

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

REGULAR MEETING OF SEPTEMBER 16, 2013  
Recessed from a regular meeting conducted on September 3, 2013

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 16, 2013 at 9:00 am, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor Ronny Lott  
Supervisor John Bell Crosby  
Supervisor Gerald Steen  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Chancery Clerk Arthur Johnston  
Sheriff Randall Tucker

Absent:

Also in attendance:

Interim County Administrator/County Comptroller/Deputy Chancery Clerk Shelton Vance  
Board Attorney Mike Espy  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Mr. Chad Plumb on behalf of County Engineer Rudy Warnock  
Purchase Clerk Hardy Crunk  
Emergency Management Director Butch Hammack  
Assistant Comptroller and Deputy Chancery Myrtis Sims  
County Road Manager Lawrence Morris  
Zoning Administrator Brad Sellers  
Deputy Tax Assessor Kent Hawkins

Special Guest:

Flora Mayor Les Childress

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston offered an opening prayer and Mr. Will Sligh lead the members and the audience in the Pledge of Allegiance to the colors of the United States of America.

***In re: Public Hearing for Adoption of  
Wal-Mart Supercenter-Canton TIF Plan***

Mr. Ronny Lott did offer and Mr. Gerald Steen did second a motion to open the public hearing for consideration of the adoption of the Wal-Mart Supercenter - Canton TIF Plan. The vote on the second substitute motion being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

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

***For Searching Reference Only: Page 1 of 24 (9/16/13)***

the matter carried by the unanimous vote of those present and said public hearing was and is hereby declared opened..

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

No one appeared to oppose the matter; therefore, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to close the public hearing on the Wal-Mart Supercenter - Canton TIF Project. The vote on the second substitute motion being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said public hearing was and is hereby closed.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Adoption of a Resolution Approving  
Approving and Authorizing the Execution of the  
Interlocal Cooperation Agreement with the City of Canton  
Wal-Mart Supercenter - Canton TIF Project***

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,  
MISSISSIPPI ADOPTING, APPROVING AND AUTHORIZING THE EXECUTION OF  
THE INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF CANTON,  
MISSISSIPPI IN SUPPORT OF THE WAL-MART SUPERCENTER PROJECT.**

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board" of the "County"), acting for and on behalf of the County, hereby finds, determines and adjudicates as follows:

1. Pursuant to the Mississippi Tax Increment Financing Act, Title 21, Chapter 45, Mississippi Code of 1972, as amended (the "TIF Act"), the County is authorized to undertake and carry out redevelopment projects, as defined therein, utilizing tax increment financing ("TIF").

2. The Mayor and Board of Aldermen of the City of Canton, Mississippi (the "City Board" of the "City") has previously conducted hearings on and approved and adopted the Tax Increment Financing Redevelopment Plan of 2006, City of Canton, Mississippi (the "Original Redevelopment Plan") for the City. The City Board of the City has previously conducted hearings on and approved and adopted the Tax Increment Financing Redevelopment Plan of 2006, City of Canton, Mississippi as amended April 2007, as amended from time to time (the "Redevelopment Plan") for the City.

3. The City Board has also previously adopted the Tax Increment Financing Plan, Wal-mart Supercenter Project, City of Canton, Mississippi, September 2013 (the "TIF Plan") and has previously established the Wal-mart Supercenter Project TIF District (the "TIF District") as described herein to provide financial support by way of TIF for the Wal-mart Supercenter Project (the "Project") as also described herein.

4. Wal-mart Real Estate Business Trust (the "Developer") is proposing to develop the Project in the City and County and in the TIF District. The County intends to enter into an Interlocal Cooperation Agreement (the "Agreement") with the City, pursuant to the Interlocal

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

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

***For Searching Reference Only: Page 2 of 24 (9/16/13)***

Cooperation Act, Title 17, Chapter 13, Mississippi Code of 1972, as amended, to support the Project and to allow TIF bond proceeds to be used to pay for the cost of certain infrastructure improvements to support the Project, which may include but are not limited to, installation, rehabilitation and/or relocation of utilities such as water, sanitary sewer, construction, renovation, or rehabilitation of drainage improvements, roadways, curbs and gutters, sidewalks, on-site parking, relocation of electrical lines, lighting, traffic signalization, landscaping of rights-of-way, related architectural/engineering fees, attorneys' fees, TIF Plan preparation fees, issuance costs, capitalized interest, and other related soft costs (the "Infrastructure Improvements"). These costs are expected to exceed the sum of Five Million Dollars (\$5,000,000). The Developer is requesting the assistance of the County and the City in providing the funding for the improvements by the utilization of TIF.

5. The Project appears to be a project of major economic significance within the City and the County and to qualify as a project eligible for TIF under the City's Redevelopment Plan and the TIF Act; and the participation on the part of the County is necessary and would be in the public interest and would benefit the economic and financial well-being and the public health, safety and welfare of the County.

