland Security Director

WHEREAS, Donnie Caughman did appear before the Board and did request that E911 Director Luke Gordon be appointed as Homeland Security Director.

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to appoint Luke Gordon as Homeland Security Director at no additional compensation. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and Mr. Gordon was and is so appointed.

SO ORDERED this the 20th day of February, 2004.

In re: Naming John-Bennie Smith Drive as a Private Drive

WHEREAS, E911 Director Luke Gordon did request that the Board approve the naming John-Bennie Smith Drive as a private road, and

WHEREAS, the Board is of the opinion that in the future Mr. Gordon should have full authority to designate private roads,

Following discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to declare John-Bennie Smith Drive a private road and to give Mr. Gordon full authority to designate such roads in the future. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said road was and is declared a private road and Mr. Gordon was and is so empowered.

SO ORDERED this the 20th day of February, 2004.

***In re: Salary Increases for Madison County
Economic Development Authority Staff***

WHEREAS, Donnie Caughman did appear before the Board with a request from the Madison County Economic Development Authority to increase the salaries of Joy Foy and Jerry Acy, and Larry Mobley,

Following lengthy discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second an amended motion to deny said request for raises. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said request was and is hereby denied.

SO ORDERED this the 20th day of February, 2004.

***In re: Authorization of County Administrator
to Insure all County Computerized Data, Including
Data Maintained, Managed and Overseen by
the Madison County Economic Development
Authority is Backed Up and Secured***

WHEREAS, County Administrator Donnie Caughman did present to the Board his concern that certain computerized information, namely the data maintained, managed and overseen by the Madison County Economic Development Authority has not been and was not being properly backed-up and secured, and

WHEREAS, the Board is of the opinion that all county computerized data should be backed-up regularly and stored in a secure format and location and that all county offices, including the office of the Madison County Economic Development Authority should cooperate in this endeavor,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to take whatever means necessary to insure that computerized information maintained by all county agencies are appropriately, timely and securely backed-up to insure retrieval thereof in the event of catastrophe. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the County Administrator was and is so instructed.

SO ORDERED this the 20th day of February, 2004.

***In re: Petition of APAC of Mississippi, Seeking
a Special Exception to Conduct a Surface
Mining Operation in an A-1 Agricultural District***

WHEREAS, the Board, in its meeting of January 30, 2004, did grant a special exception unto APAC Mississippi to conduct surfacing mining operations on certain property in District 3, subject to restrictions which were to be reduced to writing at a later date, and

WHEREAS, Mr. Andy Taggart did report to the Board that he, the Board Attorney and counsel for various concerned citizens, together with counsel for APAC of Mississippi and the property owners themselves had drafted an Ordinance establishing such restrictions, requirements and conditions for surface mining thereon, and

WHEREAS, said Ordinance, captioned "Guidelines, Limitations and Restrictions for Surface Mining Project," is attached as Exhibit B, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to adopt said Ordinance. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the Ordinance was and is so adopted.

SO ORDERED this the 20th day of February, 2004.

***In re: Acquisition of Easements
Along Reunion Parkway***

WHEREAS, County Engineer Mike McKenzie did appear before the Board desiring the Board's approval to authorize Mr. Woody Sample of Sample and Associates to accept, on behalf of the county, the donation of an easement in fee simple along Reunion Parkway from Dr. S. L. Sethi, and

WHEREAS, Mr. McKenzie did also recommend that the Board give Chancery Clerk Arthur Johnston authority to advertise for bids on the project as they may pertain to the acquisition of a means of ingress and egress from and to the new Madison Station Elementary School without further action by the Board in order to avoid any further delay,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize Mr. Sample to accept said donation of an easement in fee simple from Dr. S. L. Sethi along the Reunion Parkway and to authorize Chancery Clerk Arthur Johnston to advertise for bids on the project without further action of this Board. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye ¹
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and Mr. Sample and Mr. Johnston were and are hereby so authorized.

SO ORDERED this the 20th day of February, 2004.

In re: Approval of Certain Utility Permits

WHEREAS, County Engineer Mike McKenzie did appear before the Board of

¹After casting his vote on this matter, Mr. Johnson excused himself from the meeting.

