MINUTES OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

REGULAR MEETING OF OCTOBER 3, 2011 Being the first day of the September Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 3, 2011, in the Board Room on the first floor of the Chancery/Administrative Building, 125 W. North St., in 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: Absent:

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

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers Wallace Collins, CPA, Accountant
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
County Purchase Clerk Hardy Crunk
County Fire Coordinator Mack Pigg
County Road Manager Lawrence Morris
Chief Deputy Tax Assessor Kent Hawkins

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Mr. Dave Vann led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Minutes From September 2011 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the September 2011 term, said meetings having been conducted on September 6, September 12, September 19, 2011 and September 26, 2011,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

Supervisor John Bell Crosby

Supervisor Tim Johnson

Supervisor D. I. Smith

Supervisor Karl M. Banks

Supervisor Paul Griffin

Not Present and Not Voting

Aye

Aye

President's Initials:
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the matter carried by the unanimous vote of those present and the Minutes for the September 2011 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 3rd day of October, 2011.

In re: Approval of Consent Agenda Items

WHEREAS, President Johnson announced that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting and reported that Items (1) through (19) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

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

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

- 1. Acknowledge September 2011 Monthly Report- Road Department
 (A true and correct copy of the September 2011 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 2. Acknowledge September 2011 Closed Call Analysis Road Department.

 (A true and correct copy of the September 2011 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 3. Acknowledge October 2011 Service Call Schedule Report Road Department.

 (A true and correct copy of the October 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 4. Approve Location of Culvert Placements.

(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)

- 5. Acknowledge Building & Grounds Department Monthly Report.

 (A true and correct copy of said Report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 6. Acknowledge and Approve Chancery Court Order Closing Chancery and Administrative Building for Canton Flea Market October 13, 2011.

 (A true and correct copy of said Order is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
- 7. Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2011 Tax Year.

(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)

8. Approve Petition for Increase of Assessment of Real Property for the 2011 Tax Year as Accepted by Taxpayers.

(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)

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9. Approve Petition for Increase of Assessment of Real Property for the 2011 Tax Year Not Accepted by Taxpayers and Set Date for Public Hearing.

(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference and a public hearing is set for October 17, 2011 thereupon.)

10. Approve Petition for Increase of Assessment of Real Property for the 2010 Tax Year as Accepted by Taxpayer.

(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit G, spread hereupon and incorporated herein by reference.)

11. Approve Amended Corrected Homestead Applications - 2011 Tax Year.

(A true and correct copy of that certain memorandum dated September 28, 2011 from Homestead Director Emily Anderson is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)

12. Approve Amended Deleted Homestead Applications - 2011 Tax Year.

(A true and correct copy of that certain memorandum dated September 28, 2011 from Homestead Director Emily Anderson and its attachments are attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)

13. Approve Preliminary Plat of Timber Ridge of Wellington.

(A true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes.)

14. Acknowledge Parkway East Public Improvement District Invoices.

(A true and correct copy of those certain invoice nos. 418 through 423 may be found in the Miscellaneous Appendix to these Minutes.)

15. Approve Destruction of Tag Decals.

(A true and correct copy of that certain explanatory memorandum dated September 27, 2011 from Tax Collector Kay Pace is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)

16. Approve Monthly Credit Card Report August 9, 2011 - September 9, 2011 - General County.

(A true and correct copy of that certain memorandum dated September 27, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)

17. Approve Final Order for Ad Valorem Tax Exemption - Tower Automotive Operations USA II, LLC.

(A true and correct copy of that certain correspondence dated September 20, 2011 from the Mississippi Department of Revenue approving said exemption for a period of nine (9) years from January 1, 2011 with a total true value of \$9,642,817 is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference. The Board President was and is here authorized to execute said Order.)

18. Authorize Advertising of Bids for Moss Road Bridge State Aid Project.

(The Board does hereby authorize advertising for bids for Moss Road Bridge State Aid Project for November 21, 2011.)

19. Approve Preliminary Plat of The Vision.

(A true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes.)

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The vote on the matter being as follows:

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

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

SO ORDERED this the 3rd day of October, 2011.