6. The Developer intends to acquire and construct all or a portion of the Infrastructure Improvements at its expense to facilitate the development of the Project, based on the expectation that TIF moneys will be available in the future. The City wishes to reimburse the Developer for this expense in whole or part, up to the amount of moneys available from the proceeds of TIF bonds in the principal amount not to exceed Five Million Dollars (\$5,000,000) at the time or times TIF bonds are issued in the future. These bonds will be secured solely by a pledge by the City and the County of a portion of the increase in ad valorem taxes on real and personal property generated within the TIF District and also by a pledge by the City of a portion of the increase in sales taxes generated within the TIF District. The funds derived from the sale of the bonds will be used to acquire and construct or reimburse the costs of acquisition and construction of the Infrastructure Improvements by the Developer, and other related costs. These bonds shall never constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County, other than from the sources set forth herein, or a charge against its general credit or taxing powers.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1. The Project is one of major economic significance, and the participation of the County is necessary and in the public interest and would benefit the public health, safety and welfare of the County and its citizens.

SECTION 2. The Board hereby approves and adopts the Agreement in substantially the form attached hereto as Exhibit A with such amendments, corrections, additions and deletions as may be agreed upon and approved by its duly authorized officers.

SECTION 3. The Board hereby authorizes the President and Clerk of the Board to execute and deliver the Agreement for and on behalf of the County with such changes, insertions and omissions as may be approved by such officers, said execution and delivery being conclusive evidence of such approval.

Following the reading of the foregoing resolution, Supervisor Karl M. Banks moved the adoption of the resolution, and Supervisor Ronny Lott seconded the motion for its adoption. The matter was then put to a roll call vote, and the result was as follows:

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

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

*For Searching Reference Only: Page 3 of 24 (9/16/13)*

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this, the 16th day of September, 2013.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

EXHIBIT A – INTERLOCAL COOPERATION AGREEMENT  
(A true and correct copy of which is attached hereto as Exhibit A to these Minutes.)

***In re: Adoption of a Resolution Approving  
the Adoption and Implementation of the  
Wal-Mart Supercenter - Canton TIF Project***

WHEREAS, Mr. Chris Gouras of Gouras & Associates appeared before the Board on behalf of the proponents of the Wal-Mart Supercenter Canton TIF Project referred to herein below and presented the following Resolution which follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI APPROVING THE ADOPTION AND IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN, WAL-MART SUPERCENTER PROJECT, CITY OF CANTON, MISSISSIPPI, SEPTEMBER 2013; AND FOR RELATED PURPOSES.**

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board" of the "County"), acting for and on behalf of the County, hereby finds, determines and adjudicates as follows:

1. Under the power and authority granted by the laws of the State of Mississippi and particularly under Chapter 45 of Title 21, Mississippi Code of 1972, as amended (the "Act"), the Board, on August 19, 2013, did adopt a certain resolution entitled:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO COUNTIES WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE CANTON WAL-MART SUPERCENTER PROJECT IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES.**

2. As directed by the aforesaid resolution, and as required by law, a Notice of Public Hearing with respect to the Tax Increment Financing Plan, Wal-mart Supercenter Project, City of Canton, Mississippi, September 2013 (the "TIF Plan"), was published in the *Madison County Herald*, a newspaper having a general circulation within the County, on August 30 and September 6, 2013, as evidenced by the publisher's proof of publication of the same heretofore presented to the Board and filed with the Chancery Clerk, a copy of which is attached hereto as **Attachment A**.

3. The Notice of Public Hearing generally described the TIF Plan and further called for a public hearing to be held at the Madison County Chancery Courthouse, Canton, Mississippi, at 9:00 a.m., September 16, 2013, to enable the general public to state or present their views on

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

the TIF Plan.

4. At 9:00 a.m. on September 16, 2013, the public hearing was held, and all in attendance were given an opportunity to state or present their oral and/or written comments on the TIF Plan.

5. The Canton Mayor and Board of Aldermen has previously approved the Tax Increment Financing Redevelopment Plan of 2006, City of Canton, Mississippi (the "Redevelopment Plan") for the City and has conducted hearings on and has approved and adopted the TIF Plan. The TIF Plan is a qualified plan under the Act and should be approved and accepted by the County.

6. Pursuant to the Act, the County hereby declares its intent to enter into an alliance agreement or interlocal cooperation agreement with the City of Canton, Mississippi (the "City"), pursuant to the Mississippi Interlocal Cooperation Act of 1974, codified as Title 21, Chapter 45, Mississippi Code of 1972, as amended (the "Interlocal Act") to support the payment of the proposed Tax Increment Financing Revenue Bonds for the Wal-mart Supercenter Project in the maximum principal amount of Five Million Dollars (\$5,000,000) (the "TIF Bonds") to be issued for the Project (as hereinafter defined) and the President of the Board and the Clerk of the Board should be authorized and directed to proceed with regard thereto.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD AS FOLLOWS:

SECTION 1. The Board is now fully authorized and empowered under the provisions of the Interlocal Act, to accept, approve and implement the TIF Plan (a copy of which is on file with the Clerk of the Board), and does hereby adopt and approve such TIF Plan in order to support the payment of TIF Bonds to support the infrastructure improvements for the Project, which may include but are not limited to, installation, rehabilitation and/or relocation of utilities such as water, sanitary sewer, construction, renovation, or rehabilitation of drainage improvements, roadways, curbs and gutters, sidewalks, on-site parking, relocation of electrical lines, lighting, traffic signalization, landscaping of rights-of-way, related architectural/engineering fees, attorneys' fees, TIF Plan preparation fees, issuance costs, capitalized interest, and other related soft costs (the "Infrastructure Improvements"). The cost of the construction and acquisition of the Infrastructure Improvements will equal or exceed the sum of \$5,000,000.