Supervisors requesting approval of permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and

WHEREAS, said permits were as follows:

- (1) Entergy - Seeking to install a utility facility on Yandell Road
- (2) Entergy - Seeking to install a utility facility on Stribling Road
- (3) Time Warner Cable - Seeking to install a utility facility on South Glenn Road

WHEREAS, a true and correct copy of each of the above and foregoing applications may be found in the Miscellaneous Appendix to these Minutes,

Following discussion thereon, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to approve said permit applications and to authorize the Board President to execute the same. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said permit applications were and are hereby approved and the Board President was and is so authorized.

SO ORDERED this the 20th day of February, 2004.

***In re: Approval of Contract for State Aid Project
BR 45(15)S***

WHEREAS, State Aid and LSBP Engineer Rudy Warnock did appear before the Board and presented a Contract for State Aid Project SAP 45(15)S for approval together with an Order thereon, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference, and

WHEREAS, said project involves the resealing of in excess of 46 miles of roadway which is the subject of an inter-local agreement with Yazoo County,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve to ratify the reseal project, the same bearing State Aid Project # SAP-45(15)S. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye ²
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the project was and is hereby approved.

SO ORDERED this the 20th day of February, 2004.

***In re: Approval of Inter-local Agreement
Between Madison County and Yazoo County***

²Prior to the call of the question, Mr. Johnson returned to the meeting.

Pertaining to State Aid Project SAP-45(15)S

WHEREAS, Rudy Warnock, State Aid Engineer did appear before the Board and requested the approval of that certain Inter-local Agreement between Madison County and Yazoo Counties, Mississippi pertaining to State Aid Project SAP-45(15)S, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did advise that he reviewed the same, made certain changes thereto and did now recommend approval of the same, and

WHEREAS, a true and correct copy of said Inter-local Agreement is attached hereto as Exhibit D, spread hereupon, and incorporated herein by reference,

Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve the same and authorize the Board President to execute the same on behalf of the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the aforesaid Inter-local Agreement was and is hereby approved and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 20th day of February, 2004.

In re: Authorization of Board Attorney to Review Contracts, Requests and all Other Documents Pertaining to State Aid Project BR 45 (23)B (Sharon Road Project)

WHEREAS, the Board is desirous that its attorney review all documentation pertaining to State Aid Project BR 45 (23) B (Sharon Road Project),

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to authorize the Board Attorney to review the contracts, requests and all other documents pertaining to State Aid BR45(23)B Project. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the Board Attorney was and is so authorized.

SO ORDERED this the 20th day of February, 2004.

In re: Adoption of a Resolution Authorizing an Analysis of the Outstanding Indebtedness of the County

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "County"), took up for consideration the matter of authorizing an analysis of the outstanding indebtedness of the County to determine the feasibility of issuing general obligation refunding bonds for the purpose of providing debt service savings for the County, and approving the employment of professionals regarding such analysis and the issuance of general obligation refunding bonds of the County to accomplish such purposes. After a discussion of the subject, Supervisor Paul Griffin offered and moved

the adoption of the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY"), TO AUTHORIZE THE ANALYSIS OF THE OUTSTANDING INDEBTEDNESS OF THE COUNTY TO DETERMINE THE FEASIBILITY OF REFUNDING OR RESTRUCTURING ALL OR ANY PORTION OF SUCH INDEBTEDNESS TO PROVIDE DEBT SERVICE SAVINGS TO THE COUNTY; TO APPROVE THE EMPLOYMENT OF CERTAIN PROFESSIONALS TO PERFORM SAID ANALYSIS AND TO PREPARE THE NECESSARY DOCUMENTS NECESSARY IN CONNECTION WITH THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY TO RAISE MONEY FOR THE PURPOSE OF REFUNDING ALL OR ANY PORTION OF SUCH INDEBTEDNESS OF THE COUNTY; AND FOR RELATED PURPOSES.

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Governing Body" of the "County"), hereby finds, determines, adjudicates and declares as follows:

The Governing Body desires to (i) analyze the outstanding indebtedness of the County to determine the feasibility of refunding certain portions or all of the outstanding indebtedness of the County to provide debt service savings to the County, and (ii) to authorize the issuance of general obligation refunding bonds of the County to provide funds to effectuate such refunding.

It is necessary and in the public interest for the County to issue a general obligation refunding bond under authority of Sections 31-15-1 et seq., and/or Sections 31-27-1 et seq., of the Mississippi Code of 1972, as amended.

