

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

REGULAR MEETING OF JULY 16, 2004  
Recessed from regular meeting conducted on July 6, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on July 16, 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 Karl M. Banks  
Chancery Clerk Arthur Johnston  
Sheriff Toby Trowbridge

Absent:

Supervisor Paul Griffin

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
County Road Manager Prentiss Guyton  
County Engineer Mike McKenzie  
State Aid and LSBP Engineer Rudy Warnock  
Zoning Administrator Brad Sellers  
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. County Comptroller Mark Houston opened the meeting with a prayer and County Engineer Mike McKenzie 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, President Jones did report that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" on the Agenda and that the same appeared to be routine, non-controversial items with which all Supervisors were likely to agree, and

WHEREAS, Mr. Caughman 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

WHEREAS, Supervisor Andy Taggart did request that the following matters be removed from the Consent Agenda and be addressed separately, to-wit: Item (B), "Maintenance Quote, GIS and Item (I), "Request for Adolescent Offender Program," and

WHEREAS, the following items were taken up as "Consent Items," to-wit:

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

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

**(A) Approval of Request for Moratorium on Mobile Homes in Residential Zones**

WHEREAS, Zoning Administrator Brad Sellers did submit a memorandum unto the Board requesting, on behalf of the Madison County Planning Commission, that the Board issue a moratorium on Special Exceptions allowing mobile homes in all residential zones, and

WHEREAS, Mr. Sellers informed the Board the Planning Commission will present a formal recommendation as to the allowance of and requirements to be met by mobile homes sought to be placed in such zoning classification within ninety (90) days from the date hereof, and

WHEREAS, the Board does desire to approve and adopt such a moratorium, and

**(C) Approval of Resolution to Issue Check - State Tax Commission, County Vehicle Tag Fee**

WHEREAS, County Comptroller Mark Houston presented a Resolution to authorize the payment of a tag fee in the amount of \$36.00 to the Mississippi State Tax Commission so as to acquire tags for county vehicles, and

WHEREAS, the Board does desire to and does hereby adopt said Resolution, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

**(D) Approval of Fifteen (15) Certain Utility Permits**

WHEREAS, County Engineer Mike McKenzie did appear before the Board 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) Bear Creek Water Association – seeking to bore 122 linear feet of 8" steel casing under Gluckstadt Road
- (2) Bear Creek Water Association – seeking to bore 90 linear feet of 12" steel casing under Gluckstadt Road
- (3) Bear Creek Water Association – a sixteen inch steel casing is to be bored under North Old Canton Road approximately 950 feet north of its intersection with Yandell Road
- (4) Bear Creek Water Association – proposes to tie in to end of the existing 10" water main at the entrance to Phase 1 of Devlin Springs Subdivision, and extend this 10" line for approximately 2300 feet eastward along and parallel to the north right of way of Stribling Road to the entrance of the proposed Phase 2
- (5) Town of Flora – proposes to construct a facility along or across Kearney Park Road Project, beginning in Section 5, T8N, R1W
- (6) East Madison Water Assoc.– requesting a permit to bore a 4" PVC water line with a 6" steel casing on Dixon Road
- (7) East Madison Water Assoc.– requesting a permit and ROW to bore under James Reed Road and continue on the south side of Robinson Road with 2000 feet of 6" water line
- (8) Entergy – construction of a 15kv power line that will cross Yandell Road and will run parallel to Clarkdell Road Ext. approximately 1,375 feet
- (9) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring on Stribling Road
- (10) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring on Stribling Road

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

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

- (11) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring on Stribling Road
- (12) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring on Stribling Road
- (13) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring on Stribling Road
- (14) Bear Creek Water Association – seeking to install 4000\_ l.f. of 12" PVC sewer force main 3'-5' inside of and along and parallel to the south right of way margin of Stribling Road
- (15) Bear Creek Water Association – seeking to bore and grade 50 linear feet of 12" steel casing under Clarkdell Road Extension

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

WHEREAS, the Board does desire to approve each of said applications, and

**(E) Approval to Accept Bid on 2004 Trailblazer**

WHEREAS, Purchase Clerk Hardy Crunk submitted a memorandum to the Board dated July 13, 2004 recommending that the Board accept Harreld Chevrolet's "negotiated down" bid of \$21,000 for a new 2004 Chevrolet Trailblazer for Tax Collector Kay Pace, and

WHEREAS, Mr. Crunk did also report that the bid submitted by Harreld Chevrolet on July 13, 2004 was the only bid submitted in response to an advertisement for same and was originally in the amount of \$21,228.82, which bid was the lowest, best, and only bid, and

WHEREAS, the Board does desire to and does hereby accept the "negotiated down" bid of \$21,000 submitted by Harreld Chevrolet, and

**(F) Approval to Accept Bid on Emergency Medical Dispatch Protocol System**

WHEREAS, Purchase Clerk Hardy Crunk did report to the Board that a bid submitted by Priority Dispatch Corporation in the amount of \$27,465.00 was the only bid received in response to the advertisement for bids previously authorized by this Board for an Emergency Medical Dispatch Protocol System to be used by AMR, and

WHEREAS, Mr. Crunk did recommend the Board accept the same and reported that the system will be paid for out of grant funds received from the State Health Department, and

WHEREAS, the Board does desire to and does hereby accept the bid submitted by Priority Dispatch Corporation in the amount of \$27,465.00 for an Emergency Medical Dispatch Protocol System to be used for by AMR, and

**(G) Approval to Advertise for Bids on Various Items and Equipment**

WHEREAS, Purchase Clerk Hardy Crunk did submit a written request to be allowed to advertise for bids for the following items and equipment:

- (1) 2005 SUV for District 4 Supervisor Karl Banks
- (2) 2005 4-wheel drive, crew cab pickup for District 5 Supervisor Paul Griffin
- (3) Uniform service for Road and Solid Waste Departments
- (4) Term bids for Mudjacking, and

WHEREAS, the Board does desire to approve and authorize such advertisements, and

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

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

**(H) Authorization to Make Payment to Hemphill Construction Pertaining to Reunion Parkway, Phase 1, Contract 1**

WHEREAS, County Engineer Mike McKenzie did present Contractor's Pay Request No. 1 in the amount of \$33,665.10 and also Contractor's Pay Request No. 2 in the amount of \$82,175.00 from Hemphill Construction pertaining to Reunion Parkway, Phase 1, Contract 1 Drainage Improvements, and

WHEREAS, the Board does desire to approve and authorize said payment and to direct the Chancery Clerk to issue a pay warrant forthwith, and

**(J) Approval of Placing of Culverts on County Right of Way**

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of Supervisors and requested approval of certain work orders pertaining to the installation of culverts along public rights of way and not on private property on the following dates and at the following locations:

<u>Date</u>	<u>Work Order</u>	<u>Name</u>	<u>Address</u>
6/30/04	Bridge & Culvert	McGee, Willie	137 Willie Burrell Dr
7/1/04	Bridge & Culvert	Smith, Andrew	353 John Day Rd
7/1/04	Bridge & Culvert	Main Street, Inc	138 Sagefield Square
7/1/04	Bridge & Culvert	Valentine, Tiffany	111 Magnavox St
7/1/04	Bridge & Culvert	Scott, Brown Lee	Spring Rd
7/1/04	Bridge & Culvert	Matthews, J W	4111 Hwy 16 E
7/2/04	Bridge & Culvert	Wilson, Gary	1485 Willie Burrell Dr
7/8/04	Bridge & Culvert	Ferguson, Paul	230 Twin Lakes Dr
7/12/04	Bridge & Culvert	Travis, Nathan	723 Sharon Rd
7/13/04	Bridge & Culvert	Gerrets, Tom	St Joseph Catholic School Hwy 463

WHEREAS, the Board does desire to and does hereby approve the same on the dates and at the locations listed above, and

Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered items (A) and (C) through (J), less and except Item (I) herein above. The vote on the matter being as follows:

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

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

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

**In re: Approval of ESRI, Inc. Maintenance Quote**

WHEREAS, County Administrator Donnie Caughman appeared before the Board on behalf of GIS Administrator Kay Little and presented a maintenance/renewal quote from ESRI, Inc. to provide software and technical support, software upgrades, and other services related to the county's GIS network, and

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

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

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the maintenance quote from ESRI, Inc. in the amount of \$5,200.00 and authorize Ms. Little to purchase such services as proposed in the quote. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the maintenance contract was and is approved.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

**In re: Consideration of Borrowing \$15,000,000 From the Mississippi Development Bank**

The Board of Supervisors of Madison County, Mississippi (the "County"), had taken for consideration the matter of borrowing funds from the Mississippi Development Bank (the "Bank"), for the purpose of financing certain capital projects of the County on June 7, 2004, and

WHEREAS, the Clerk reported that as directed the resolution had published for three (3) consecutive weeks in the *Madison County Herald*, and

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

WHEREAS, there had been no petitions filed in protest against said resolution,

The Board of Supervisors of Madison County, Mississippi (the "County"), took up for consideration a resolution entitled "RESOLUTION OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000) BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE COUNTY WHICH SHALL CONSIST OF PURCHASING, ERECTING, EQUIPPING, REPAIRING OR REMODELING COUNTY BUILDINGS AND PURCHASING LAND THEREFOR, PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING, EQUIPPING BUILDINGS FOR PUBLIC LIBRARIES AND PURCHASING LAND THEREFOR; CONSTRUCTING AND REPAIRING ROADS, HIGHWAYS AND BRIDGES AND ACQUIRING LAND THEREFOR; CONSTRUCTING OR REPAIRING BOAT LANDING RAMPS AND WHARVES; PURCHASING MACHINERY AND EQUIPMENT; PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, PROVIDING HOUSING FOR SAME AND PURCHASING NECESSARY LAND THEREFOR; THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, EXTENSION, REPAIR, OPERATION AND MAINTENANCE OF ANY SYSTEM USED FOR THE COLLECTION, TRANSPORTATION AND TREATMENT OF WATER, SEWERAGE AND WASTEWATER; PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING AND EQUIPPING RECREATIONAL FACILITIES AND

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PARKS, INCLUDING, WITHOUT LIMITATION BASEBALL AND SOFTBALL FIELDS AND PURCHASING NECESSARY LAND THEREFOR; AND FOR OTHER AUTHORIZED PURPOSES UNDER THE ACT" adopted June 7, 2004.