SECTION 2. In accordance with the Act, school taxes cannot be used to service tax increment financing debt obligations, and no tax revenues from single family residential development will be used to service the debt on the TIF Bonds.

SECTION 3. The Board does hereby approve and adopt the TIF Plan, in accordance with Sections 21-45-3 and 21-45-11 of the Act.

SECTION 4. Pursuant to the Act or the Interlocal Act, the County is authorized to enter into an alliance or an interlocal agreement with the City with respect to the Project and the Infrastructure Improvements, the payment of the TIF Bonds for the Infrastructure Improvements and for related purposes. Such alliance or interlocal agreement will be carried out pursuant to an agreement to be subsequently presented to and approved by the Board.

Following the reading of the foregoing resolution, Supervisor Karl M. Banks moved the adoption of the resolution, and Supervisor Ronny Lott seconded the motion for its adoption. The matter was then put to a roll call vote, and the result was as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

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

***For Searching Reference Only: Page 5 of 24 (9/16/13)***

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this, the 16th day of September, 2013.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

**ATTACHMENT A ( to this Resolution)**

**Proof of Publication**

(A true and correct copy of which is attached hereto to these Minutes as Exhibit B.)

***In re: Approval of Consent Agenda Items***

WHEREAS, the Board President announced that he and Interim County Administrator Shelton Vance had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (20) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President 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, the Board President requested that Item No. 7, "Approve Claiborne County Hospital to Remove Items from Old Madison County Hospital," be removed from the Consent and addressed separately, and

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to take the following actions on the Consent Agenda:

3. **Acknowledge Redemption of Land Sold for Taxes Report - July, 2013.**  
(A true and correct copy of that certain report from Chancery Clerk Arthur Johnston is attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference.)
4. **Authorize Board President to Execute Warranty Documents - Valley View Fire Protection District.**  
(A true and correct copy of that certain memorandum dated August 29, 2013 from Joseph Orr, Architecture along said warranty document is attached hereto as Collective Exhibit D, spread hereupon, and incorporated herein by reference.)
5. **Approve Interim County Administrator Shelton Vance and AOP Director Mike Box as Authorized Signatures on DHS Documents.**  
(A true and correct copy of said signature is attached hereto as Exhibit E, spread hereupon, and incorporated herein by reference. The Board President was hereby authorized to execute same.)
6. **Approve Payment to McGraw Gotta Go.**  
(A true and correct copy of that certain explanatory memorandum dated September 9, 2013 from Purchase Clerk Hardy Crunk requesting the Board approve payment to McGraw Gotta Go in the amount of \$2,899.00 for damage to three portable toilets is attached hereto as Exhibit F, spread hereupon, and incorporated herein by reference.)
7. **Approve Beaver Control Cooperative Service Agreement and Approve Payment of Same.**  
(A true and correct copy of which is attached hereto as Exhibit G, spread hereupon, and incorporated herein by reference. The Board President was hereby authorized to execute same.)

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

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

***For Searching Reference Only: Page 6 of 24 (9/16/13)***

8. **Acknowledge and Approve Personnel Matters - Detention Center.**  
(A true and correct copy of that certain Personnel Form setting forth certain changes and/or additions in personnel and pay adjustments is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
9. **Approve Germantown Subdivision Petition for Curbside Recycling.**  
(A true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.)
10. **Authorize Attendance & Approve Travel & Related Expenses for Purchase Clerk Hardy Inventory Control Clerk Loretta Phillips to the 2013 Mississippi Association Government Purchase and Property Agents Conference in Biloxi, MS, October 20 - 23, 2013.**
11. **Approve Reassessment of Taxes - Elizabeth Joyce Holcombe.**  
(A true and correct copy of that certain explanatory memorandum dated September 6, 2013 from Tax Assessor Gerald Barber and Homestead Director Emily Anderson recommending the Board rescind the notice of increase for tax years 2009 & 2010 on parcel no. 072C-06C-116/01.39 assessed to Elizabeth Joyce Holcombe is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
12. **Approve Utility Permit.** The following permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and the application for the same is attached hereto as Exhibit J, spread hereupon, and incorporated herein by reference:
  - (1) Bear Creek Water Association - seeking to bore a 14" DR 11HDPE pipe for sewer under Bozeman Road.
13. **Approve Use of Building & Grounds.**  
(A true and correct copy of that certain email correspondence dated September 10, 2013 from Jana Padgett of Canton Convention & Visitors Bureau requesting permission to use the Historic Courthouse grounds to showcase the European Car Show on Friday, October 4, 2013 is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
14. **Approve Appointment of Larry Miller to the Planning Commission Representing District 3 and Replacing Mr. Jim Smith.**
15. **Approve Preliminary Plat - Bridgewater Eleven (582).**  
(A true and correct copy of that certain preliminary plat for Bridgewater Eleven (582) and it's attachment are attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference.)
16. **Approve Preliminary Plat - Heartland Estates V.**  
(A true and correct copy of that certain preliminary plat for Heartland Estates V and it's attachment are attached hereto as Collective Exhibit M, spread hereupon and incorporated herein by reference.)
17. **Authorize Cleaning of Property on Highway 43 North - Pearl E. Wales.**  
(A true and correct copy of that certain explanatory memorandum dated September 10, 2013 from Zoning Administrator Brad Sellers is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
18. **Approve Damage Claim Reimbursement - Daniel Minters .**  
(A true and correct copy of that certain explanatory memorandum dated September 11, 2013 from Emergency Management Director Butch Hammack recommending the Board