In re: Discussion of Renaming Road - Nichols Quarters Road

WHEREAS, during a period of Citizens Concerns, Mr. Roger Olive and Mr. Roy Nichols appeared before the Board and expressed concern that the County had changed the name of Nichols Quarters Road without the residents along said road being made aware of the change, and

WHEREAS, Mr. Olive stated that he and other residents felt they should have been approached about the request to change the name of the road, given the historical and long term significance thereof,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize County Engineer Rudy Warnock and Board Attorney Eric Hamer to revisit the county's policy on naming county roads. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting	5
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Supervisor Tim JohnsonAyeSupervisor D. I. SmithAyeSupervisor Karl M. BanksAyeSupervisor Paul GriffinAye

the matter carried by the unanimous vote of those present and the County Engineer and the Board Attorney were and are hereby so authorized.

SO ORDERED this the 3rd day of October, 2011.

In re: Acknowledgment of Region 8 Mental Health - Mental Retardation Commission's Annual Report

WHEREAS, Mr. Dave Vann, Director of Region 8 Mental Health appeared before the Board and presented the annual report for his agency and the Region 8 Mental Health-Mental Retardation Commission, and further expressed his appreciation for the strong relationship between Madison County and Region 8,

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of the aforementioned report, 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 John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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the matter carried by the unanimous vote of those present and said report was and is hereby acknowledged.

SO ORDERED this the 3rd day of October, 2011.

In re: Approval of Utility Relocation Agreement - Entergy

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain Utility Agreement between Madison County and Entergy for relocation of utilities associated with the construction of Calhoun Station Parkway, Phase III and requested the Board approve same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Utility Agreement with Entergy and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 3rd day of October, 2011.

In re: Authorization of County Engineer and Board Attorney to Confer with City of Canton

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that the City of Canton had not executed a municipal agreement to purchase right-of-way for the Dobson Avenue Bridge LSBP Bridge Project,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Board Attorney Eric Hamer and County Engineer Rudy Warnock to confer with Canton Mayor William Truly to determine whether the city still wants to proceed with repairs to the Dobson Avenue Bridge LSBP Bridge Project. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Mr. Hamer and Mr. Warnock were and are hereby authorized.

SO ORDERED this the 3rd day of October, 2011.

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In re: Approval of Change Order No. 3 - Gluckstadt Road Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve that certain change order no. 3 dated October 3, 2011 submitted by Utility Constructors, Inc. associated with the Calhoun Station Parkway, Phase II Project, and

WHEREAS, Mr. Warnock reported that said change order reflected a reduction in the contract by the sum of \$3,607.91, as detailed on that certain document submitted by Utility Constructors, Inc., a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said change order as submitted by Utility Constructors, Inc. for the Calhoun Station Parkway, Phase II Project at a reduction of \$3,607.91 and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye

Supervisor D. I. Smith Aye Supervisor Karl M. Banks Aye Supervisor Paul Griffin Aye

the matter carried by a unanimous vote of those present and said change order was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 3rd day of October, 2011.

In re: Approval of Budget Amendments and Budget Amendment Request

WHEREAS, Mr. Wallace Collins appeared before the Board and presented that certain document entitled "Madison County Budget Amendments October 3, 2011," and requested the Board's consideration of the amendments to the current year budget of the county proposed thereby and did further present a separate spreadsheet for the Board's consideration of certain additional budget amendments, true and correct copies of all of which are attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said budget amendments. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting

Supervisor Tim JohnsonAyeSupervisor D. I. SmithNoSupervisor Karl M. BanksAyeSupervisor Paul GriffinAye

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

SO ORDERED this the 3rd day of October, 2011.

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In re: Approval of Claims Docket for October 3, 2011

WHEREAS, the Board reviewed the claims docket for October 3, 2011;

WHEREAS, the Mr. Wallace Collins, CPA, did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

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

Fund	Claim Nos.	No. of Claims	Amount
001	4215 to 4289,4291 to 4293	78	323,707.12
012	227 to 231	5	11,969.10
051	50 to 51	2	27,965.47
095	26 to 27	2	53,924.81
096	17 to 18, 4290	3	9,462.26
097	319 to 321	3	8,902.32
105	260 to 265	6	28,145.61
108	11 to 11	1	237.49
113	13 to 13	1	1,420.00
114	30 to 32	3	7,313.61
115	133 to 135	3	357.99
120	100 to 100	1	17.34
137	6 to 6	1	125,000.00
150	873 to 895	23	77,169.37
160	303 to 310	8	10,435.85
190	171 to 176	6	4,745.83
191	2 to 4	3	616.59
226	19 to 22	4	684,253.58
302	186 to 189	4	551,245.44
401	37 to 37	1	3,113.92
690	25 to 26	2	50,397.02
691	25 to 26	2	50,393.25
	TOTAL ALL FUNDS	162	2,030,793.97

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

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

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

SO ORDERED this the 3rd day of October, 2011.