The Clerk reported that as directed by the aforesaid resolution, the same was published once a week for at least three (3) consecutive weeks in the *Madison County Herald*, a newspaper published in and having a general circulation in the County, and which is a qualified newspaper under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, and that the first publication of the resolution was made not less than twenty-one (21) days before July 16, 2004, and the last publication of the resolution was not more than seven (7) days prior to such date. The resolution was published in the newspaper on June 17 and 24, 2004 and July 1, 8 and 15, 2004, as evidenced by the publisher's affidavit which the Clerk did then and there exhibit to the Board. It was thereupon ordered that the aforesaid proof of publication be received and filed, and a copy thereof included in the official transcript of proceedings had and done regarding the loan. The hour of 9:00 o'clock a.m. on July 16, 2004, having passed, the Clerk further reported that no petitions signed by twenty percent (20%) or 1,500, whichever is the lesser, of the qualified electors of the County objecting to and protesting against such loan nor any other objections of any kind or character against the loan described in the aforesaid resolution had been filed or presented by the qualified electors of the County on or before the aforesaid date and hour. Thereupon the following resolution was presented, read and Supervisor Karl M. Banks offered and moved the adoption of the following resolution:

**RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ENTITLED "RESOLUTION OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000) BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE COUNTY WHICH SHALL CONSIST OF PURCHASING, ERECTING, EQUIPPING, REPAIRING OR REMODELING COUNTY BUILDINGS, AND PURCHASING LAND THEREFOR; CONSTRUCTING AND REPAIRING ROADS, HIGHWAYS AND BRIDGES AND ACQUIRING LAND THEREFOR; PURCHASING MACHINERY AND EQUIPMENT; PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, PROVIDING HOUSING FOR SAME AND PURCHASING NECESSARY LAND THEREFOR; THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, EXTENSION, REPAIR, OPERATION AND MAINTENANCE OF ANY SYSTEM USED FOR THE COLLECTION, TRANSPORTATION AND TREATMENT OF WATER, SEWERAGE AND WASTEWATER; PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING AND EQUIPPING RECREATIONAL FACILITIES AND PARKS, INCLUDING, BUT WITHOUT LIMITATION BASEBALL AND SOFTBALL FIELDS AND PURCHASING NECESSARY LAND THEREFOR; AND FOR OTHER AUTHORIZED PURPOSES UNDER THE ACT," AS ADOPTED ON JUNE 7, 2004, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO PETITION OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE LOAN DESCRIBED IN THE RESOLUTION WAS FILED; AND AUTHORIZING THE LOAN.**

**WHEREAS**, on June 7, 2004 the Governing Body did adopt a certain resolution entitled "RESOLUTION OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY")

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

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DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000) BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE COUNTY WHICH SHALL CONSIST OF PURCHASING, ERECTING, EQUIPPING, REPAIRING OR REMODELING COUNTY BUILDINGS AND PURCHASING LAND THEREFOR, PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING, EQUIPPING BUILDINGS FOR PUBLIC LIBRARIES AND PURCHASING LAND THEREFOR; CONSTRUCTING AND REPAIRING ROADS, HIGHWAYS AND BRIDGES AND ACQUIRING LAND THEREFOR; CONSTRUCTING OR REPAIRING BOAT LANDING RAMPS AND WHARVES; PURCHASING MACHINERY AND EQUIPMENT; PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, PROVIDING HOUSING FOR SAME AND PURCHASING NECESSARY LAND THEREFOR; THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, EXTENSION, REPAIR, OPERATION AND MAINTENANCE OF ANY SYSTEM USED FOR THE COLLECTION, TRANSPORTATION AND TREATMENT OF WATER, SEWERAGE AND WASTEWATER; PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING AND EQUIPPING RECREATIONAL FACILITIES AND PARKS, INCLUDING, WITHOUT LIMITATION BASEBALL AND SOFTBALL FIELDS AND PURCHASING NECESSARY LAND THEREFOR; AND FOR OTHER AUTHORIZED PURPOSES UNDER THE ACT";

**WHEREAS**, pursuant to applicable law and as directed by the aforesaid resolution, the resolution was published once a week for at least three (3) consecutive weeks in the *Madison County Herald*, a newspaper published in and having a general circulation in the County, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, the first publication having been made not less than twenty-one (21) days prior to July 16, 2004, and the last publication having been made not more than seven (7) days prior to July 16, 2004 date, such notice being published in the newspaper on June 17 and 24, 2004, and July 1, 8 and 15, 2004, as evidenced by the publisher's affidavit heretofore presented and filed; and

**WHEREAS**, on or prior to the hour of 9:00 o'clock a.m. on July 16, 2004, no petition signed by twenty percent (20%) or 1,500, whichever is the lesser, of the qualified electors of the County objecting to and protesting against such loan nor any other objection of any kind or character against the loan described in the aforesaid resolution had been filed or presented by the qualified electors of the County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI (THE "GOVENRING BODY" OF THE "COUNTY"), AS FOLLOWS:**

1. The Governing Body does hereby find and determine that, as required by the Act, the Notice of Resolution was published in the *Madison County Herald*, a newspaper published in and having a general circulation in the County and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, on June 17 and 24, 2004, and July 1, 8 and 15, 2004, said publication being for at least three (3) consecutive weeks, with the first publication of the Notice of Resolution being made not less than twenty-one (21) days prior to July 16, 2004 and the last publication being made not more than seven (7) days prior to such date.
2. The proof of publication of the Notice of Resolution is hereby accepted and spread upon the minutes of the Governing Body and attached to this resolution as Exhibit A and incorporated herein by this reference thereto.
3. The Governing Body does further find and determine that as of the hour of 9:00

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

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

o'clock a.m. on July 16, 2004, (a) no qualified elector of the County had filed a written protest or objection of any kind for which the proceeds of the loan will be used with the Clerk or any member of the Governing Body and (b) all persons present or represented by counsel or otherwise were then given the opportunity to be heard concerning the authorization of the loan from the Bank and the purpose for which the proceeds of the loan will be used and no protest or objection of any kind or character against the authorization of the loan from the Bank and the purpose for which the proceeds of the loan will be used was presented.