That in order to analyze the outstanding indebtedness of the County and to prepare the necessary offering documents to effectuate the issuance of general obligation refunding bonds of the County, it is in the best interest of the County to authorize the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Jackson, Mississippi, as Bond Counsel, Holley, Grubbs, Mitcham & Phillips, Jackson, Mississippi, as the County's Financial Advisor, and Brunini, Grantham, Grower & Hewes, PLLC, Jackson, Mississippi, as counsel to the County, (i) to analyze the outstanding indebtedness of the County to determine the feasibility of refunding a portion of or all of such indebtedness to provide debt service savings to the County, and (ii) to prepare and distribute all necessary documents and to do all things required in order to sell general obligation refunding bonds of the County and to effectuate the issuance of such general obligation refunding bonds by the County at a subsequent date subject to the approval of the Governing Body of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE COUNTY, AS FOLLOWS:

The Governing Body hereby authorizes the analysis of the County's outstanding indebtedness and the issuance of general obligation refunding bonds to effectuate the refunding of such indebtedness determined to be beneficial to the County.

The Governing Body herein employs the law firms of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Jackson, Mississippi, as Bond Counsel, Holley, Grubbs, Mitcham & Phillips, Jackson, Mississippi, as the County's Financial Advisor, and Brunini, Grantham, Grower & Hewes, PLLC, Jackson, Mississippi, as counsel to the County, (i) to analyze the outstanding indebtedness of the County to determine the feasibility of refunding a portion of or all of such indebtedness to provide debt service savings for the County, and (ii) to prepare and distribute all necessary documents and to do all things required for the sale of general obligation refunding bonds of the County, including, without limitation, the distribution of

preliminary official statements of the County regarding the sale of such general obligation bonds of the County, and to effectuate the issuance of such general obligation refunding bonds at a subsequent date subject to the approval of the Governing Body of the County. No fee will be due to Butler, Snow, O'Mara, Stevens & Cannada, PLLC or Holley, Grubbs, Mitcham & Phillips, unless the Governing Body approves the sale and issuance of said general obligation refunding bonds.

Supervisor Andy Taggart seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the vote on the matter was as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the above and foregoing resolution was and is hereby adopted.

SO ORDERED this the 20th day of February, 2004.

***In re: Voiding Lease With
J. E. Harreld Properties, LLC***

WHEREAS, County Administrator Donnie Caughman did previously recommend to the Board that the County void its lease with J. E. Harreld Properties, LLC pertaining to the building located at 3142 South Liberty Street in Canton, Mississippi, said facility having remained vacant since approximately July of 2003, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did advise the Board that said contract was voidable and was not ratified by the Board due to the Board's payment of one month's rent in January, 2004, and

WHEREAS, Attorney Chris Solop and Mr. Jim Harreld did appear and speak in opposition to the voiding thereof, and

WHEREAS, a true and correct copy of said lease may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to void said lease agreement. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	No

the matter carried by a majority vote of the Board and said lease was and is hereby declared void.

SO ORDERED this the 20th day of February, 2004.

***In re: Appointment, Nunc Pro Tunc, of George Elliott
and Alex Slaughter as Deputy Justice Court Clerks***

WHEREAS, County Administrator Donnie Caughman did appear before the Board on behalf of Justice Court Clerk Susan McCarty requesting that George Elloit and Alex

Slaughter be appointed non-salaried Deputy Justice Court Clerks for purposes of attestation and that such appointment be made retroactive to May 7, 2001, and

WHEREAS, Ms. McCarty did attest that the names of said deputies were submitted to the Board and approved by the Board on May 7, 2001, but the Minutes thereof, through a scrivener's error, do not reflect such action, and

WHEREAS, records on file in the Office of the Chancery Clerk show that the aforesaid George Elliott and Alex Slaughter took the Oath of Office on May 9, 2001, said Oaths having been recorded on said date in Book 19, Pages 307 and 308 respectively in said office,

Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to *nunc pro tunc* the Minutes of the May 7, 2001 Board of Supervisors of Madison County to reflect that George Elliott and Alex Slaughter were appointed non-salaried Deputy Justice Court Clerks for purposes of attestation and to authorize, approve and acknowledge said appointments both currently and retroactive to May 7, 2001. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the Minutes of the May 7, 2001 Board of Supervisors of Madison County were and are hereby corrected to reflect that George Elliott and Alex Slaughter were appointed non-salaried Deputy Justice Court Clerks for purposes of attestation, and the appointments of Mr. Elliott and Mr. Slaughter were and are hereby authorized, approved and acknowledged both currently and retroactive to May 7, 2001.