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In re: Authorization of Dispensing Election for Madison County Board of Education

WHEREAS, the Madison County Election Commission certified at its September meeting that there is but one (1) candidate qualified for the office of Board Member of Madison County School District 4, the same being T. Philip Huskey, and

WHEREAS, the Board of Supervisors is authorized by statute to dispense with the special election for that office in the event that only one candidate has qualified,

Following discussion, Mr. D. I. Smith did offer and Karl M. Banks did second a motion to dispense with a special election for the office of Board Member for Madison County District 4 pursuant to Miss. Code Ann. § 23-15-839. The vote on the matter being as follows:

Supervisor John Bell Crosby Not Present and Not Voting

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

the matter carried by a majority vote (3-1) of the Board and said election was and is hereby dispensed with and the Chancery Clerk was and is hereby authorized and directed to advise Secretary of State Delbert Hosemann of the Board's decision herein.

SO ORDERED this the 3rd day of October, 2011.

In re: Consideration of Payment of Electric Bill - West Madison Fire District Community Center

Following discussion and at the request of County Fire Coordinator Mack Pigg, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the payment of the electric bill for the West Madison Fire District Community Center each month from henceforth. The vote on the matter being as follows:

Supervisor John Bell Crosby Not Present and Not Voting

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

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is hereby authorized to pay the electric bill for the West Madison Community Center each month from the county treasury.

SO ORDERED this the 3rd day of October, 2011.

In re: Approval of Claims of Philip Lasalla and Courtney Bailey

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of a claim to Philip Lasalla for damages sustained to a vehicle owned by him while traveling along county roads, and recommended approval of same, and

WHEREAS, Mr. Hammack reported that damage was due to the road department bush-hogging and debris striking Mr. Lasalla's vehicle, and

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WHEREAS, Mr. Hammack further requested approval of payment for claim to Ms. Courtney Bailey for damages sustained to a vehicle owned by her while traveling along county roads,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the claim for damages submitted by Mr. Philip Lasalla in the amount of \$345.00 and to Ms. Courtney Bailey in the amount of \$265.36. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and said claims were and are hereby approved and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 3rd day of October, 2011.

In re: Authorization of the Sale of County Vehicles at Auction

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a list of vehicles to be sold at auction and requested the Board approve same, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the Sheriff to sell said vehicles at an auction of his choosing. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and said vehicles were and are hereby authorized to be sold by the Sheriff at an auction of his choosing.

SO ORDERED this the 3rd day of October, 2011.

In re: Acknowledgment of Receipt of Funds

WHEREAS, Sheriff Toby Trowbridge presented checks received from various agencies for housing of prisoners and other services as follows:

Entity	Amount
Anonymous Donor	\$ 150.00
City of Canton	\$ 20,982.53
State of MS	\$ 13,820.00
Securus	\$ 10,978.15

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said checks. The vote on the matter being as follows:

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Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
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Supervisor D. I. Smith

Supervisor Karl M. Banks

Supervisor Paul Griffin

Aye

Aye

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

SO ORDERED this the 3rd day of October, 2011.

In re: Entering into "Closed Session" to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss potential litigation, right of way acquisition, and personnel matters

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential litigation, right of way acquisition, and personnel matters with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Engineer Rudy Warnock. The vote on the matter being as follows:

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

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

SO ORDERED this the 3rd day of October, 2011.

In re: Entering into Executive Session

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss potential litigation, right of way acquisition, and personnel matters. The vote on the matter being as follows:

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

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

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SO ORDERED this the 3rd day of October, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public that no action was taken therein. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and the President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public that there was no action taken therein.

SO ORDERED this the 3rd day of October, 2011.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, October 17, 2011 at 9:00 a. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

	Tim Johnson, President Madison County Board of Supervisors
	Date signed:
ATTEST:	
Arthur Johnston, Chancery Clerk	

President's Initials:______

Date Signed:_____
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