

State of Mississippi

County of Warren

At a regular meeting of the Board of Supervisors of said County, held according to law at the Courthouse in the City of Vicksburg on Monday, April 2, 2007, it being the time and place for the holding of the regular term of said Board, with proper Notice having been posted (Ex. A1), and the Agenda for the meeting being attached as Exhibit A2, the following were present:

Honorable Richard George, President (5<sup>th</sup> District)  
Charles Selmon, Vice President (3<sup>rd</sup> District)  
David L. McDonald (1<sup>st</sup> District)  
William Banks (2<sup>nd</sup> District)  
Carl Flanders (4<sup>th</sup> District)  
Martin Pace, Sheriff, and Deputy  
Dot McGee, Chancery Clerk, and Deputy

President Richard George called the meeting to order at 9:00 a.m., and Supervisor Carl Flanders offered the invocation.

March Minutes Approved

Motion was made by Supervisor David McDonald, seconded by Supervisor William Banks and carried unanimously, to approve and authorize the President to sign the minutes for March 2007.

Paul Winfield, Board Attorney

General Obligation Port Bonds of the County in the Principal Amount of Not to Exceed \$2,500,000

Mr. Paul Winfield, Board Attorney, stated that publication of the Resolution declaring the intention of the Board of Supervisors of Warren County, Mississippi, to issue General Obligation Port Bonds of Warren County, Mississippi in the principal amount of not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) to raise money for the purpose of providing funds for improvements of Port Facilities at the Port of Vicksburg had been published in the *Vicksburg Post* on March 9, 16, 23 and 30, 2007, and that no written objections have been received on or prior to the hour of 9:00 o'clock a.m. on April 2, 2007; and the Board of Supervisors of Warren County, Mississippi, having taken up for further consideration the matter of issuing General Obligation Port Bonds of said County in the maximum principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000); motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to adopt the following Resolution:

Resolution Finding and Determining that the Resolution Declaring the Intention of the Board of Supervisors of Warren County, Mississippi, to Issue General Obligation Port Bonds of Warren County, Mississippi, the Maximum Principal Amount of Not to Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) Adopted on the 5<sup>th</sup> Day of March, 2007, was Duly Published as Required by Law; that No

Sufficient Protest Against the Issuance of the Bonds Described in Said Resolution Has Been Filed by the Qualified Electors; and Authorizing the Issuance of Said Bonds. (Ex. A3).

John McKee, County Engineer

Contractors Estimate No. 1  
2006 NRCS Erosion Control Project No. 3 (Two Sites)

Motion was made by Supervisor William Banks, seconded by Supervisor Carl Flanders and carried unanimously, to accept the recommendation of the County Engineer to approve and authorize payment of Progress Payment Estimate No. 1 in the amount of \$39,691.48 to Buford Construction Co., for payment for work performed on the 2006 NRCS Erosion Control Project No. 3 (Two Sites).

Contractors Estimate No. 1  
2006 Striping Project No. 75(239)

Motion was made by Supervisor David McDonald, seconded by Supervisor Carl Flanders and carried unanimously, to accept the recommendation of the County Engineer to approve and authorize payment of Progress Payment Estimate No. 1 in the amount of \$92,928.48 to Traffic Control Products Co., Inc., for payment for work performed on the 2006 Striping Project No. 75(239).

Contractors Estimate No. 8 and Final  
2006 Paving Project - Contract 1

Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried unanimously, to accept the recommendation of the County Engineer to approve and authorize payment of Final Payment Estimate No. 8 in the amount of \$33,615.86 to APAC-Mississippi, Inc. for payment for work performed on the 2006 Paving Project - Contract 1.

Contractors Estimate No. 5  
2006 Paving Project - Contract 2

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to accept the recommendation of the County Engineer to approve and authorize payment of Progress Payment Estimate No. 5 in the amount of \$10,861.16 to Central Asphalt Co., Inc. for payment for work performed on the 2006 Paving Project - Contract 2. Mr. McKee stated that this amount is less deductions for 24 days liquidated damage at \$200.00 per day or \$4,800.00.

Amended Preliminary Plat for Choctaw Boundary  
Subdivision Approved

Motion was made by Supervisor David McDonald, seconded by Supervisor William Banks and carried unanimously, to accept the recommendation of the County Engineer to approve the amended Preliminary Plat for Choctaw Boundary Subdivision.

Revised Preliminary Plat of Brandi Lane Subdivision

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to accept the recommendation of the County Engineer to approve the revised Preliminary Plat of Brandi Lane Subdivision and an exception for a dead-end roadway which exceeds the 750 foot limit specified in the current Subdivision Ordinance; the Developer, however, wishes to keep the interior streets of Brandi Lane Subdivision private at this time.

Bank Erosion Problem on Highway 80 Near Clear Creek

Motion was made by Supervisor David McDonald, seconded by supervisor Carl Flanders and carried unanimously, to authorize the County Engineer to write a letter to the Corps of Engineers requesting help with an erosion problem on Highway 80 near Clear Creek.