SO ORDERED this the 20th day of February, 2004.

***In re: Establishment of Smoke Free
County Buildings***

WHEREAS, County Administrator Donnie Caughman did appear before the Board with the request that all county buildings be declared smoke-free,

Following discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to declare and classify all county buildings, whether owned by or leased by the county, "smoke-free" and to direct the County Administrator to post notices of the same in conspicuous places in said buildings. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and all county buildings whether owned or leased were and are hereby declared "smoke-free" with smoking being prohibited therein, and the County Administrator was and is directed to post notices accordingly.

SO ORDERED this the 20th day of February, 2004.

In re: Approval of Various 16th Section Leases

WHEREAS, the Madison County School Board has approved the following 16th Section leases and forwarded them to the Board for review and approval, true and correct copies of which may be found in the Miscellaneous Appendix hereto:

Lessees: Cecil Mack and Sandra F. Deas
 Description: Lot 167, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 385.00
11-15	\$ 420.00
16-20	\$ 455.00
21-25	\$ 490.00
26-30	\$ 525.00
31-35	\$ 560.00
36-40	\$ 595.00

Lessees: Jason R. and Kimberly K. Kelly
 Description: Lot 8, Eastbrooke Estates Subdivision
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 385.00
11-15	\$ 420.00
16-20	\$ 455.00
21-25	\$ 490.00
26-30	\$ 525.00
31-35	\$ 560.00
36-40	\$ 595.00

Lessees: Christopher C. and Laura T. Kelly
 Description: Lot 10, Eastbrooke Estates Subdivision
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 385.00
11-15	\$ 420.00
16-20	\$ 455.00
21-25	\$ 490.00
26-30	\$ 525.00
31-35	\$ 560.00
36-40	\$ 595.00

Lessees: Han Ku Lee and So yun Cho-Lee
 Description: Lot 105, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 256.66
06-10	\$ 279.99
11-15	\$ 303.32
16-20	\$ 326.65
21-25	\$ 349.98
26-30	\$ 373.31
31-35	\$ 396.64
36-40	\$ 419.97

Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve the 16th

Section Leases as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows,

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried by a majority vote of the Board and said leases were and are hereby approved.

SO ORDERED this the 20th day of February, 2004.

In re: Acknowledgment and Acceptance of Resignation of County Fire Coordinator and Appointment of Replacement

WHEREAS, by correspondence dated February 18, 2004, County Fire Coordinator Kerry Minninger did submit his resignation as County Fire Coordinator, and

WHEREAS, the Board is desirous of appointing Mr. Tom Lariviere to such position, and

WHEREAS, Mr. Lariviere is well qualified to serve the county in such capacity, having served for a lengthy period of time – and currently serving – as Fire Chief for the City of Madison,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to accept the resignation of Kerry Minninger as County Fire Coordinator and appoint Tom Lariviere to said position effective immediately, at no salary, with Mr. Lariviere to being entitled to reimbursement of actual expenses associated with the position, however. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the resignation of Mr. Minninger was and is accepted and Mr. Lariviere was and is hereby appointed County Fire Coordinator for Madison County.

SO ORDERED this the 20th day of February, 2004.

In re: Establishment of New Mileage Reimbursement Rate for County-Related Travel

WHEREAS, County Administrator Donnie Caughman did present to the Board his request that the county's rate of mileage expense reimbursement be increased to \$.375 per mile in keeping with current IRS standards and the rate established by the Mississippi Department of Finance and Administration,

Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to increase the county's rate of mileage expense reimbursement to \$.375 per mile. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the mileage rate was and is so increased.

SO ORDERED this the 20th day of February, 2004.

In re: Endorsement of Application of Willowood Developmental Center for Federal Capital Assistance

WHEREAS, the Board is desirous of supporting the efforts of Willowood Developmental Center to apply for and secure federal assistance as a private non-profit organization to provide transportation services for elderly and disabled persons, and

WHEREAS, the Board is of the opinion that this type of service is needed at this time and is also of the opinion that Willowood is and would be an excellent provider of such services,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to endorse the efforts of Willowood Developmental Center to apply for such assistance and to acknowledge the need for such services. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried and the application of Willowood was and is hereby endorsed.

SO ORDERED this the 20th day of February, 2004.