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

approve the reimbursement of claim for damages in the amount of \$165.85 to Ms. Linda Jennings is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)

- 19. Approve Notices to Renew 16<sup>th</sup> Section Leases Residential Lease Contracts.**  
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to Dave Washington, Jr. regarding Lot A-3, Madison Village Estates II, Part A (St. Augustine Addition); Kevin D. Akins, and wife, Karen F. Akins, regarding Lot 31, Livingston Subdivision, Part 1; and Salad Days, LLC being 18.3 acres more or less in the NW1/4 SW 1/4 of Section 16, T8N, R1W may be found in the Miscellaneous Appendix to these Minutes.)
- 20. Authorize Payment of Two \$100.00 Deposits to City of Madison.**  
(A true and correct copy of that certain explanatory memorandum dated September 11, 2013 from Purchase Clerk Hardy Crunk requesting the Board authorize Chancery Clerk Arthur Johnston to issue two checks in the amount of \$100.00 each to the City of Madison for water and sewer service at the new South Madison County Annex is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.)
- 21. Approve Janitorial Service Contract - Performance Pros.**  
(A true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, for janitorial services at the new South Madison County Annex. The Board President was hereby authorized to execute same.)
- 22. Declare Certain Inventory Items as Surplus and Delete from Inventory.**  
(A true and correct copy of that certain memorandum dated September 11, 2013 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference.)
- 23. Approve Master Services Agreement - Scott-Roberts and Associates, LLC.**  
(A true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, for pre-employment criminal background checks. The Board President was hereby authorized to execute same.)
- 24. Acknowledge Order Establishing Court Terms for 2014 for Circuit Court.**  
(A true and correct copy of said Order is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference.)
- 25. Authorize Purchase of New Vehicle - E911/Emergency Management Office.**  
(A true and correct copy of that certain memorandum dated September 11, 2013 from Emergency Management Director Butch Hammack requesting permission to purchase a new vehicle for his office is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference.)
- 26. Approve Name Change of Freeport Warehouse Certificate - Axiall Corporation.**  
(A true and correct copy of Certificate of Amendment changing the name of Georgia Gulf Chemicals & Vinyls, LLC to Axiall Corporation is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference.)
- 27. Approve Funding Annual Household Hazardous Waste Day - City of Ridgeland.**  
(A true and correct copy of that certain explanatory memorandum dated September 13, 2103 from Purchase Clerk Hardy Crunk recommending the Board approve applying for the Solid Waste Assistance Grant for the City of Ridgeland's annual household hazardous waste day is attached hereto as Exhibit W, spread hereupon and incorporated herein by reference.)
- 28. Acknowledge Resignation of Dwight Vaughan from the Camden Volunteer Fire Board and Appoint Martha Harris Elmore in his place and stead.**

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

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



The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Request to Assess Cleaning Costs to Property Owners***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board authorize Chancery Clerk Arthur Johnston to place a cleaning assessment lien on the following property:

- (1) Matthew and Tammy Logan  
Parcel No. 105D-17-018/07.00  
Amount of Lien - \$221.85
- (2) Charles and Ora Leonard  
Parcel No. 105D-17-018/06.00  
Amount of Lien - \$221.85

WHEREAS, a true and correct copy of the cost assessment to clean the aforementioned property may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to authorize the Chancery Clerk to place a cleaning assessment lien on the aforementioned property with the Circuit Clerk and the Tax Collector. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Homeland Security Cooperative Grant***

WHEREAS, E911 Director Butch Hammack appeared before the Board and presented the county's Homeland Security Cooperative Agreement in the amount of \$1,546.00, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Hammack requested the Board approve same and authorize the Board President to execute said grant document, and

Following discussion, Mr. Ronny Lott did offer and Mr. Gerald Steen did second a motion to approve the aforementioned grant application and authorize the Board President to execute same. The vote on the matter being as follows:

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

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said grant application was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Authorization to Decline to Participate in the 2014 Update of the District 5 Regional Hazard Mitigation Plan***

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and requested the Board decline in participating in the development of the District 5 Regional Hazard Mitigation Plan, and

WHEREAS, Mr. Hammack recommended the Board allow Central Mississippi Planning and Development District "CMPDD" continue to develop and update the hazard mitigation plan,

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to decline in participating in the development of the District 5 Regional Hazard Mitigation Plan and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said participation was and is hereby declined and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Payment of Puckett Rents Invoice***

Following discussion, and at the request of Emergency Management Director Butch Hammack, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to pay that certain invoice no. 378325-0001 to Puckett Rents in the amount of \$1,070.00 for rental of two light towers, 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Chancery Clerk was and is hereby directed to issue a pay warrant accordingly.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

