

Book 3 Page 291



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

October 23, 2020

Cynthia Parker
Board Secretary, Madison County Board of Supervisors
Post Office Box 404
Canton, Mississippi 39046

Re: Interlocal Cooperation Agreement between Madison County and the City of
Ridgeland for the Purposes of Street Repair, Resurfacing, and Improvement

Dear Ms. Parker:

Pursuant to Mississippi Code Annotated Section 17-13-11(1), interlocal agreements shall be "submitted to the Attorney General of this state who shall determine whether the agreement is in proper form and compatible with the laws of this state." On October 13, 2020, the Mississippi Attorney General's Office received your request to review the above-referenced agreement.

Our office has reviewed the agreement and has found that it is in proper form and is compatible with the laws of this state, specifically those laws found in Mississippi Code Annotated Section 17-13-1 *et seq.*

The duration of the agreement exceeds the term of the Ridgeland Board of Aldermen. Any contract that extends beyond the term of the governing board(s) without express statutory authority is voidable at the discretion of the successors. *Northeast Mental Health-Mental Retardation Comm'n v. V.M. Cleveland*, 187 So. 3d 601 (Miss. 2016).

Please also note that the governing boards must ensure compliance with Sections 19-11-27 and 21-35-27 regarding any expenditures for road and bridge construction, maintenance, and equipment.

Any subsequent amendment(s) to the agreement must be approved by this office in accordance with Section 17-13-11(1).

Do not hesitate to contact our office should you require anything further in this regard.

Sincerely,

/s/ Gregory Alston

Gregory Alston
Special Assistant Attorney General

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF RIDGELAND, MISSISSIPPI, AND MADISON COUNTY, MISSISSIPPI REGARDING CERTAIN ROAD AND DRAINAGE PROJECTS WITHIN THE CITY OF RIDGELAND

This Interlocal Cooperation Agreement is made and entered into by and between the City of Ridgeland, Mississippi, a municipal corporation organized and existing under the laws of the State of Mississippi (the "City"), and Madison County, Mississippi (the "County"), pursuant to the Mississippi Interlocal Act of 1974, codified as Section 17-13-1, et seq., Mississippi Code of 1972, as amended (the "Interlocal Act" on the date set forth hereinafter:

RECITALS

WHEREAS, City and County agree, find and determine as follows:

1. The City and County desire to enter into the Agreement for the purpose of street repair, resurfacing, and drainage improvement projects which will enhance the general welfare of the City and County and the citizens of each, and consequently, the economic development of City and County;
2. The "Project" shall mean the overlay of a portion of Richardson Road, specifically that area between Steed Road and Lake Castle Road; the overlay of a portion of Highland Colony Parkway, from Old Agency Road north to the city limits of the City of Ridgeland; and a drainage improvement project along the west side of Ridgewood Rd from East State Street to Wilson Avenue;
3. The City agrees to assume the work necessary to undertake the Projects. The County agrees to reimburse the City for expenses associated with completion of the Projects enumerated in the hereinabove clause and which are also listed in Appendix "A" hereto as to street names, and reimbursement amounts;
4. It is necessary for the City and County to enter into this Agreement in order to enable the City to proceed with said Projects as listed in Appendix "A";
5. The City will complete the work not later than September 30, 2022, with a final invoice to the County not later than October 31, 2022;
6. September 30, 2022 shall constitute the termination date of this Interlocal Agreement. Any portion of the project not completed and invoiced within this time frame will not be eligible for reimbursement of the County share of this Project.

NOW THEREFORE FOR AND IN CONSIDERATION OF THE ABOVE AND MUTUAL BENEFITS ACCRUING TO THE CITY AND COUNTY, THE CITY AND COUNTY DO HEREBY AGREE AS FOLLOWS:

1. The City and County will cooperate to complete said Projects as outlined in Appendix "A" which will inure to the benefit of City and County;
2. The Agreement shall be in force and effect until September 30 2022
3. There will be no separate legal or administrative entity created pursuant to this Agreement. MS Code Section 21-37-3 authorizes the City and County is authorized by MS Code Section 19-3-41 to exercise and carry out the powers, authorities, and responsibilities to be exercised by each of them pursuant to the terms of this Agreement;
4. Improvements of the streets and drains listed in Appendix "A" will be undertaken and financed by the City, and upon completion, the City will thereafter assume responsibility for maintenance and upkeep of the Projects. The County will reimburse the City for work done during the course of the project on a monthly basis, not later than thirty days after delivery by the City of documentation of costs incurred. County will not reimburse any additional costs above the sums as listed in Appendix "A" for any respective item listed in such as "Projects". The City will perform the work primarily through the use of contractors, with some possible incidental work being performed by City personnel and equipment;
5. This Agreement shall be in force and effect from and after its approval by the Mississippi Attorney General's Office pursuant to the Mississippi Code Annotated Section 17-3-11 (1972) and filed with the Chancery Clerk of Madison County, Mississippi and the Mississippi Secretary of State.

WITNESS the signatures of the duly authorized offices of the City and County as of the 21 day of September 2020.

CITY of RIDGELAND, MISSISSIPPI

By: Cecil F. Niles
Mayor

ATTEST:

[Signature]
City Clerk



MADISON COUNTY, MISSISSIPPI

By: [Signature]
President, Board of Supervisors

ATTEST:

[Signature]
Clerk, Board of Supervisors
[Signature]



APPENDIX "A"

The following items shall constitute the "Projects", the costs and reimbursements connected with such, as enumerated in the foregoing Interlocal Agreement between the City of Ridgeland, Mississippi and Madison County, Mississippi:

1. Overlay of Richardson Road from Steed Road to Lake Castle Road at a cost of no more than \$190,000.00;
2. Overlay of Highland Colony Parkway from Old Agency Road north to the city limits of the City of Ridgeland at a cost of no more than \$610,000.00;
3. A drainage improvement project along Ridgewood Road to install a box culvert along the west side of Ridgewood Rd from E. State St to Wilson Avenue at a cost not to exceed \$500,000.00

The above specific projects constitute the total of all projects and monies associated with said projects under this Interlocal Agreement.