In re: Acceptance of Lowest and Best Bids on Six Month Term Contracts

WHEREAS, the Board of Supervisors previously advertised and received bids for term contracts for various items and services to be used by Madison County, and

WHEREAS, the Board of Supervisors did previously take said bids under advisement for further consideration upon opening same at its February 2, 2004 meeting, and

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board requesting the Board to approve the lowest and best bids as received and tabulated, and

WHEREAS, the Board of Supervisors, after reviewing said bids, determined that it was in the best interest of the citizens of Madison County to accept the low bids for each of the items and services solicited by its advertisement for bids, as recommended by the Road Manager, copies of which are found in the Miscellaneous Appendix to these Minutes and which are set forth below and indicated with an asterisk (*):

Asphalt Paving Repair 1. Dickerson & Bowen 70.00 per ton (min order 100 tons) 2. Adcamp* -- 68.50 per ton (min order 50 tons)

Seeding, Mulching & Fertilizer

1. Shiloh, Inc.* --

<0.5 acres = \$2,000 0.5 - 1.0 acres = \$2500 1.0 - 3.0 acres = \$1200 3.0 + acres = \$1,000

Gravel Products 1. Miller Materials Unit Price Bid for limestone and riprap 2. Martin Marietta Aggregates * -- Unit Price Bid for limestone and riprap 3. Green Brothers Gravel Unit Price Bid for various gravel 4. Vulcan Materials Unit Price Bid for limestone and riprap 5 .Hammett Gravel * -- Unit Price Bid for various gravel

Hot Asphalt 1. Blacklidge Emulsions

cold mix - pug mill set up = \$2500.00 emulsion = 1.0565 gal milling = 6.50/ ton (up to 500 tons) milling = 5.50/ ton (over 500 tons) Minimum purchase per setup = 500 tons 18 gals/ton x \$1.0565/ gal = \$19.10/ ton + milling @ 6.50/ton = \$25.517 ton

2. Vance Brothers

slurry seal -\$1.70 per sq yd (25,000 - 49,999) slurry seal -\$1.50 per sq yd (50,000 - 74,999) slurry seal -\$1.30 per sq yd (75,000 - 99,999) slurry seal - \$1.25 per sq yd (100,000 & above) microsurfacing -\$2.10 per sq yd (25,000 - 49,999) microsurfacing -\$1.93 per sq yd (50,000 - 74,999) microsurfacing - \$1.73 per sq yd (75,000 - 99,999) microsurfacing - \$1.68 per sq yd (100,000 & above)

3. Adcamp Surface Course (SC-1, Type II)-\$26.25/ ton Hot Mix Binder Course (BC-1)- No Bid Hot Mix Base Course (BB-1)-\$22.75/ ton SS-1 Tack Coat - \$1.50/ ton Asphalt Laid in Place -\$8.50/ ton (Including all labor and equipment) Delivery -\$.14 ton/mile (min \$3.50)

Lowest & Best Bid:

4. Dickerson & Bowen * --

Surface Course (SC-1, Type II) -\$23.00/ ton Hot Mix Base Course (BB-1) -\$ 21.00/ ton Asphalt Laid in Place -\$7.50/ ton (Including all labor and equipment) Delivery- \$.11 ton/mile Shape & Compact Roadways - \$0.70 sy (12,000 sq yd min) County Furnished Materials Apply Liquid Asphalt -\$0.40/ gal (15,000 gal min) Spread Aggregate -\$ 20.00/ cu yd (400 cu yd min) Apply Prime -\$0.40/gal Shape & Compact Roadways - \$0.70 sy (12,000 sq yd min) Contractor Furnished Materials Apply Liquid Asphalt - \$1.75/gal (15, 000 gal min) Spread Aggregate -\$ 50.00/cu yd (400 cu yd min) Apply Prime -\$ 2.00/gal (12,000 yd min)

Alternate Bid:

5. Ashland (Apac)* --

Surface Course (SC-1, Type II) -\$27.15/ ton Hot Mix Base Course (BB-1) -\$24.25/ ton Asphalt Laid in Place -\$8.50/ tn (Including all labor and equipment) Delivery \$.13 ton/mile (min \$2.00) cold mix -\$65.00/ ton

Tankcar Culverts

1. Diversified Railcar * --

7' - 8'6' dia. - \$95.00/ ft delivered 8'6' - 9'4' dia.- \$100/ft delivered 9'6' - 10" dia. - \$125 delivered