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

***In re: Adoption of a Resolution Declaring Madison  
County Public Defenders as Independent Contractors***

**RESOLUTION CLARIFYING AND DECLARING THAT MADISON COUNTY PUBLIC DEFENDERS ARE INDEPENDENT CONTRACTORS AND NOT MADISON COUNTY EMPLOYEES; TO FACTUALLY CONFIRM THE INDEPENDENT CONTRACTOR STATUS OF THE PUBLIC DEFENDERS; AND TO RESCIND AND ADJUST THE RECEIPT OF CERTAIN EMPLOYMENT BENEFITS PREVIOUSLY RECEIVED BY PUBLIC DEFENDERS AS BEING DUE ONLY TO MADISON COUNTY EMPLOYEES; TO INCREASE THE STIPEND FOR PUBLIC DEFENDERS, AND FOR OTHER PURPOSES.**

WHEREAS, Madison County received an Opinion from the Mississippi Attorney General's Office, dated July 5, 2013, concerning whether its Public Defenders (PD) would be classified as Independent Contractors or as county "employees" and that said AG Opinion discussing the employment status of the Madison County PDs is attached hereto as if fully set forth herein; and

WHEREAS, said Opinion indicated that the Attorney General's Office could not itself make such a factual determination, but offered to Madison County abundant references in the nature of case law and previous AG Opinion whereby Madison County, applying such case law precedent and by comparison to previous AG Opinions, by Order of the Madison County Board of Supervisors and proper entry in its Minutes, could make such a factual determination which would be consistent with case law and previous AG Opinions; and

WHEREAS, among the factual questions as posed by said Opinion, which are to be answered by Madison County in determining whether the Madison County Public Defenders are Independent Contractors or employees, include the following:

1. Whether Madison County has established the Office of Public Defender pursuant to § 25-32-1 (Ms Code of 1972 Annotated) based on an examination of its Minutes (MS AG Op., Robertson July 25, 2006);
2. Whether the PDs serve on a "full-time" or "part-time" basis and are paid a salary by the county and are not appointed on a case-by-case basis once the Office of Public Defender had been established (MS AG Op., Robertson July 25, 2006).
3. The extent of control exercised over the details of the work;
4. Whether or not the one employed is engaged in a distinct occupation or business;
5. The skill required in the particular occupation;
6. Whether the employer supplies the tools and place of work for the person doing the work;
7. The length of time for which the person is employed;
8. The method of payment whether by the time or by the job;
9. Whether or not the work is a part of the regular business of the employer;
10. The primary factor is the right to or degree of control. (Emphasis original); and

WHEREAS, the Mississippi Attorney General's Office opined that "these factors are applicable in making determinations regarding the status of individuals for purposes of reporting to and determining benefits payable by the Public Employees Retirement System. MS AG Op. Ready (January 17, 2001); MS AG Op., Gore (June 3, 2008)". Further, that the AG Office found that "Similar factors have been considered by the Mississippi Supreme Court for many years

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

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

when determining if an individual is an independent contractor or employee. See *Kisner v. Jackson*, 159 Miss. 424, 132 So. 90 (1931). MS AG Op., Slay (January 29, 2010)"; and

WHEREAS, Madison County was encouraged to inspect its Minutes and to make other factual determinations in order to conclude whether the Madison County Public Defenders are to be classified as Independent Contractors or as Madison County employees; and

WHEREAS, the conclusions previously reached by Madison County and which are confirmed herein, are the Madison County Public Defenders serve as Independent Contractors and not as county "employees". Therefore, in consultation with the courts, all of the benefits and privileges appertaining to county employees only, including the benefit of county provided health insurance, shall be rescinded as a benefit not being due to the Public Defenders, as Independent Contractors, and that all other relevant employment adjustments will be made as consistent with the factual determination made by Order of the Madison County Board of Supervisors, and

WHEREAS, the Board of Supervisors, in its discretion, has determined that the Public Defenders of Madison County should receive a stipend increase, which represents and is determined to be generally equal to the monetary amount which Madison County previously contributed towards its share of health insurance and other related employee benefits for the Public Defenders.

THEREFORE, pursuant to a review of its Minutes, and upon an examination of relevant case law and AG Opinions the Madison County Board of Supervisors has determined and re-confirmed that the Madison County Public Defenders are classified as Independent Contractors and not as Madison County "employees". The aforesaid factual determination is based upon the following factual observations:

1. Madison County has never established an "Office of Public Defender", as contemplated by Miss. Code Ann. § 24-32-1, et seq.,
2. The majority of its 11 public defenders, if not all, maintain independent private practices of law, as their work with Madison County is not considered "full-time";
3. Madison County does not provide a central office or dedicated office space for any of its public defenders beyond those premises reasonably known for public defenders to conduct their constitutional duties such as the county courthouse or county jail;
4. Madison County offers financial compensation as a stipend for public defenders on a monthly basis. Said compensation is determined and set in consultation with the courts.
5. Madison County does not participate and has never offered retirement support to the public defenders through the Mississippi State Public Employee's Retirement System (PERS), or any other retirement program;
6. Madison County does not "control" or exercise any direction over the work of the public defenders. There are no predetermined work hours set by the county. The demands of the job are determined by the caseload pursuant to assignment of the courts they appear before and based upon the specific needs of the indigent defendants clients which they represent;
7. The county does not require any special training nor does it require attendance at training sessions or classes. The only requirements are those as imposed by the Mississippi Bar Association or the judges before whom they appear.
8. Madison County does not maintain or demand any specific job performance or reporting requirements as relates to the public defenders. The county views that the public defenders are accountable to the courts and the clients for whom they work and appreciates that the courts will monitor the performance and professional standing of the public defenders.