4. That the Governing Body is now authorized and empowered by the provisions of Mississippi Code §\_31-25-1 et seq., as amended (the "Act"), to borrow funds by entering into the hereinafter described loan without the necessity of calling and holding an election on the question of the delivery thereof.
  
5. That the Governing Body shall be and is hereby authorized to enter into a loan with the Mississippi Development Bank pursuant to the Act in the principal amount not to exceed Fifteen Million Dollars (\$15,000,000) to raise money for the purpose of financing certain improvements which shall consist of purchasing, erecting, equipping, repairing or remodeling County buildings and purchasing land therefor, purchasing, constructing, repairing, improving, equipping buildings for public libraries and purchasing land therefor; constructing and repairing roads, highways and bridges and acquiring land therefor; constructing or repairing boat landing ramps and wharves; purchasing machinery and equipment; purchasing fire fighting equipment and apparatus, providing housing for same and purchasing necessary land therefor; the acquisition, construction, improvement, enlargement, extension, repair, operation and maintenance of any system used for the collection, transportation and treatment of water, sewerage and wastewater; purchasing, constructing, repairing, improving and equipping recreational facilities and parks, including, without limitation baseball and softball fields and purchasing necessary land therefor; and for other authorized purposes under the Act; and in accordance with further orders, resolutions and directions of the Governing Body.

Following the reading of the foregoing resolution, Supervisor Andy Taggart seconded the motion. After discussion, the matter was put to a roll call vote. The result was as follows:

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

The motion having received the affirmative vote of a majority of the members present, the President of the Governing Body declared the motion carried and the resolution adopted, on this the 16th day of July, 2004

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

The Board of Supervisors of Madison County, Mississippi (the "County"), took up for consideration the matter of borrowing funds from the Mississippi Development Bank, for the purpose of financing certain capital projects of the County which shall consist of financing certain capital projects of the County which shall consist of purchasing, erecting, equipping, repairing or remodeling County buildings and purchasing land therefor, purchasing, constructing, repairing, improving, equipping buildings for public

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libraries and purchasing land therefor; constructing and repairing roads, highways and bridges and acquiring land therefor; constructing or repairing boat landing ramps and wharves; purchasing machinery and equipment; purchasing fire fighting equipment and apparatus, providing housing for same and purchasing necessary land therefor; the acquisition, construction, improvement, enlargement, extension, repair, operation and maintenance of any system used for the collection, transportation and treatment of water, sewerage and wastewater; purchasing, constructing, repairing, improving and equipping recreational facilities and parks, including, without limitation baseball and softball fields and purchasing necessary land therefor; and for other authorized under Mississippi Code § 31-25-1 et seq., as amended.

Thereupon, Supervisor Karl M. Banks offered and moved the adoption of the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI APPROVING THE LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT, THE PROMISSORY NOTE, THE TAX INTERCEPT AGREEMENT AND THE REQUEST FOR ADVANCE; AUTHORIZING AN ADVANCE UNDER THE LOAN AGREEMENT TO BE ENTERED INTO BY AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE COUNTY; AND AUTHORIZING THE OFFICERS OF THE COUNTY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION.**

WHEREAS, on June 7, 2004, the Board of Supervisors of Madison County, Mississippi (the "Governing Body" of the "County") adopted a Resolution of the County declaring the intention of the County to enter into a loan with the Mississippi Development Bank (the "Bank") to be funded with proceeds of Bonds, as defined herein, issued by the Mississippi Development Bank under the Mississippi Development Bank Capital Projects and Equipment Program; and

WHEREAS, on July 16, 2004, the Governing Body adopted a resolution finding and determining that the intent resolution, adopted on June 7, 2004, was duly published as required by law; that no petition or other objection of any kind against the loan described in the resolution was filed; and authorizing the loan with the Mississippi Development Bank, pursuant to Mississippi Code §§ 31-25-20 and 31-25-28.

WHEREAS, the Governing Body hereby clarifies and declares its intent to borrow an amount not to exceed Fifteen Million Dollars (\$15,000,000) from the Bank funded with the proceeds of the Mississippi Development Bank, Special Obligation Bonds (Capital Projects and Equipment Acquisition Program) Series 1999 (the "1999 Bonds") and/or the Mississippi Development Bank, Special Obligation Bonds (Capital Projects and Equipment Acquisition Program) Series 2001-A (the "2001 Bonds" and together with the "1999 Bonds" the "Bonds").

WHEREAS, the Governing Body is authorized under the provisions of Mississippi Code Annotated Section 31-25-27, as amended, to borrow in such amounts as it may find necessary and proper in order to finance certain capital projects of the County which shall consist of purchasing, erecting, equipping, repairing or remodeling County buildings and purchasing land therefor, purchasing, constructing, repairing, improving, equipping buildings for public libraries and purchasing land therefor; constructing and repairing roads, highways and bridges and acquiring land therefor; constructing or repairing boat landing ramps and wharves; purchasing machinery and equipment; purchasing fire fighting equipment and apparatus, providing housing for same and

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

purchasing necessary land therefor; the acquisition, construction, improvement, enlargement, extension, repair, operation and maintenance of any system used for the collection, transportation and treatment of water, sewerage and wastewater; purchasing, constructing, repairing, improving and equipping recreational facilities and parks, including, without limitation baseball and softball fields and purchasing necessary land therefor; and for other authorized purposes under Mississippi Code § 31-25-1 et seq. (the "Project"); and