Construction Equipment Rental Without Operator 1. Puckett (CAT) * --

D6R XL TTT - \$6,200 (Weekly Rates 1/3 of Monthly Rate) 325 BL - \$6,200 315 CLHEX - \$4200 D3G TTT - \$2700 D4G TTT - \$3,100 D5G TTT - \$3,300 D6N TTT- \$5,200 416 C BHL - \$1575 12H MG - \$5,950 PS 150 COMP - \$2,650 CD433 COMP- \$2,650 613C SCRAPER - \$7,250 950 WL - \$5,500 930 WL - \$4,600

Bridge Construction

1. S&S Dragline * -- Unit Price Bid for various labor, equipment and materials for bridge repair & construction

Trenching and Boring 1. American Cabling & Electrical * -- Unit Price bid for various units Supplies for Maintaining of Offices, Buildings, Equipment and Related Activities 1. CML Industries * -- Unit Price Bid for various units 2. Beta Technology * -- Unit Price Bid for various units

Mudjacking Service 1. Murray Mudjacking Service * -- Unit Price Bid for various units

Bridge Supplies

1. Gordon Redd Lumber * -- Unit Price Bid for Creosote Bridge Pilings 2. Hanson

Pipe & Products * -- Unit Price Bid for Pre-Cast Concrete Bridge Parts
 Bridges, Culverts and Box Culverts 1. G. & O. Supply Unit Price Bid on Polyethylene
 Culverts (Various Units) 2. Contech Construction Products Unit Price
 Bid on Coated Corrugated Metal Culverts and Aluminum Box Culverts
 (Various Units) 3. Central Supply Unit Price Bid on Spiral Corrugated
 Metal Culverts (Various Units) 4. Pearl River Pipe Sales Unit Price Bid
 on Riveted and Corrugated Metal Culverts (Various Units) 5. Hancor
 Technology Unit Price Bid on Hancor Sur-Lok non pressure drainage
 pipe (Various Units) 6. Advanced Drainage Systems* -- Unit Price Bid
 on Polyethylene Culverts and Couplings (Various Units)7 Hanson Pipe
 and Products Unit Price Bid on Reinforced Concrete Pipe, Flared End
 Sections Arched Pipe, Cattle Pass 8. Hanson Pipe and Products* -- Unit
 Price Bid on Corrugated Galvanized Copper Culverts9. Hanson Pipe and
 Products Unit Price Bid on Pre-Case Concrete Box Culverts

Liquid Asphalt 1. Blacklidge Emulsions Unit Price Bid for Various Asphalt Resin-based
 emulsion in per gallon units. Minimum 5,600 gallons. \$40/hr charge for
 demurrage over 2 hours CRS-2 - \$0.6865/gal, CRS-2P - \$.0.7965/gal 2.
 Ergon Asphalt and Emulsions* -- Unit Price Bid for Various Asphalt
 Resin-based emulsion in per gallon unitsCRS-2 - \$0.6597/gal, CRS-2P -
 \$0.8096 gal

Miscellaneous Supplies

1. Robbie Robinson Unit Price Bid on Pavement Striping 2. Traffic Control Products
 * -- Unit Price Bid on Pavement Striping with Paint and Hot Plastic3. Helena
 Chemical Company * -- Unit Price Bid on Various Roadside Chemicals4.
 Heavyquip* -- Unit Price Bid on Grader Blades & Hardware5. Custom Products
 Corporation* -- Unit Price Bid on Traffic Signs6. G & C Supply Co. Inc. Unit Price
 Bid on Traffic Signs

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a
 motion to accept the above and foregoing lowest and best bids as denoted with an
 asterisk (*). The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said bids were and are hereby accepted as
 denoted.

SO ORDERED this the 20th day of February, 2004.

**In re: Approval of Contract Extension With
 American Medical Response**

WHEREAS, Mr. William Bassett with American Medical Response – Central
 Mississippi (“AMR”) did appear before the Board requesting that the county enter into an
 agreement extending his firm’s contract with the county to provide Advanced Life Support
 (“ALS”) Ambulance Service, and

WHEREAS, said proposal would extend the contract for ambulance service
 within Madison County, Mississippi an additional four (4) years, and, if mutually
 agreeable to the county and AMR, the same may be extended for 1 extension of
 four (4) years each, and

WHEREAS, a true and correct copy of said agreement, entitled “Amended
 and Restated Agreement to Provide Advanced Life Support Ambulance Service” is
 attached hereto as Exhibit E, spread hereupon and incorporated herein by
 reference,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to extend said contract, approve said agreement and authorize County Administrator Donnie Caughman to execute the same on behalf of the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said contract extension for four (4) years was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 20th day of February, 2004.