Jim Agent, Deputy Tax Assessor

Adjustment to 2006 Homestead Exemption Supplemental Roll

Motion was made by Supervisor David McDonald, seconded by Supervisor William Banks and carried unanimously, to accept the recommendation of the Deputy Tax Assessor to approve adjustments to the 2006 Homestead Exemption Supplemental Roll contained in Exhibit A4.

Reduction of Assessment on the 2006 Real Property Assessment Roll

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to accept the recommendation of the Deputy Tax Assessor to approve the reductions to the 2006 Real Property Assessment Roll contained in Exhibit A5.

Increase of Assessment on the 2006 Real Property Assessment Roll

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to accept the recommendation of the Deputy Tax Assessor to approve the increase of assessment on the 2006 Real Property Assessment Roll contained in Exhibit A6.

Increase of Assessment on the 2006 Personal Property Assessment Roll

Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried unanimously, to accept the recommendation of the Deputy Tax Assessor to approve the increases of assessment on the 2006 Personal Property Assessment Roll contained in Exhibit A7.

John Smith, County Administrator

Designation of Loretta Brantley as Privacy Officer  
and John Smith as Employee/Official with Access

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to designate Loretta Brantley as Privacy Officer and John Smith as Employee/Official with Access in compliance with HIPAA requirements. (Ex. A8).

Authorization for Journal Entry to Correct Posting  
Error

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to authorize the Accounting Department to make a general journal entry for a Mississippi Department of Wildlife boat registration claim that was paid from Road Department funds and should have been paid from the General fund on the March 5, 2007 docket.

Approval to Pay Invoices

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to approve and authorize payment of Invoice No. 1221-S76 to John E. McKee, Jr. in the amount of \$4,996.83 for State Aid and LSBP projects and Invoice No. 14 in the amount of \$11,017.13 to John E. McKee, Jr. for 2006 miscellaneous engineering and survey services.

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to approve and authorize payment to Paul Winfield in the amount of \$5,387.50 for legal services rendered for the month of March 2007.

Recent Legislation, House Bill 1012, Effective  
March 20, 2007 - Amends Section 31-7-13

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to approve the request of Tonga Vinson, Purchasing Agent, to utilization the new limits for procurement activities for Warren County, Mississippi, as established by recent legislation. House Bill 1012, effective March 20, 2007, amends Section 31-7-13 of the Mississippi Code of 1972, to raise the limits under which quotes and sealed bids are required for public purchases. The changes are as follows:

Up to \$5,000 - No quotes or bids required  
Over \$5,000 to \$25,000 - Minimum of two written quotes  
Over \$25,000 - Advertise/sealed bids required

Change Order #1 - E911 Motorola Contract

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to  
1) Rescind the action of the Board approving Change Order #1 to contract with Motorola in the amount of \$10,062.20 entered on March 19, 2007. The

Change Order was approved subject to approval by the E911 Commission;

- 2) To approve revised Change Order #1 in the amount of \$10,862.20 for work and equipment. The E911 Commission approved the revised Change Order on March 28, 2007.

A copy of Change Order #1 is attached as Exhibit A9.

Approval of Payment of Registration Fees for Supervisors and County Administrator to Attend MAS Minority Caucus Annual Educational Conference

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to approve a check to pay the registration fees for Supervisors and County Administrator to attend the MAS Minority Caucus Annual Educational Conference, May 1 -3, 2007 in Vicksburg, Mississippi.

Dot McGee, Chancery Clerk

Monthly County Reports

Motion was made by Supervisor David McDonald, seconded by Supervisor William Banks and carried unanimously, to accept for information the Cash Receipts Journal for 03/01/2007 through 03/31/2007 for FY 10/2006-09/2007 and the General Ledger Cash Balances for FY 2006-2007, balance through March.

Docket of Claims Paid for March 2007

Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried, to approve and authorize the Docket of Claims paid for the month of March 2007. Supervisors Banks, McDonald, Flanders and George voted "Yea" and Supervisor Selmon abstained from voting on claims paid to River Region Medical Center and voted to approve all other claims.  
(Ex. A10).

Justice Court Reports

Motion was made by Supervisor David McDonald, seconded by Supervisor Carl Flanders and carried unanimously, to approve the following Justice Court Reports: Clearing Account Cash Journal for 02/21/2007 to 03/20/2007; Civil Court Cash Journal for 02/21/2007 to 03/20/2007; and Criminal/Traffic Account Cash Journal for 02/21/2007 to 03/20/2007.

Active Inmate Reimbursement Voucher

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to authorize the President to sign the Active Inmate Reimbursement Voucher for February 2007.

Port Commission and Parks and Recreation  
Commission Minutes

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to accept for information the minutes of the Port Commission for February 20 and February 26, 2007 and minutes of the Parks and Recreation Commission for February 20, 2007.

Authorize Legal Notice of Publication of Final  
Settlement of Contracts

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to authorize publication of notice of final settlement of contracts for Project Nos. SAP 75(56), being a section of Grange Hall-Big Black River Road, and SAP 75(58), being a portion of Tucker Road.