WHEREAS, it is necessary, proper and economically feasible that the County borrow money by entering into a loan with the Mississippi Development Bank secured by the Note (as hereinafter defined) pursuant to Mississippi Code §§ 31-25-20 and 31-25-28, as amended, for the purposes herein stated and under the procedures hereinafter set forth and as provided by law to provide funds for the Project; and

WHEREAS, the Board of Directors of the Bank issued its Bonds for the purpose of financing loans to local governmental units, all as authorized by Mississippi Code § 31-25-1 et seq. (the "Act"); and

WHEREAS, there has been prepared and submitted to the Board of Supervisors a form of the Loan Agreement, to be dated as of the date of closing (the "Loan Agreement"), between the County and the Bank; and

WHEREAS, there has been prepared and submitted to the Board of Supervisors a form of the Promissory Note, to be dated as of the date of closing, between the County and the Bank (the "Note"); and

WHEREAS, there has been prepared and submitted to the Board of Supervisors a form of the Tax Intercept Agreement, to be dated as of the date of closing (the "Intercept Agreement"), between the County and the Bank and as accepted by Hancock Bank, as Trustee; and

WHEREAS, it appears that each of the documents referred to above, which documents are now before the Governing Body, is in appropriate form and is an appropriate document for the purposes identified; and

WHEREAS, all conditions, acts and things required by the Act, including Sections 31-25-20 and 31-25-28 thereof, and the constitution and laws of the State of Mississippi (the "State") to have existed, to have happened and to have been performed precedent to and in connection with the adoption of this resolution, the authorization of the Loan and the execution of the Loan Agreement, the Note and the Tax Intercept Agreement have happened and have been performed in regular and due time, form and manner as required by law; and

WHEREAS, it is proposed that the County should take all such additional actions, authorize the preparation and execution of such certificates and documents, and authorize such other actions and proceedings as shall be necessary in connection with the Loan; and

WHEREAS, it has now become necessary that the Governing Body proceed to make provision for the execution, issuance and delivery, from time to time, for the Loan Agreement, the Note and the Tax Intercept Agreement; and

WHEREAS, pursuant to Section 31-25-27 of the Act, the County is authorized to request an advance under the Loan to raise money for the Project; and

WHEREAS, pursuant to Section 3.02 of the Loan Agreement, the minimum

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

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

Request for Advance shall be in the amount of \$100,000; and

WHEREAS, through this Resolution, the Board of Supervisors of the County has approved the substantial form of the Request for Advance to be used with each advance to be provided under the Loan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI:

SECTION 1. The Governing Body now finds it necessary to approve: (1) the loan from the Mississippi Development Bank in the amount of \$15,000,000, funded from either or both of the 1999 Bonds and the 2001 Bonds; (2) the form of and execution of the Loan Agreement, to be dated the date of delivery thereof, between the Mississippi Development Bank and the County in connection with the loan; (3) the form of and execution of the Note of the County in connection with the Loan Agreement; (4) the form of and execution of the Intercept Agreement, to be dated the date of delivery thereof, between the Mississippi Development Bank and the County and as accepted by Hancock Bank; and (5) the form of and execution of the first Request for Advance under the Loan.

SECTION 2. The Governing Body hereby approves the loan from the Mississippi Development Bank to the County in an amount of \$15,000,000 to raise money for the Project.

SECTION 3. The form of each Loan Agreement to provide a loan from each of the 1999 Bonds and the 2001 Bonds, including the form of each Note for each loan, attached hereto as EXHIBIT A, is hereby approved in substantially same form. The President of the Board (the "President") and the Chancery Clerk of the County (the "Clerk") are hereby authorized and directed to execute each Loan Agreement and Note on behalf of the County. All provisions of each Loan Agreement, including each Note, when executed as authorized herein, shall be incorporated herein, and shall be deemed to be a part of this Resolution fully and to the same extent as if separately set out verbatim herein, which Loan Agreements and Notes are to be in substantially the form attached hereto, with such completions, changes, insertions and modifications and shall be approved by the officers executing and delivering the same. The President and the Clerk are hereby authorized to enter into each Loan Agreement in an amount not to exceed \$15,000,000 to provide for the Project. The 1999 Note shall mature not later than January 1, 2024. The 2001 Note shall mature not later than September 27, 2026. The execution of the Loan Agreement by the President and the Clerk shall be deemed to be conclusive evidence of such approval of the terms of the loan by these officers under this Section 3.

SECTION 4. The form of each Intercept Agreement for the 1999 Bonds and the 2001 Bonds, attached hereto as EXHIBIT B, is hereby approved in substantially same form. The President and Clerk are hereby authorized and directed for and on behalf of the County to enter into each Intercept Agreement (as defined in the Loan Agreement) whereby the County shall covenant, agree and authorize the Mississippi State Tax Commission or any other state agency, department or commission to (a) withhold all or any part of moneys which the County is entitled to receive from time to time pursuant to any law and which is in possession of the Mississippi State Tax Commission or any other state agency, department or commission, and (b) pay same over to the Trustee for the Bonds (on behalf of the Mississippi Development Bank) to satisfy any delinquent payments under the Loan Agreement. The Intercept Agreement shall be in accordance with the provisions set forth in the Loan Agreement and as authorized by the Act. All provisions of the Intercept Agreement, when executed as authorized herein, shall be incorporated herein, and shall be deemed to be a part of this Resolution fully and to the same extent as if separately set out verbatim herein, which the Intercept Agreement to

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

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

be in substantially the form attached hereto, with such completions, changes, insertions and modifications and shall be approved by the officers executing and delivering the same.