***In re: Approval of Letter of Engagement
with Board Attorney and Establishment of
Salary and Fees***

WHEREAS, on January 5, 2004, the Board appointed Edmund L. Brunini, Jr. as the attorney for the Madison County Board of Supervisors pursuant to Miss. Code Ann. § 19-3-47 as amended, and

WHEREAS, the Board does now desire to establish the salary of said attorney and establish the terms of engagement and set the fees and expenses associated with said attorney's representation of the Board and Madison County in other matters, and

WHEREAS, Mr. Brunini did present to the Board a proposal, in the form of a letter of engagement, a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference, and

WHEREAS, in said letter of engagement, Mr. Brunini offers to accept a salary of \$36,000, which sum is less than the amount allowed by law, said sum to include preparing for and attending all meetings of the Board, both regular and specially called, and review and preparation (when needed) of the Minutes of the Board and any other matter directly relating to the functioning of the Board through its public meeting process, and

WHEREAS, Mr. Brunini proposes to charge a blended rate of \$195 per hour for legal work outside the context of the meetings themselves, as more fully detailed in the aforesaid letter of engagement, which rate will allow the Board to draw on the services and expertise offered by the entirety of Mr. Brunini's firm,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to establish the salary of Board Attorney Edmund L. Brunini, Jr. at the annual sum of \$36,000.00 with compensation for other legal expenses authorized by the Board will be at the rate of \$195.00 per hour, to approve the letter of engagement as presented, and to authorize County Administrator Donnie Caughman to execute the same on the Board's behalf. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Abstained
Supervisor Karl M. Banks	Abstained

the matter carried by a majority vote of the Board and the salary and fees of the Board Attorney were and are hereby established.

SO ORDERED this the 20th day of February, 2004.

***In re: Approval of Claims Docket
for February 20, 2004***

WHEREAS, the Board reviewed the claims docket for February 2, 2004; and

WHEREAS, the Chancery Clerk and the County 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:

<u>Fund</u>	<u>Claim Nos.</u>	<u>No. Of Checks</u>	<u>Total Amount</u>
001	16615, 21934 22275 to 22405	133	\$251,027.89
012	309 to 309	1	47.27
013	156	1	28.50
048	6 to 6	1	11,042.65
096	13 to 13	1	35,450.00
097	313 to 321	9	2,205.41
105	299 to 303	5	12,926.14
116	61 to 62	2	217.18
121	8 to 9	2	96.78
137	336 to 337	2	30.86
150	6040 to 6100	61	57,292.70
160	684 to 686	3	4,788.00
170	33 to 33	1	6,470.52
190	177 to 181	5	651.21
229	7 to 7	1	15,894.06
235	10 to 10	1	10,699.38
280	78 to 78	1	39,932.22
301	41 to 41	1	8,941.77
401	85 to 88	4	7,030.24
Total for all Funds		No. of Checks = 235	\$464,772.78

HELD CLAIMS

<u>Fund</u>	<u>Claim Nos.</u>	<u>Claimant</u>	<u>Amount Held</u>
013	155	Horne CPA Group	\$5,535.00

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to approve the claims docket with the following held claim, to-wit: 013 Horne CPA # 155 as noted above. 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 is 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 G, spread hereupon, and incorporated herein by reference.

The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting ³
Supervisor Andy Taggart	Aye

³Prior to the call of the question, Mr. Johnson excused himself from the meeting.

Following a discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to come out of Executive Session with no action being taken. The vote on the matter being as follows:

Supervisor Douglas L. Jones		Aye
Supervisor Tim Johnson		Aye
Supervisor Andy Taggart		Aye
Supervisor Paul Griffin	Aye	
Supervisor Karl M. Banks		Aye

the matter carried by a majority vote of those present and President Jones then reopened the meeting and directed the Chancery Clerk to inform the public of the reason for the Executive Session and that no action was taken as the result thereof.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was adjourned until Monday, March 1, 2004.

Douglas L. Jones, President
Madison County Board of Supervisors

Arthur Johnston, Chancery Clerk