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

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

*For Searching Reference Only: Page 12 of 24 (9/16/13)*

9. Madison County exercises no financial control over the public defenders. The public defenders pay all of his/her own expenses including computers, telephones, clerical, office equipment, transportation, supplies, office rent, professional dues and subscriptions, and legal research services. Madison County does provide a stipend that has been classified as a "secretarial allowance", but there is no accountability by the public defender to the county for any expenditure related to a "secretary" or other staff.

10. The tenure and length of the work relationship between the public defender and the county is indeterminate. The courts have the authority and the right to terminate the services of the public defender and not Madison County.

11. Each public defender has the opportunity to offer professional services to the general public beyond those which are assigned to them by the courts and may realize a profit or loss within their office as determined by their own actions or expenses incurred.

12. The public defenders do not have any official interaction with the Board of Supervisors, County Administrator, or any other county employee, except for employees of the courts and jails. However, the public defenders may have had occasional contact with the county Human Resource Department regarding the provision of health care and other benefits.

13. Pursuant to the provision of health care to the public defenders, there appears in the Minutes of the Board of Supervisors, an entry of November 4, 1996, which is entitled "In the Matter of Authorizing Public Defenders to be Considered County Employees for Purposes of Participating in the County Health Insurance Program and Authorize the Payment of the Employer Portion of Health Insurance Premiums by the County".

14. Upon due investigation of the Minutes, a factual determination has been made that the Minutes of November 4, 1996 reflect that the decision was made to provide the health insurance to the public defenders "as if they were county employees" but that they, in fact, are/were not. It appears that the county, even at that time, appreciated the distinction between independent contractors and employees, but nonetheless extended the privilege of health insurance benefits to the public defenders in an "exercise of charity", and in a manner which now is not considered to be in the best interests of Madison County. Therefore, the Madison County Board of Supervisors hereby rescinds the resolution and actions as authorized by the aforesaid Minute entry of November 4, 1996, which offered to the public defenders the benefits of health insurance and other employee benefits, which, in their capacity as independent contractors, and not as county employees, they were not and are not eligible to receive.

15. Pursuant to Internal Revenue classifications, Madison County has never recognized the status of public defenders as employees by recording their compensation on IRS Forms W-2, but always have considered PDs as Independent Contractors by recording and transmitting their compensation on IRS Forms 1099.

FURTHER, THEREFORE, be it known that pursuant to an examination of its Minutes and in accordance with case law precedent and AG Opinions, that the Madison County Board of Supervisors officially re-confirms and declares that the Madison County Public Defenders are considered to be, intended as, and factually are to be classified as "Independent Contractors" and are not to be classified as Madison County "employees".

All such benefits as authorized and due only to eligible Madison County employees, including the employee benefit and provision of health, life, dental, vision, pharmacy coverage, and other such related insurance benefits offered by Madison County shall be withdrawn and terminated as to eligibility, use or enrolled membership by the public defenders, and said termination of benefits and withdrawal of coverage shall be effective as of midnight on December 31, 2013.

As a measure of replacement compensation to the Public Defenders, the Board of Supervisors shall provide the amount of \$10,000.00, in addition to the current annual amount of stipend, which has been determined by the Board of Supervisors to generally represent the value of the county's share of the cost of all employee benefits previously provided to the Public Defenders,

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

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

which henceforth the public defenders will no longer be eligible to receive pursuant to this Resolution.

Following the reading of the foregoing resolution, Supervisor Ronny Lott moved the adoption of the resolution, and Supervisor Gerald Steen seconded the motion for its adoption. The matter was then put to a roll call vote, and the result was as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this, the 16th day of September, 2013.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Adoption of a Resolution Declaring  
Madison County Will Contribute the Required  
Employer Contributions to the Public Employees  
Retirement System on the Net Fee Income for Madison County Constables***

**RESOLUTION DECLARING THAT MADISON COUNTY WILL CONTRIBUTE THE  
REQUIRED EMPLOYER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES  
RETIREMENT SYSTEM ON THE NET FEE INCOME FOR MADISON COUNTY  
CONSTABLES AND FOR OTHER PURPOSES**

WHEREAS, Madison County had previously been in compliance with § 25-11-122, et seq., MS Code of 1972 (Annotated) regarding the contributions made to the Public Employees Retirement System (PERS) on behalf of constables which specifically authorized the county to contribute the employer's portion for salary earned by the constables, but not the employer's portion of net fee income earned by the constables; and

WHEREAS, Madison County had relied on statutes and prior Mississippi Attorney General's Opinions, specifically 2010 WL 4720286 (Webb) for authorization in this regard, and

WHEREAS, after research and information, it has been determined that the 2013 Session of the Mississippi Legislature, through passage of Senate Bill 2405 (Blount), amended § 25-11-106, § 25-11-123 and § 25-11-125, specifically § 25-11-123(f)(3) which authorized Madison County to contribute to PERS the employer portion on net fee income earned by the constables, in addition to the employer portion of constable's salary and

WHEREAS, Madison County, now being fully informed in the matter, has determined that it would be in the best interests of Madison County to make the required changes in the amount it remits to PERS on behalf of the Madison County constables.

