

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

REGULAR MEETING OF MAY 31, 2011
Recessed from regular meeting conducted on May 24, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 31, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Tax Assessor Gerald Barber
Chancery Clerk Arthur Johnston

Absent:

Sheriff Toby Trowbridge

Also in attendance:

Interim County Administrator & Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
Constable Bill Weisenberger
County Purchase Clerk Hardy Crunk
Deputy Chief Tax Assessor Kent Hawkins
Road Manager Lawrence Morris

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

***In re: Redistricting and Re-apportionment of Supervisor
Districts - 2011 Primary and General Elections***

RESOLUTION

WHEREAS, the Madison County Board of Supervisors actively has engaged in the process of redistricting since receiving census data in February 2011 due to the fact that the census data demonstrated a variance between the most populous district and least populous district of 38.21% and such a variance conflicted with the "one person-one vote" doctrine;¹

WHEREAS, the Madison County Board of Supervisors established a timetable in February 2011 for the redistricting process and accomplished the following tasks:

¹ The census data showed an even greater variance for Justice Court lines (48+%).

President's Initials: _____

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1. Held a public hearing, subject to public notice, on redistricting on February 22, 2011, at which any and all concerned citizens were heard. At that meeting, the Board of Supervisors voted 5-0 in support of drawing new district lines for the 2011 election cycle.
2. After the February 22 meeting and over the next few weeks, each Supervisor met with Central Mississippi Planning and Development District (“CMPDD”) personnel on more than one occasion to develop district plans to present to the Madison County Board of Supervisors;
3. CMPDD utilized the input of the Supervisors and presented 3 plans for Supervisor district lines and one plan for the Justice Court/Constable district lines. These maps were made available to the public in digital form on the County’s website and also were physically available for inspection in the Board Room beginning on March 15, 2011.
4. The Board of Supervisors held another public hearing, again subject to public notice, on March 21, 2011. At this public hearing, all interested parties were afforded the opportunity to comment on the proposed plans. The Board, after hearing the public comments, decided to recess that meeting until March 23, 2011, in order to give even further consideration to the matter following the receipt of those public comments.
5. On March 23, 2011, the Board of Supervisors held a public meeting and discussed the various plans before it. The Board of Supervisors voted to adopt Plan 3 for Supervisor districts and the Justice Court/Constable district plan.
6. On March 25, 2011, the Board of Supervisors - through CMPDD - forwarded all the required information to the United States Department of Justice (“U. S. D. O. J.”) for its review in the hopes of obtaining pre-clearance from the U.S. D.O. J.
7. On May 24, 2011, the Board of Supervisors received pre-clearance from the U.S. D.O.J. See Exhibit A hereto.

WHEREAS, the Board of Supervisors is aware of the following precedent on the issue of redistricting:

1. The Attorney General of the State of Mississippi has opined that candidates who qualify in one district but reside in a different district under newly drawn district lines may be administratively assigned to the proper district by the county election commission or the county registrar. See OPINION TO JAMES McMULLEN, Docket No. 2003-0171 (April 18, 2003), and OPINION TO MELBA EZELL, dated January 16, 1991.
2. The Attorney General of the State of Mississippi has further opined that elections “must be held pursuant to election districts that were last approved by the U.S. Department of Justice.” See OPINION TO DEVEDA DILLON, Docket No. 2003-0387 (August 1, 2003).

WHEREAS, The district lines for the county’s five (5) Supervisors Districts are as described by metes and bounds (or section township and range) as set forth on Exhibit B hereto and the district lines for Constable and Justice Court Districts are as described by metes and bounds (or section township and range) as set forth on Exhibit C hereto.

WHEREAS, in order to follow the intent and the spirit of the Voting Rights Act and in order to ensure the protection of every citizen to be equally represented by its Supervisors pursuant to the “one person, one vote” doctrine, the Board hereby resolves and orders as follows:

President’s Initials: _____
Date Signed: _____

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1. That the 2011 primary and general elections for county district offices shall take place under the district lines approved by the U.S. Department of Justice on May 24, 2011.

