# Madison County Comptroller

# Memo

To:

Madison County Board of Supervisors

From:

Na'Son S. White

CC:

None

Date:

August 7, 2023

Re:

Opening New Bank Account - HB 603 ~ 2023 Madison County Reunion/Bozeman

**Expansion Project** 

Section 28 of House Bill 603, 2023 Regular Legislative Session, authorized the Mississippi Department of Finance and Administration to disburse grant funds to Madison County in an amount not to exceed \$12,000,000.00 to pay costs associated with the Madison County Reunion Parkway and Bozeman Road expansion project.

The grant agreement requires Madison County to maintain the grant funds in a separate bank account. As such, I ask the Madison County Board of Supervisors to authorize the Chancery Clerk, Ronny Lott, to open a new bank account at Origin Bank to hold grant funds received under HB 603, 2023 Regular Legislative Session ~ Madison County Reunion Parkway/Bozeman Expansion Project.

### MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter the "MOU") is entered into between the <u>Mississippi Department of Finance and Administration</u> (hereinafter the "DFA") and <u>Madison County</u> (Reunion Parkway and Bozeman Road expansion project) for the purpose of establishing the agreed upon conditions under which the <u>DFA</u> may disburse funds to assist <u>Madison County</u> in paying costs associated with the local project (hereinafter the "Project") specified in Section <u>28(bn)</u> of <u>House Bill 603 2023</u> Regular Legislative Session, Laws of <u>2023</u>, (hereinafter the "Act"). This MOU is entered into in accordance with Miss. Code Ann. Section 27-104-351, also known as the Line-Item Appropriation Transparency Act, and pursuant to, and subject to the terms of the Act, which authorizes an amount not to exceed (\$12,000,000.00) (hereinafter the "Project Funds"), for the Project. (PLEASE NOTE THAT IT IS YOUR RESPONSIBILITY TO SPEND THE FUNDS RECEIVED FROM THE STATE IN ACCORDANCE WITH THE ACT AS WELL AS ALL STATE AND FEDERAL LAWS AND REGULATIONS.)

#### **RECITALS**

- WHEREAS, Section <u>28</u> of <u>House Bill 603</u>, <u>2023</u> Regular Legislative Session, authorized expenditures from the <u>2023 Local Improvements Projects Fund</u> for certain projects; and
- WHEREAS, pursuant to Section <u>28(bn)</u> of <u>House Bill 603</u>, <u>2023</u> Regular Legislative Session, Laws of <u>2023</u>, the Legislature has appropriated funds to <u>Madison County</u> to pay the costs of the Project; and
- WHEREAS, the Act authorizes the <u>DFA</u> to disburse monies in the <u>2023 Local</u> Improvements Projects Fund to pay the costs of the Project; and
- WHEREAS, <u>Madison County</u> shall maintain the Project Funds in a separate bank account; and
- WHEREAS, the <u>DFA</u> has requested <u>Madison County</u> to maintain on file the documentation listed in "Exhibit A" attached hereto and incorporated herein by reference, to the extent <u>Madison County</u> is subject to the State's procurement laws; and
- WHEREAS, <u>Madison County</u> agrees to expend the funds within thirty-six (36) months from the date of receipt from the <u>DFA</u>; and
- WHEREAS, <u>Madison County</u> agrees that if any proceeds from the Project Funds are remaining at the completion of the Project, <u>Madison County</u> will immediately notify and consult with the <u>DFA</u> regarding the disposition of the funds, and said funds shall be directed in accordance with the Act; and

WHEREAS, Madison County agrees to provide quarterly notarized reports to the DFA which describe and itemize the expenditure of the Project Funds and also provide an update on the status of the Project including future expenditure of the funds. The quarterly reports must be provided on a form designated by the DFA and must include all invoices and bank statements associated with the reported expenditures. The quarterly reports shall be provided within thirty (30) days of each calendar quarter end. Madison County shall also provide to the DFA a final report no more than thirty (30) days after final expenditure of funds, summarizing the expenditures and use of the Project Funds upon completion of the Project. All invoices that have not previously been submitted, shall be submitted upon completion of the Project; and

WHEREAS, the <u>DFA</u> finds that it is in the best interest of the <u>DFA</u> and <u>Madison County</u> that the funds on deposit in the <u>2023 Local Improvements Projects Fund</u> for <u>Madison County (Reunion Parkway and Bozeman Road expansion project)</u> should be disbursed to <u>Madison County</u> and that <u>Madison County</u> shall directly administer the expenditure of such funds for the Project.

