

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT CONCERNING REVIEW OF ENGINEERING SERVICES FOR PROPOSED AIRPORT PROJECT DURING THE MCEDA PHASE (“Project Phoenix”)**

**WHEREAS**, the MCEDA Phase of “Project Phoenix” (proposed Madison County Airport) has been completed by virtue of presentation by MCEDA officials and its vendors to the Madison County Board of Supervisors; and

**WHEREAS**, pursuant to presentation by MCEDA and its engineering vendors and contractors, Madison County Board of Supervisors voted to accept the proposed airport as an official project of Madison County Board of Supervisors; and

**WHEREAS**, in the interest of transparency and endeavoring to pursue the public interest, Madison County seeks an objective review and professional audit of the MCEDA phase of the proposed airport project pursuant to its official ‘handoff’ to the Board of Supervisors, and

**WHEREAS**, the Board of Supervisors is of the opinion that such review should be conducted by a professional entity which is remote from the influences of local politics and believes that the continuing integrity of the project can best be served by review of a law firm with acknowledged credentials in the field of aviation law, airport contracting and construction, and having experience with the Federal Aviation Authority (FAA); and

**WHEREAS**, after a diligent search, the Board of Supervisor believes that the Gulfport, Mississippi law firm of Dukes, Dukes, Keating and Faneca, PA (DDKF) is able to serve in such capacity, and after due negotiation with the firm finds that it is agreeable to review the matter and does agree to report its findings to the Madison County Board of Supervisors, through association with counsel of the Board of Supervisors. Madison County believes that the public interest will best be served by contracting with DDKF to conduct a thorough but expeditious review of the MCEDA phase of Project Phoenix.

**THEREFORE**, Madison County Board of Supervisors hereby enters into a ***Professional Services Contract*** with the law firm of Dukes, Dukes, Keating and Faneca, PA, according to the following terms and conditions:

1. **Purpose:** To conduct a review of all phases of the Project Phoenix (contract of Madison County Economic Development Agency), regarding the proposed Madison County airport project, including engineering contract, costs of services, capacity of vendors, and sufficiency of outcomes, and reporting same to the Madison County Board of Supervisors through association and under the supervision of counsel to the Board of Supervisors;
2. **Specific Scope of Work:**
  - a. Authority of MCEDA to contract;
  - b. Legality of “sole source” contract vs. obtaining bids for engineering services;

- c. Timeliness of Contact with Federal Aviation Authority;
  - d. Audit and Examination of all costs and invoices- receipts and disbursements;
  - e. Review of MCEDA Minutes and official actions;
  - f. Capacity and sufficiency of project delivery from team members; and
  - g. Recommendations going forward.
3. **Costs of Review:** Madison County agrees to contract with two members of DDKF law firm at hourly fees of \$250/hr for Cy Faneca and Bobby Long at \$200/hr. Invoices will be submitted through Madison County counsel.
4. **Tenure of Project:** Project will commence February 1, 2015, and is anticipated to end no later than April 3, 2015. DDKF to produce a report, which is to be made available to the Madison County Board of Supervisors.
5. **Review Methodology:** Review of significant documents; personal interview with MCEDA officials and team members; meeting with advocates and detractors, and FAA (if deemed appropriate); analysis and conclusions provided.

**UPON Motion** made by Supervisor \_\_\_\_\_ and seconded by Supervisor \_\_\_\_\_ with vote being in the affirmative and being recorded thusly:

Supervisor John Bell Crosby: \_\_\_\_\_  
 Supervisor John Howland: \_\_\_\_\_  
 Supervisor Gerald Steen: \_\_\_\_\_  
 Supervisor Karl M. Banks: \_\_\_\_\_  
 Supervisor Paul Griffin: \_\_\_\_\_

SO ORDERED this the \_\_\_\_\_ day of January 2015.

For Madison County Board of Supervisors: By Dukes, Dukes, Keating and Faneca, PA:

By: \_\_\_\_\_  
 Karl M. Banks, President

By: \_\_\_\_\_  
 Cy Faneca, Partner

Attest:

\_\_\_\_\_  
 Ronnie Lott  
 Chancery Clerk

SEAL