Paul Winfield, Board Attorney

Magnolia Commons of Vicksburg, L.P. v. Board  
Of Supervisors of Warren County, Mississippi  
Warren County Circuit Court Cause No. 06,0164-CI

Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried unanimously, to authorize the execution of an Agreed Judgment in connection with the above styled and numbered cause. (Ex. A11).

Resolution to Amend Solid Waste Management  
Application of Engineer Research and Development  
Center ("ERDC")

Mr. Winfield stated that an application had been received from ERDC to amend Warren County's Solid Waste Management Plan. Notice was given of the Board's intent to amend its Solid Waste Management Plan, a thirty-day comment period was established, and a public hearing was held on February 19, 2007. No comments, either written or oral, have been received. Motion was made by Supervisor David McDonald, seconded by Supervisor Charles Selmon and carried unanimously, to adopt a Resolution to amend the Solid Waste Management Plan pursuant to application of ERDC.  
(Ex. A11-A)

NRCS - EWP Agreements for Road and Bank Stabilization  
Oak Ridge Rd., Ballground Road, Mt. Alban Rd., Keen  
Cole Rd, Whatley Rd. Site 1 and Whatley Rd. Site 2  
Project No. 5199

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to approve and authorize the Board President to sign all documentation pertaining to NRCS Project No. 5199, to install emergency watershed protection measures to relieve hazards created by storm event of October 17, 2006, for the above referenced sites. The estimated cost for the project is \$622,500.00, and the cost to Warren County is estimated to be \$93,375.00.

Gwen Coleman, EMA Director

Ms. Gwen Coleman, EMA Director, presented revisions to the Warren County Comprehensive Emergency Management Plan for final approval. Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried unanimously, to approve and authorize the President to sign the "Warren County Comprehensive Emergency Management Plan". A copy of the plan is on file in the office of the Chancery Clerk.

Docket of Claims Paid 04/02/2007

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried, to approve and authorize the Docket of Claims paid 04/02/2007 for bills for March 2007. Supervisors Banks, McDonald, Flanders and George voted "Yea" and Supervisor Selmon abstained from voting on claims paid to River Region Medical Center and voted to approve all other claims. (Ex. A11-B)

Approve Transfer of \$5,000 to Parks and Recreation for Culkin Athletic Association for Pitching Mounds

Motion was made by Supervisor David McDonald, seconded by Supervisor William Banks and carried, to approve a transfer in the amount of \$5,000 to the Parks and Recreation Commission for the Culkin Athletic Association for purchase of pitching mounds, pending receipt of a letter from the Parks and Recreation Commission requesting same. Supervisors McDonald, Flanders, Banks and George voted "Yea" and Supervisor Selmon voted "Nay".

Approval to Purchase an Ad in the 2007 Vicksburg Outstanding Teen Program Book

Motion was made by Supervisor Carl Flanders, seconded by Supervisor David McDonald and carried unanimously, to approve and authorize the purchase of a half-page ad for \$150.00 in the 2007 Vicksburg Outstanding Teen program book.

Recess

Motion was made by Supervisor Carl Flanders, seconded by Supervisor David McDonald and carried unanimously, to recess until 10:00 a.m. for bid opening for the Timberlane Place Bridge Replacement project.

Bid Opening

Project: Timberlane Place Bridge Replacement  
Project No. LSBP-75(9)

The hour of 10:00 a.m. having passed, and with proof of publication of Notice to contractors that sealed bids would be accepted by the Warren County Board of Supervisors for bridge replacement on Timberlane Place, being attached as Exhibit A12, being known as Project No. LSBP-75(9), until 10:00 a.m. on April 2, 2007, the following bids were received:

Fordice Construction Co.	\$352,731.65
Buford Construction Co.	\$278,080.85
Dozer, LLC	\$360,626.40
Key Constructors, LLC	\$404,254.25

Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried unanimously, to take these bids under advisement.

Recess

Motion was made by Supervisor David McDonald, seconded by Supervisor William Banks and carried unanimously, to recess until 10:40 a.m. for the bids to be tabulated.

Notice to the Public of County Maintained Roads and Location of County Road Maps for Viewing

Following discussion relative to public and private roads, motion was made by Supervisor Charles Selmon, seconded by Supervisor David McDonald and carried unanimously, to authorize publication, subject to review by the Board Attorney and County Engineer, of a public notice of County maintained roads and the availability and locations of the Warren County Road Map for viewing.

Award of Contract for Construction of Timberlane Place Project No. LSBP-75(9)

Motion was made by Supervisor William Banks, seconded by Supervisor David McDonald and carried unanimously, to accept the recommendation of the County Engineer to award the contract for construction of the above referenced project to Buford Construction Co., low bidder, and to reject the bids of Fordice Construction Co., Dozer, LLC, and Key Constructors, LLC, as high bids. (Ex. A13).

Recess

Motion was made by Supervisor William Banks, seconded by Supervisor Charles Selmon and carried unanimously, to recess until Monday, March 16, 2007, at 9:00 a.m.

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Richard George, President