# NOW THEREFORE, IT IS MUTALLY AGREED BY THE <u>MISSISSIPPI</u> <u>DEPARTMENT OF FINANCE AND ADMINISTRATION</u> AND <u>MADISON COUNTY</u> AS FOLLOWS:

**Section 1**. The <u>DFA</u>, pursuant to the Act, shall disburse the Project Funds from the <u>2023 Local Improvements Projects Fund</u> upon written request of <u>Madison County</u> to pay the costs associated with the Project.

**Section 2**. <u>Madison County</u> certifies and agrees to make every effort to expend all funds received from the <u>2023 Local Improvements Projects Fund</u> within thirty-six (36) months from the date of receipt and **solely** for the costs of the Project as set forth in the Act and upon the terms and provisions of this MOU. Failure of <u>Madison County</u> to adhere to any provision within this MOU may result in immediate action by the State to recover project funds.

**Section 3**. <u>Madison County</u> agrees to procure any necessary construction, goods, and services for the Project in accordance with State procurement laws to the extent <u>Madison County</u> is subject to same. Failure to adhere may cause the <u>DFA</u> to withhold all sums for the Project and seek recovery of same. Further, <u>Madison County</u> agrees to maintain on file the documentation listed in "Exhibit A" attached hereto and incorporated herein, in accordance with State law and the recitals of this MOU.

**Section 4**. <u>Madison County</u> agrees to provide the <u>DFA</u> quarterly notarized reports as set forth hereinabove, in a format designated by the <u>DFA</u>. The quarterly reports shall be provided within thirty (30) days of each calendar quarter end. <u>Madison County</u> shall also provide the <u>DFA</u> with a final report summarizing the expenditures and use of the Project Funds no more than thirty (30) days after final expenditure of the Project Funds.

**Section 5**. <u>Madison County</u> agrees to maintain copies of all invoices, bank statements, and similar documentation for each expenditure of all funds received from the <u>2023 Local Improvements Projects Fund</u> sufficient to satisfy and confirm, to the <u>DFA's</u> satisfaction, that such funds have been expended **solely** for the costs of the project as authorized and provided by the Act.

**Section 6**. <u>Madison County</u> agrees that if any proceeds from the Project Funds are remaining at the completion of the Project, <u>Madison County</u> will immediately notify and consult with the <u>DFA</u> regarding the disposition of the funds and said funds shall be directed in accordance with the Act.

**Section 7.** Madison County agrees that Project Funds shall be expended in accordance with all State and Federal laws and regulations, and that failure to do so may cause the <u>DFA</u> to withhold funds for the Project or seek recovery of same.

**Section 8**. All notices or information pursuant to this MOU shall be provided as follows:

Madison County

Attn: Gerald Steen, President

Post Office Box 608

Canton, Mississippi 39046

Phone: 601-855-5580

Email: nason.white@madison-co.com

Mississippi Department of Finance and Administration

Attention: Gilda Reyes, Bond Advisory Director

501 North West Street, Suite 1301

Jackson, Mississippi 39201 Telephone: 601-359-5516

Email: Gilda.Reyes@dfa.ms.gov

**Section 9**. This MOU shall be effective from and after the final signature date.

**IN WITNESS WHEREOF**, the parties have affixed their signatures on the dates indicated below.

### MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION

By:	Date:	
MADISON COUNTY		
By: Gerald Steen, President	Date:	

### **EXHIBIT A**

<u>Madison County (Reunion Parkway and Bozeman Road expansion project)</u> shall maintain on file, the following items in relation to the Project:

- 1. Proof of Advertisement (i.e. copy of the advertisement, MPTAP and/or procurement portal posting, etc.) for any Request for Qualification (RFQ), Request for Proposals (RFP), or Invitation for Bid (IFB).
- 2. The Program of Work for the Project.
- 3. All solicitation documents (RFQ, RFP, IFB, etc.).
- 4. A list of bidders/respondents, including the Bid Tabulation Form/Register of Proposals. For construction awards, include recommendation of the Professional for the award of contract. For items procured by RFQ or RFP, include evaluation committee tally sheets/overall scoring in support of award decision.
- 5. A copy of all payment requests or invoices for said construction, goods, and services. In the case of construction contractor payment applications, include Professional's approval of payment.
- 6. All contracts awarded for the Project.
- 7. All bank statements.
- 8. Any and all other documentation which may be required to document, to the <a href="DFA's">DFA's</a> satisfaction, that the Project funds are expended **solely** for the costs of the Project as set forth in the Act and upon the terms and provisions of this MOU.



### MADISON COUNTY BOARD OF SUPERVISORS

125 West North Street • Post Office Box 608 Canton, Mississippi 39046 601-855-5500 • Facsimile 601-855-5759 www.madison-co.com

August 7, 2023

Mrs. Gilda Reyes, Bond Advisory Director MS Department of Finance and Administration 501 North West Street, Suite 1301 Jackson, Mississippi 39201

Re:

Request for Project Funding

2023 Local Improvements Projects Fund

Dear Mrs. Reyes:

We are requesting that the Department of Finance and Administration (DFA) transfer \$12,000,000.00 of State Funds authorized by Section 28(bn) of House Bill 603, 2023 Regular Legislative Session for Madison County (Reunion Parkway and Bozeman Road expansion project).

Our electronic payment information is as follows:				
Bank Name: Renasant Bank				
Routing No.: 084201294				
Account No.: 8014030435				
MAGIC Vendor No.: <u>3100023040</u>				
We appreciate your assistance.				
Gerald Steen, President				



# MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION

DATE:	08/07/2023	

PROJECT NAME: Reunion/Bozeman Expansion

MAILING ADDRESS: Madison Co Bd of Supervisors

P O Box 608, Canton, MS

39046



### **CONTACT UPDATE LIST**

## PROVIDE 3 FORMS OF CONTACT INCLUDING: EMAIL ADDRESS AND PHONE NUMBER FOR EACH PERSON

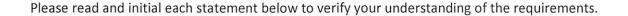
(BE SURE TO UPDATE THIS FORM EACH TIME YOU HAVE CHANGES IN PERSONNEL)

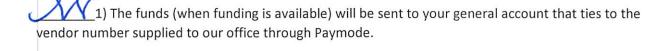
Name	Phone Number	Email Address
Greg Higginbotham	(601) 855-5502	greg.higginbotham@madison-co.com
Na'Son White	(601) 855-5580	nason.white@madison-co.com
Tim Bryan	(601) 855-5582	tim.bryan@madison-co.com

**AUTHORIZED PERSONNEL SIGNATURE** 

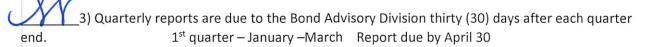
DFA USE ONLY
COMPLIANCE OFFICER
INITIAL: \_\_\_\_\_

### Verification Form





2) A separate bank account will have to be opened and you are responsible to transfer the funds to the new bank account. This transfer needs to happen as soon as you receive the funding. This account is only for the funds in HB603. No other funds can be in this account (even if you have received prior funding for the same project).



2<sup>nd</sup> quarter – April – June Report due by July 30

 $3^{rd}$  quarter – July – September Report due by October 30

4<sup>th</sup> quarter – October – December Report due by January 30

4) Bank Statements (from each month of the quarter) and invoices (when there are expenditures) are to be sent with the quarterly report.

5) Quarterly reports are to be completed even if there were no expenditures for the quarter.

6) Bank fees cannot be paid with funds. Please confirm that no fees will be charged by your bank when the new bank account is opened. If the bank happens to charge fees in error, the bank will have to refund the fees or you will be responsible to pay those fees. This has been a problem with previous funding.