SECTION 5. The form of the Request for Advance for the 1999 Bonds and the 2001 Bonds, attached hereto as EXHIBIT C, is hereby approved in substantially the form attached hereto. The initial advance shall be approved herein, and each future advance shall be approved by further action of the Governing Body.

SECTION 6. Except as otherwise expressly provided herein, nothing in this resolution or the Loan Agreement, express or implied, is intended or shall be construed to confer upon any person or firm or corporation other than the County and the Bank, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any of the provisions hereof or the Loan Agreement or any provision thereof. This resolution, the Loan Agreement and all its provisions are intended to be and shall be for the sole and exclusive benefit of the County and the Bank.

SECTION 7. In case any one or more of the provisions of this resolution, the Loan Agreement, the Note and the Tax Intercept Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, the Loan Agreement, the Note or the Tax Intercept Agreement but this resolution, the Loan Agreement, the Note and the Tax Intercept Agreement shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained therein. The terms and conditions set forth in the Loan Agreement, the Note and the Tax Intercept Agreement shall not affect the commitments on the part of the County contained in this resolution, it being the intention hereof that such commitments on the part of the County are binding as if contained in this resolution separate and apart from the Loan Agreement, the Note and the Tax Intercept Agreement.

SECTION 8. Without further approval of the Governing Body, the President and Clerk be and are hereby authorized to approve costs of the Project to be paid out of the proceeds of the Loan in an initial amount of One Hundred Sixty-Two Thousand Dollars (\$162,000). Such costs of the Project shall include costs of reimbursement to the County for expenditures previously incurred by the County in connection with the Project and expenses of the County incurred in connection with the Loan, including, but not limited to such legal, accounting, issuer, financial and printing expenses, and all such other expenses as may be permitted to be paid therefrom pursuant to the terms of the Loan Agreement and the Act, and to cause such costs to be paid by Hancock Bank, as trustee, in connection with the Bonds (the "Trustee"), from time to time. In connection therewith, the President and Clerk be and each of them is hereby authorized and directed to execute one or more Requests for Advance in the form attached hereto as Exhibit C.

SECTION 9. The previous actions of the President and the Clerk in connection with the Loan shall be, and the same hereby are, approved, ratified and confirmed.

SECTION 10. No stipulation, obligation or agreement herein contained or contained in the Loan Agreement or other documents necessary to conclude the Loan shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the County in such person's individual capacity, and no such officer, agent or employee shall be personally liable on the Loan or be subject to personal liability or accountability by reason of the Loan.

SECTION 11. When the Loan Agreement is executed, the President and Clerk are hereby authorized and directed to prepare and furnish to the Bank certified copies of all the proceedings and records of the County relating to the Loan, and such other

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

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

affidavits and certificates as may be required to show the facts relating to the legality of the Loan as such facts appear from the books and records in the President's and the Clerk's custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the County as to the truth of all statements contained therein.

SECTION 12. From and after the execution and delivery of the documents hereinabove authorized as set out in Exhibits A, B, and C hereto, the proper officers, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the Loan and the execution and delivery of the Loan Agreement, the Promissory Note, the Tax Intercept Agreement or other documents necessary to conclude the Loan, from time to time, and to document the County's compliance with the Act.

SECTION 13. The President or the Clerk are hereby authorized to sign and file or cause to be filed one (1) or more completed I.R.S. Form 8038-G "Information Return for Governmental Obligations" in connection with the Loan if required by Section 149(e) of the Internal Revenue Code of 1986, as amended and requested by the Bank.

SECTION 14. The President or the Clerk are hereby authorized to execution one (1) or more Continuing Disclosure Agreements in connection with the Loan in order to comply with Rule 15c2-12(b)(5) of the Securities and Exchange Commission if requested by the Bank.

SECTION 15. The Board of Supervisors of the County hereby finds that it is necessary and in the public interest, upon closing the Loan, to request an advance in the amount of One Hundred Sixty-Two Thousand Dollars (\$162,000) from the Loan to raise money for the Project; further, the Board of Supervisors of the County hereby authorizes and approves the first advance under the Loan in such amount for the Project, subject to the closing of the Loan.

SECTION 16. Upon the closing of the Loan, the President of the Board of Supervisors and the Chancery Clerk are hereby authorized and directed to execute the Request for Advance, in the form herein approved by the Board, on behalf of the County with such changes, completions, insertions and modifications as shall be approved by the officers executing same.

SECTION 17. The disbursement by the Trustee of the first advance to the County shall be noted on Schedule I of the Promissory Note. The repayment of the principal amount of the first advance shall be payable in monthly installments which shall be set forth on Schedule II of the Promissory Note. The term for repayment of amounts advanced hereunder shall not exceed two hundred thirty-three (233) months.

SECTION 18. The Board of Supervisors hereby directs the Trustee to make payment from the proceeds of this advance as provided in the Request for Advance to be used for the purposes authorized herein and therein.

SECTION 19. The Board of Supervisors hereby approves the Schedule of Principal Installments, as set forth in Exhibit D, for the first advance under the Loan to be attached to the Promissory Note which will be entered into by the County and dated the date of closing.

SECTION 20. If any one or more of the provisions of this resolution shall for any reason

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

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be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

SECTION 21. For cause, this resolution shall become effective immediately upon the adoption thereof.

SECTION 22. The President of the Board and the Chancery Clerk are hereby authorized and directed for and on behalf of the County to take any and all such action as may be required by the County to carry out and give effect to the aforesaid documents authorized pursuant to this Resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence such authority.