2. That the Circuit Clerk is hereby directed to proceed with establishing the voter rolls according to the new district lines for the Supervisor districts as well as the Justice Court/Constable districts.

3. That any individuals who have duly qualified as candidates for the offices of Supervisor, Justice Court Judge, and Constable in districts in which they no longer reside as a result of the redistricting process be placed on the ballot as a candidate for such office in the district in which such individual currently resides, unless within 3 days from the date hereof such individual advises the Circuit Clerk of his or her intent not to run as a candidate in such newly constituted district.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt the above and foregoing Resolution. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and said Resolution was and is hereby adopted.

SO ORDERED this the 31st day of May, 2011.

In re: Authorization to Establish Just Compensation - Calhoun Station Parkway, Phase 3

WHEREAS, Board Attorney Eric Hamer appeared before the Board and requested the Board authorize the Board President to establish just compensation for a certain temporary construction easement based on written appraisal received from appraiser Mr. Jim Turner of JLT Realty in connection with the Calhoun Station Parkway, Phase 3 project, which easement is in addition to certain right of way already authorized to be acquired by this Board, and

WHEREAS, such easement is necessary in order to allow access to property owned by Ms. Wilma Clack (known as Parcel 3A), and

WHEREAS, the Board does desire to establish just compensation to Ms. Clack in the amount of \$523.25 as per the appraisal of Mr. Jim Turner of JLT Realty, and

WHEREAS, a true and correct copy of that certain correspondence from Mr. Woody Sample requesting the Board to establish just compensation is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board President to establish just compensation for acquisition of a temporary construction easement as to Parcel 3 owned by Ms. Wilma Clack in the amount of \$523.25 and authorize the Chancery Clerk to issue a pay warrant accordingly. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 31st day of May, 2011.

In re: Authorization of County Engineer to Assist Board Attorney

WHEREAS, Board Attorney Eric Hamer appeared before the Board and requested the Board authorize County Engineer Rudy Warnock to assist him in answering certain discovery submitted in a lawsuit filed by the City of Madison pursuant to his current general services contract,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to assist the Board Attorney in answering discovery submitted in a lawsuit filed by the City of Madison. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the County Engineer was and is hereby so authorized.

SO ORDERED this the 31st day of May, 2011.

In re: Continued Retention of Counsel to Assist in Defending Lawsuit

WHEREAS, Board Attorney Eric Hamer appeared before the Board and requested the Board continue to authorize and retain the law firm of Butler Snow O'Mara Stevens and Cannada to assist in defending the County in the defense of a lawsuit seeking a temporary restraining order and permanent injunction filed by certain individuals against Madison County and county officials arising out of the Board's recent redistricting of the county, and

WHEREAS, said lawsuit bears Cause No. 3:11cv321 DPS-FKB on the docket of the United States District Court for the Southern District of Mississippi,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the continued retention of the law firm of Butler Snow O'Mara Stevens and Cannada to assist Mr. Hamer in such endeavor at said firm's usual and customary rates. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials: _____
Date Signed: _____

the matter carried by a majority vote (3-2) of the Board and the law firm of Butler Snow O'Mara Stevens and Cannada was and is hereby retained.

SO ORDERED this the 31st day of May, 2011.

In re: Approval of Reduction in Assessment of Personal Property for Tax Year 2010

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and reported that he and his office had been in negotiations with the owners of the Butler Snow Building at 200 Renaissance and the owners of the Cellular South Building at 300 Renaissance, and

WHEREAS, Mr. Barber presented two spreadsheets detailing the variance from his office for the aforementioned parcels, along with a timeline of the tax relief request, a true and correct copy of which is attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Barber also presented a Form SB-82 reflecting the change, a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to approve the negotiated proposal from the Tax Assessor as outlined in Exhibit G, and approve the reduction of assessment on the aforementioned parcels. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the negotiated proposal from the Tax Assessor was and is hereby approved and the reduction of assessment was and is hereby approved.

SO ORDERED this the 31st day of May, 2011.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the May, 2011 term of the Madison County Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____

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