(Rev. October 2018) Department of the Treasury

# Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

internai	Revenue Service Go to www.iis.gov/Formws for inst			nau	011.							
	1 Name (as shown on your income tax return). Name is required on this line; do Madison County Board of Supervisors	not leave this line blank.										_
	2 Business name/disregarded entity name, if different from above											_
	2 Statistics That its and a statistic and a st											
page 3.	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.						4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):					
e. ns on	☐ Individual/sole proprietor or ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate single-member LLC						Exempt payee code (if any)3					
ty b	Limited liability company. Enter the tax classification (C=C corporation, S=	S corporation, P=Partner	rship) ► _									
P T	Note: Check the appropriate box in the line above for the tax classification											
Print or type. Specific Instructions on page	LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.				code (if any)C							
eci	✓ Other (see instructions) ►	✓ Other (see instructions) ►					(Applies to accounts maintained outside the U.S.)					
Sp	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name					and address (optional)					
See	PO Box 608		1									
	6 City, state, and ZIP code											
	Canton, MS 39046											
	7 List account number(s) here (optional)											
Par	Taxpayer Identification Number (TIN)											
	your TIN in the appropriate box. The TIN provided must match the nam	ne given on line 1 to av	oid I	Soc	cial sec	curity	y nı	umber				
backu	p withholding. For individuals, this is generally your social security num	ber (SSN). However, f			T	7	Γ	Т	1 [	T	T	
reside	ent alien, sole proprietor, or disregarded entity, see the instructions for F	Part I, later. For other					-		-			
entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later.					_		, _					
	If the account is in more than one name, see the instructions for line 1.	Also see What Name	and [	Em	ployer	iden	ntifi	cation	numbe	r		
Number To Give the Requester for guidelines on whose number to enter.					,	0 0		6 5	8			
				6	4		6	0 0	0	6 5	0	
Par	Certification											
	penalties of perjury, I certify that:											
2. I an Ser	e number shown on this form is my correct taxpayer identification numb in not subject to backup withholding because: (a) I am exempt from bac vice (IRS) that I am subject to backup withholding as a result of a failure longer subject to backup withholding; and	kup withholding, or (b	) I have r	not b	een n	otifi	ed	by the	Intern	al Rev	enue hat I	am
	n a U.S. citizen or other U.S. person (defined below); and											
	FATCA code(s) entered on this form (if any) indicating that I am exemp	ot from FATCA reportir	ng is corr	ect.								
Certif	ication instructions. You must cross out item 2 above if you have been no	otified by the IRS that yo	ou are cui	rrent	tly sub	ject	to t	backup	withh	olding	beca	use
you ha	ave failed to report all interest and dividends on your tax return. For real est sition or abandonment of secured property, cancellation of debt, contribution than interest and dividends, you are not required to sign the certification, but	ate transactions, item 2 ons to an individual reti	2 does no rement ar	t ap	ply. Fo gemen	t (IR)	ortg A), i	gage in and ge	terest p nerally	paid, , payn	nents	
Sign Here	Signature of U.S. person ►		Date ►	4/	12/	2	3					
Gei	neral Instructions	<ul> <li>Form 1099-DIV (di funds)</li> </ul>	ividends,	incl	luding	tho	se t	from s	ocks	or mut	ual	
Section references are to the Internal Revenue Code unless otherwise noted.		<ul> <li>Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)</li> </ul>										
relate	elated to Form W-9 and its instructions, such as legislation enacted transactions		(stock or mutual fund sales and certain other brokers)									
after they were published, go to www.irs.gov/FormW9.		<ul> <li>Form 1099-S (proceeds from real estate transactions)</li> </ul>										
Pur	Purpose of Form  • Form 1099-K (merchant card and thi			rd p	rd party network transactions)							
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption		<ul> <li>Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)</li> </ul>										
		Form 1099-C (canceled debt)										
taxpa	yer identification number (ATIN), or employer identification number	<ul> <li>Form 1099-A (acquisition or abandonment of secured property)</li> </ul>										
(EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information		Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.										
	s include, but are not limited to, the following. n 1099-INT (interest earned or paid)	If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding,										

later.