Following the reading of the foregoing resolution, Supervisor Andy Taggart seconded the motion. After discussion, the matter was put to a roll call vote. The result was as follows:

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

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted, on this the 16th day of July, 2004.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

**Exhibit A** to this Resolution which may be found in the Miscellaneous Appendix to these Minutes:  
Form of Loan Agreement, for the  
1999 Bonds and the 2001 Bonds, including the form of Note

**Exhibit B** to this Resolution which may be found in the Miscellaneous Appendix to these Minutes:  
Form of Tax Intercept Agreement, for the  
1999 Bonds and the 2001 Bonds, including the form of Note

**Exhibit C** to this Resolution which may be found in the Miscellaneous Appendix to these Minutes:  
Form of Request For Advance, for the  
1999 Bonds and the 2001 Bonds, including the form of Note

**Exhibit D** to this Resolution which may be found in the Miscellaneous Appendix to these Minutes:  
Schedule of Principal Installments

Schedule II  
Schedule of Principal Installments

Draw #1 – monthly principal payments of \$695.00 for 232 months, and \$760.00 for the final month.

**In re: Approval to Repair Abernathy Bridge**

WHEREAS, County Road Manager Prentiss Guyton did appear before te Board, presenting an estimate from S & S Dragline Service, Inc. for repairs to be made to Abernathy Bridge, and

President's Initials: \_\_\_\_\_  
Date Signed: \_\_\_\_\_

WHEREAS, the Board does desire to authorize repairs to the bridge,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to authorize said repairs to be made and to direct County Engineer Mike McKenzie to confer with Mr. Tom Heard with the Soil and Water Conservation Service as to stabilization issues, and to direct County Comptroller Mark Houston to make budgetary adjustments to allow for such repairs . The vote on the matter being as follows:

Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	Aye <sup>1</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by a majority vote (3-1) of those present and said repairs and budgetary amendments were and are approved.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of Policy for Installing Road Signs***

WHEREAS, County Road Manager Prentiss Guyton did present a proposed policy on the installation of road signs in the county, a true and correct copy of which 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 adopt the policy but to add the County Administrator to paragraph two (2) to review and certify installation of road signs. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the policy was and is adopted as modified.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of Policy for Heavy Hauling***

WHEREAS, County Road Manager Prentiss Guyton did present a proposed policy on heavy hauling trucks on county roads, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to take the matter under advisement to consider other related matters, such as bonding requirements. The vote on the matter being as follows:

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<sup>1</sup>Mr. Johnson arrived prior to the call of the question.

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

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

the matter carried by the unanimous vote of those present and the proposed policy was taken under advisement.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of Bridge Posting Limitations***

WHEREAS, County Road Manager Prentiss Guyton reported to the Board he had received correspondence from State Aid Engineer Rudy Warnock recommending that the county post weight limits on the following bridges:

<u>Bridge Number</u>	<u>Road Name</u>	<u>Weight Limit</u>
Bridge No. 31	Yandell Road	10,000 lbs
Bridge No. 128	Way Road	10,000 lbs
Bridge No. 133	Loring Road	10,000 lbs
Bridge No. 134	Loring Road	10,000 lbs

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to set forth the above limitations on said bridges and to notify school board of bridge postings.

The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting <sup>2</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by the unanimous vote of those present and the above and foregoing weight limitations were and are hereby adopted, and the Road Manager was and is hereby directed to post such bridges and so advise the school district.

SO ORDERED this the 16<sup>th</sup> day of July, 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 to theses minutes:

Lessees: Kevin R. and Christy L. Roberts  
 Description: Lot 3, Eastbrooke Estates Subdivision  
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00

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<sup>2</sup>Prior to the call of the question, Mr. Johnson excused himself from the meeting but returned immediately thereafter.

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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: John Jeffrey and Monica Renee Saulters  
 Description: Lot 11, 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

Mr. Tim Johnson did move and Mr. Karl M. Banks 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 Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by a majority vote (3-1) of the Board and said leases were and are hereby approved.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of Employment of Counsel for Defense of Supervisors Douglas L. Jones and Andy Taggart***

WHEREAS, County Administrator Donnie Caughman did present a copy of prior Attorney General’s Opinion supporting the county’s authority to employ legal counsel for Supervisor Doug Jones and Supervisor Andy Taggart’s defense in those certain lawsuits separately filed against them challenging their right to serve as members of the Board of Supervisors, and

WHEREAS, Mr. Caughman and the Board Attorney did advise the Board that Miss. Code Ann. \_ 19-3-47 (1)(b) (1995) provides the Board of Supervisors authority to employ counsel in all civil cases in which the county is interested,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to authorize the county to pay legal fees and expenses on behalf of Supervisor Douglas L. Jones

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and Supervisor Andy Taggart in the course of those certain legal actions brought separately against both gentlemen by Mr. John Wallace, which matters are pending on the docket of the Chancery Court of Madison County, Mississippi as bearing cause numbers 2004-0485 and 2004-0486, respectively. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the aforesaid legal expenses were and are hereby authorized to be paid and were and are declared to be properly payable by Madison County.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of BellSouth Work Order Agreement***

WHEREAS, County Administrator Donnie Caughman did present a work order agreement from BellSouth in the amount of \$15, 551.23 to provide relocation of approximately one mile of telephone cable from a private right-of-way to a new Entergy Power Company route along Livingston Road to proceed south one mile from Hwy. 463, a true and correct copy of said work order agreement 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 approve the work order agreement provided by BellSouth and to 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 Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by the unanimous vote of those present and the BellSouth work order agreement was and is approved.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Request for Surface Improvements to Madison Station Elementary School Access Road***