THEREFORE, be it declared that Madison County, in compliance with passage of SB 2405, as signed by the Governor of Mississippi, will abide by said amendment and will henceforth contribute the employer's portion on net fee income as earned by the Madison County constables.

Following the reading of the foregoing Resolution, Supervisor Ronny Lott move the adoption of the resolution, and Supervisor Karl M. Banks seconded the motion for its adoption and to rescind the action taken on November 4, 1996 by the Board of Supervisors. The matter was then put to a roll call vote, and the result was as follows:

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

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

***For Searching Reference Only: Page 14 of 24 (9/16/13)***

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this, the 16<sup>th</sup> day of September, 2013.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Contract Agreement - Panther Creek Connector Road***

WHEREAS, Mr. Chad Plumb on behalf of County and State Aid/LSBP Engineer Rudy Warnock appeared before the Board and presented that certain contract agreement from AJ Construction, Inc. for the Panther Creek Connector Road Project, a true and correct copy of which is attached hereto as Exhibit X, spread hereupon and incorporated herein by reference and

WHEREAS, Mr. Plumb further stated that said bid was awarded to AJ Construction on August 19, 2013,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve the aforementioned contract agreement and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Change Order No. 1 - Rice Road Phase 3 Overlay Project***

WHEREAS, Mr. Chad Plumb on behalf of County and State Aid/LSBP Engineer Rudy Warnock appeared before the Board and presented that certain change order no. 1 from Dickerson & Bowen, Inc. in the amount of \$167,905.75 related to the Rice Road Overlay Project, a true and correct copy of which is attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Plumb stated that said change order was for increase of surface asphalt, milling and striping quantities,

Following discussion, Mr. Gerald Steen did offer and Mr. Ronny Lott did second a motion to approve the aforementioned change order. The vote on the matter being as follows:

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

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said change order was and is hereby approved.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Authorization of Warnock & Association to Prepare a Cost Estimate***

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize County Engineer Rudy Warnock to prepare a cost estimate to determine if county buildings are in compliance with the Americans with Disabilities Act. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Warnock was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Subgrant Application - Division of Public Safety Planning***

WHEREAS, Interim County Administrator and County Comptroller Shelton Vance appeared before the Board and presented that certain subgrant application summary for the Division of Public Safety Planning and requested the Board's approval of same, a true and correct copy of which is attached hereto as Exhibit Z, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Vance reported that said grant was for the benefit of the Madison County Juvenile Drug Court,

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to approve the aforementioned subgrant application summary for the Division of Public Safety Planning and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said subgrant was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

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



**In re: Approval of Budget Amendments**

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance appeared before the Board and requested the Board’s consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled “Madison County Budget Amendments September 16, 2013,” a true and correct copy of which is attached hereto as Exhibit AA, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Ronny Lott 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

**In re: Approval of Claims Dockets for September 16 and 11, 2013**

WHEREAS, the Board reviewed the following claims dockets for September 16 and 11, 2013:

- (1) General Claims Docket, dated September 16, 2013
- (2) Payroll Claims Docket No. 1, dated September 11, 2013

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance 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 relative to the General Claims Docket dated September 16, 2013:

001	3399 to 3514	116	881,972.45
012	236 to 237	2	13,214.30
015	90 to 93	1	183,624.20
097	175 to 177	3	3,350.79
105	404 to 421	18	35,624.11
113	16 to 16	1	2,181.00
114	16 to 23	8	91,091.00
115	125 to 125	1	99.95
124	4 to 4	1	178.00
150	988 to 1022	35	121,613.28
160	147 to 159	13	74,163.43
191	98 to 99	2	919.12
192	48 to 50	3	2,130.34
308	30 to 30	1	1,764.39
309	24 to 25	2	32,810.00
401	57 to 61	5	21,316.33
402	16 to 16	1	4,860.00
TOTAL ALL FUNDS		213	1,470,912.69

**President’s Initials:** \_\_\_\_\_

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

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve each respective claims docket as presented and as listed herein above. Said motion directed that invoice numbers should be attached to each claim on the claims dockets 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 same, copies 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 BB, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said General Claims Docket and Payroll Claims Docket No.1 were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Claims of Fleetcor Technologies***

Thereafter, Mr. Vance presented a supplemental claims docket also dated September 16, 2013 containing the claims of Fleetcor Technologies and requested the Board's approval thereof.

Mr. John Bell Crosby did offer and Mr. Ronny Lott did second a motion to approve that certain supplementary claims docket containing the claims of Fleetcor Technologies. Said motion directed that invoice numbers should be attached to each claim listed on the supplemental docket and further directed the Chancery Clerk to include said claims in the Summary of Claims to be published as required by law and to authorize the Board President to sign and approve the same, a 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting <sup>1</sup>
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Discussion of Funding Request -  
Madison County Foundation***

WHEREAS, Interim County Administrator and County Comptroller Shelton Vance appeared before the Board and presented that certain memorandum dated September 12, 2013 from the Madison County Foundation Board of Directors requesting \$5,000.00 for a strategic plan website,

---

<sup>1</sup>Prior to consideration of this item of business, Mr. Steen excused himself from the meeting, departed the meeting room and did not participate in discussion of deliberation of this matter whatsoever.

