

RESOLUTION AUTHORIZING SURPLUS SAND AND DIRT FROM EXCAVATION OF SULPHUR SPRINGS LAKE PROJECT AND PLAN TO BE DONATED TO CANTON PUBLIC SCHOOLS FOR THE PURPOSE OF MAINTAINING PUBLIC SCHOOL GROUNDS AND FOR THE IMPROVEMENT OF SCHOOL BALL FIELDS FOR THE BENEFIT OF THE SCHOOL DISTRICT AND FOR MADISON COUNTY AT LARGE

WHEREAS, it appears that the construction of Sulphur Springs Lake Project previously adopted as a part of the Urban Renewal Plan (the Plan) by vote of the Madison County Board of Supervisors on January 7, 2013, has generated the creation of excess dirt, sand, and other fill materials; and

WHEREAS, by vote of the Madison County Board of Supervisors on July 21, 2014, the excess dirt and sand was declared to be “surplus”, within the meaning of § 19-7-3(3) Miss Code of 1972 (Annotated), and also declared to be in compliance with AG Opinion 2009-00140 (Meadows) as “no longer being needed for county operations or related purposes and not contemplated to ever be used again in the operation of county business”; and also as inappropriate for use by the Madison County Road Department; and

WHEREAS, it was found by the Board of Supervisors that the transport of the dirt and sand to other specific county owned locations would constitute a prohibitive expense to the county and the continued storage of the sand and dirt within the premises of the Sulphur Springs Lake Project Area would impede and interfere with the efficient completion of the park project; and

WHEREAS, the Canton High School, a public school within Madison County, has requested that said surplus sand and dirt be transported to their school and used for the purposes of improving their football and other ball fields and grounds on the premises of the Canton High School; and

WHEREAS, it appearing that the donation of the dirt and sand already owned by Madison County; the said transport of the sand and dirt utilizing equipment already owned by Madison County; and the utilization of labor already within the employ of Madison County, is approved and allowed pursuant to § 19-3-42 (Ms Code of 1972), and said donation being further authorized by MS AG Opinions (2002 WL 31169226, Barefield); Ms AG Op. Lamar (July 5, 2001); Ms AG Op Gex (March 15, 1996) which declared the intent of the Legislature to “allow counties to use county equipment and manpower to maintain school grounds but not to allow counties to purchase materials or equipment exclusively for use on school grounds”, is within the scope and purpose of the herein Resolution.

THEREFORE, pursuant to the written request of Canton High School, attached as Exhibit “A” to the instant Resolution, and it being within the sound discretion of the Madison County Board of Supervisors to approve the donation and transport of said

surplus sand and dirt for the purpose of improving the lands, ball field and grounds of Canton High School, a public school within Madison County, MS, utilizing county owned equipment and labor already owned and employed by the county, and the Board of Supervisors being satisfied that said donation and the use of county owned equipment and labor to facilitate the donation of said sand and dirt is authorized by § 19-3-42 (Ms Code of 1972), and respective AG Opinions, does hereby approve and authorize county owned sand and dirt from the excavation site of the Sulphur Springs Lake and Project, to be donated to Canton High School for the purpose of improving the ball fields and grounds of the public school. The Board of Supervisors further authorizes county equipment and labor to be used to transport said sand and dirt from the lake project area to Canton High School and to allow the dumping and spreading of same onto the lands and grounds of the public school for the purpose of improving and maintaining the ball field and grounds of Canton High School.

Supervisor _____ seconded the motion to adopt the foregoing resolution, and the question being put to a roll call, the result was as follows:

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| Supervisor John Bell Crosby | voted: _____ |
| Supervisor John Howland | voted: _____ |
| Supervisor Gerald Steen | voted: _____ |
| Supervisor Karl Banks | voted: _____ |
| Supervisor Paul Griffin | voted: _____ |

The motion having received the affirmative vote of a majority of the Board of Supervisors present, being a quorum of said Board of Supervisors, the President of the Board of Supervisors declared the motion carried, and the resolution adopted on this the 20th day of October, 2014.

(SEAL)

President of the Board of Supervisors of
Madison County, Mississippi

Clerk of the Board of Supervisors of
Madison County, Mississippi