WHEREAS, County Administrator Donnie Caughman did inform the Board he had received correspondence from County School Superintendent Mike Kent regarding the grading and surfacing improvements to the temporary construction access road to the new Madison Station Elementary School off Bozeman Road,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve resurfacing said road *via* either the six (6) month contractor or Yazoo County through the county's Interlocal Agreement for road maintenance at a cost not to exceed labor and materials set forth by the six (6) month bid, whichever can be achieved soonest. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the aforesaid resurfacing work was and is hereby approved.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval to Re-advertise Bridge Construction Bids***

WHEREAS, Purchase Clerk Hardy Crunk informed the Board there were no six month bids received on bridge construction, and

WHEREAS, Mr. Crunk requested permission to re-advertise for the bridge construction in hopes of receiving bids,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to approve the re-advertising of bridge construction bids. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and request was and is granted and Mr. Crunk was and is so directed.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of Final Subdivision Plat on Stonebridge Subdivision***

WHEREAS, County Engineer Mike McKenzie did appear before the Board, presenting the final plat on Stonebridge Subdivision, and

WHEREAS, Mr. McKenzie did advise the Board that said plat was in compliance with county ordinances and requirements and was complete and therefore requested that the Board approve same, and

WHEREAS, Mr. McKenzie did also advise the Board that all streets in said subdivision are private streets,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to approve the final plat on Stonebridge Subdivision 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	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

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the matter carried by the unanimous vote of those present and the final plat on the aforesaid subdivision was and is hereby approved.

SO ORDERED this the 16<sup>th</sup> day of July 2004.

***In re: Authorization of Board Attorney to Prepare Easement  
Conveyance on Catlett Road***

WHEREAS, the Board does desire that Board Attorney, Edmund L. Brunini, Jr. prepare an easement of conveyance of certain property on Catlett Road from H. C. Bailey to John Pace, who had given county easement along Catlett Road pursuant to a prior agreement between the county and Mr. Pace,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize the Board Attorney to prepare said instrument. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Not Present and Not Voting <sup>3</sup>
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by the unanimous vote of those present and the request was and is granted.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval to Implement Phase II, Wireless E911 System***

WHEREAS, Emergency Management Director Luke Gordon did appear before the Board and requested that an upgrade be implemented on Phase II of the county's wireless E911 system,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize implementing Phase II of E911 with no change in fees to be charged. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting <sup>4</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by the unanimous vote of those present and said request was and is granted.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

<sup>3</sup>Prior to the call of the question, Mr. Banks excused himself from the meeting but returned immediately thereafter.

<sup>4</sup>Prior to the call of the question, Mr. Johnson excused himself from the meeting but returned immediately thereafter.

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***In re: Request for MCEDA to apply for CDBG Grant***

WHEREAS, Mr. Jerry Acy, Executive Director of the Madison County Development Authority, did appear before the Board requesting approval to apply for CDBG funds to build and improve a road connecting the Canton Industrial Park to Highway 22,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to authorize MCEDA to apply for CDBG funds to build and improve a road connecting the Canton Industrial Park to Highway 22. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the request was and is granted.  
SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Approval of Certain Amendments to FY 2004 Budget of Madison County and Approval of Certain Inter-fund Transfers***

WHEREAS, County Comptroller Mark Houston and Chancery Clerk Arthur Johnston did appear before the Board recommending certain budgetary amendments and adjustments as to reflect and address the needs of the chancery clerk's office as contained in Exhibit C, which is attached hereto, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Houston and Mr. Johnston did recommend an immediate transfer of funds from Fund 011-000-340 (Refund Revenue) to Fund 001-101-919 (Chancery Clerk – Other Machinery and Equipment) in the amount of \$29,000, to allow for the purchase of certain computer equipment and an additional \$11,000 from Fund 011-000-340 (Refund Revenue) to Fund 001-101-581 (Chancery Clerk – Other Contractual Services) to allow for the purchase of certain contractual and consultant services, all as enumerated in that certain budget proposal, as Exhibit C.

Following discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to approve the budget amendments contained in said exhibit and the inter-fund transfers referenced above. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said budget amendments and inter-fund transfers were and are hereby approved.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Request New Hire for Adolescent Offender Program and MADTRAN Contract***

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

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

***For Searching Reference Only: Page 21 of 22 (7/16/04)***

WHEREAS, the Board had received correspondence dated July 14, 2004, from Judge William S. Agin requesting approval to hire Mrs. Betty Bridges as AOP Counselor/Case Manager at a rate of \$25,000 per year to fill the current vacancy, and

WHEREAS, Judge Agin did also request approval of contract with MADTRAN to provide transportation to and from day treatment for the AOP students at a rate of \$4,800 per year, and

WHEREAS, MADTRAN would provide one security officer to assist in transportation at the treatment facility at the rate of \$9,000 per year,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the AOP requests to be funded out of existing grant funds, as stated in the aforesaid correspondence dated July 14, 2004, a true and correct 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 Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting

the matter carried by the unanimous vote of those present and the requests were and are hereby granted.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

***In re: Request Refund Check from State Drug Fund***

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and requested a refund check be issued to McKinley Bell from Sheriff's State Drug Fund in the amount of \$2,360,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize issuance of refund check in the amount of \$2,360 from the Sheriff's State Drug Fund. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the request was and is granted.

SO ORDERED this the 16<sup>th</sup> day of July, 2004.

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 Andy Taggart and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, July 23, 2004, at 9:00 am for purposes of conducting certain public hearings as noticed by publication and any other business which may

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

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

properly come before the Board.

\_\_\_\_\_  
Douglas L. Jones, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

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

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