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve an amount up to \$5,000.00 to be paid to the vendor for website service on Madison County Foundation website. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Renewal of County's Health Insurance***

WHEREAS, Interim County Administrator and County Comptroller Shelton Vance appeared before the Board and reported that the county's health insurance was set to expire October 1, 2013 and requested the Board's consideration to renew the county's contract with Blue Cross Blue Shield of MS and Guardian, and

WHEREAS, Ms. Debbie Joudon with the Integrity Group, Inc., Mr. Pete Hawkins with Blue Cross and Blue Shield of Mississippi, and Mr. Steve Trundt with Guardian Life Insurance Company of America ("the Guardian") appeared and presented their renewal for same,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to renew the contract with Guardian Life Insurance for dental, vision and life insurance for county employees effective October 1, 2013 - September 30, 2014, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and authorize the Board president to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

Thereafter, and following further discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to renew the county's reinsurance with TRU Services, LLC effective October 1, 2013 - September 30, 2014, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and authorize the Board president to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

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

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

***For Searching Reference Only: Page 19 of 24 (9/16/13)***

Thereafter, Mr. Ronny Lott did offer and Mr. John Bell Crosby did second a motion to approve the Administrative Services, Reinsurance & Assignment Contract with Blue Cross Blue Shield of MS form employee health protection plan effective October 1, 2013, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and authorize the Board president to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Acknowledgment of Submission of Invoice to  
Mississippi Department of Corrections and Approve  
Termination of Contract***

WHEREAS, Sheriff Randy Tucker appeared before the Board and presented that certain invoice in the amount of \$19,388.85 to the Mississippi Department of Corrections for housing of prisoners and requested the Board authorize the Board President to execute same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to acknowledge the submission of said invoice and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said invoice was and is hereby acknowledged and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

Thereafter, Sheriff Tucker requested the Board's consideration to terminate the contract with Southern Health Partners effective immediately,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to terminate the contract with Southern Health Partners effective immediately and direct Board Attorney Mike Espy to contract said company of the Board's decision. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

the matter carried unanimously and said contract was and is hereby terminated and Mr. Espy was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Approval of Inmate Medical Services Contract -  
Correction Medical Associates, Inc.***

WHEREAS, Sheriff Randy Tucker appeared before the Board and presented that certain contract from Correction Medical Associates, Inc. (CMA) for inmate medical services and requested the Board's consideration of same, and

WHEREAS, a true and correct copy of which is attached hereto as Exhibit CC, spread hereupon and incorporated herein by reference,  
Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve the aforementioned contract upon termination of Southern Health Partners contract and effective at such time and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved upon termination of Southern Health Partners contract and the Board President was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Discussion of Assistance to Town of Flora***

WHEREAS, Mayor Leslie Childress, Town of Flora appeared before the Board and requested the Board's consideration to assist the Town of Flora in funding the installation of communication system and video camera equipment in the new police department,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize Comptroller Shelton Vance to disburse funds in an amount up to \$30,000.00 from the E911 fund and \$30,000.00 from the General Fund as deemed necessary. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Vance was and is hereby authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

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

***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 and pending litigation and economic development,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second and motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential, threatened, and pending litigation and economic development 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, Interim County Administrator and County Comptroller Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Mike Espy and Sheriff Randy Tucker. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board took up the matter of entering Executive Session.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

***In re: Entering into Executive Session***

WHEREAS, the Board Attorney advised the Board that discussion of the proposed matters of business was properly the subject of executive session,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss potential, threatened and pending litigation and economic development matters. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and President Steen 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.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

During Executive Session, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to hire the firm of Rogers & Associates as a real estate consulting and advisory service for the benefit of providing a restructuring of Lost Rabbit development with MCEDA sharing in half of the cost for said service in a total cost amount of up to \$25,000.00. The vote on the matter being as follows:

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

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Rogers & Associates was and is hereby approved and authorized.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

Thereafter, and at the recommendation of the Board Attorney, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize retaining the services of Mr. Bob Gholson, Esq. and his firm to represent the county in connection with certain threatened litigation associated with the Parkway East Public Improvement District. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Gholson was and is hereby retained.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

Following further discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize the Board Attorney to negotiate a settlement with the Internal Revenue Service regarding certain penalties assessed to the county arising out of a 2006 bond issue in an amount up to a sum certain. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

Thereafter, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the President declared Executive Session adjourned and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 16<sup>th</sup> day of September, 2013.

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

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor Gerald Steen and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 30, 2013 at 9:00 a.m. for the purpose of consideration of a Claims Docket, final budgetary adjustments for FY 2012-13, and any other business which may properly come before the Board.

\_\_\_\_\_  
Gerald Steen, President  
Madison County Board of Supervisors

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

ATTEST:

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

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

*For Searching Reference Only: Page 24 of 24 (9/16/13)*