

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, October 5, 2009, being the time and place for the holding of the regular term of said Board, with proper Notice having been posted (Ex. 1), and the Agenda for the meeting being attached (Ex. 2), the following were present:

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

The President of the Board, Richard George, called the meeting to order at 9:00 a.m., and Supervisor McDonald offered the invocation.

Approval of September Minutes

The September minutes were presented for approval. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve and authorize the President to sign the minutes as presented.

Richard Winans, Road Manager

Approval of Driveway Permits

Mr. Winans presented seven (7) driveway permits for approval. Motion was made by Supervisor Banks, seconded by Supervisor Selmon and carried unanimously, to accept the recommendation of the Road Manager to approve the driveway permits contained in Exhibit 3 attached hereto and incorporated herein by reference.

Acceptance of September 2009 Monthly
Work Order Report for Information

Mr. Winans presented the September 2009 monthly Work Order Report for information. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale and carried unanimously, to accept the September 2009 monthly Work Order Report for information.

John McKee, County Engineer

Approval of Contractors Estimate No. 1
Warren County NRCS Erosion Control
Project No. 75(298) Five Sites

Mr. McKee requested approval of Progress Payment Estimate No. 2 in the amount of \$185,842.32 due Unicon, Inc. for work performed on the above referenced project. Motion was made by Supervisor Banks, seconded by Supervisor Selmon and carried unanimously, to approve payment to

Unicon in the \$185,842.32 for work performed on NRCS Erosion Control Project No. 75(298) Five Sites.

Dexter Jones, Inventory Control Clerk

Approval of Fixed Asset Disposition
Listing for 09/01/2009 through 09/31/2009

Mr. Jones presented the monthly disposition report for 09/01/2009 through 09/31/2009 for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the Fixed Asset Disposition Listing for the period of 09/01/2009 through 09/31/2009.

Antonia Flaggs-Jones, Tax Collector

Acceptance of the Privilege Tax License
Listing for Information

Ms. Jones presented the Privilege Tax License Master Listing (regular and transient licenses) for information. Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to accept the Privilege Tax License Listing for information.

Approval of Delinquent Personal Property Report
for 2008 and Delinquent Mobile Home Report for 2009

Ms. Jones presented the delinquent personal property and delinquent mobile home reports for approval. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve the Delinquent Personal Property Report for 2008 and Delinquent Mobile Home Report for 2009.

Approval of Insolvency NSF Check List

Ms. Jones presented an Insolvency NSF Check List through September 29, 2009. The list reflects NSF checks written off for both Patricia Simrall and Antonia Jones accounts. These NSF checks have been turned over to the District Attorney's Office for collection. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve the Insolvency NSF Check List.

Approval of List of Tag Decals Destroyed

Ms. Jones presented a list of motorcycle tag decals and stated that they had been destroyed per State Tax Commission guidelines. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the list of motorcycle tag decals which have been destroyed pursuant to State Tax Commission guidelines.

Approval of Cancellation of Warrants

Ms. Jones presented a list of warrants totaling \$432.91 issued by the Tax Collector's Office from October 17, 2007 through April 30, 2009, which are still outstanding. These checks were issued on the account of

Patricia Simrall, and the account is being closed. A check in the amount of \$432.91 is being submitted with the list. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve cancellation of the warrants.

Approval of Final Account of Patricia Simrall

Ms. Jones presented information regarding Patricia Simrall's final account of Bank (005) account #6058-326-7. Ms. Jones stated that the bank has been notified to close account #6058-326-7 and the difference of the balance, after stop payments and insolvencies, of \$372.37 will be left in Bank (006) account #72597891. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the final account of Ms. Simrall.

John Smith, County Administrator

Approval for President to Sign Mississippi Entity Certification Under the American Recovery and Reinvestment Act

Mr. Smith requested approval for the President to certify to the Mississippi Department of Finance and Administration (DFA) that American Reinvestment and Recovery Act (ARRA) funds accepted and disbursed by the Warren County Board of Supervisors will be spent responsibly and effectively as possible, while maintaining the appropriate controls and reporting mechanisms to ensure accountability and transparency in accordance with ARRA. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to ratify and approve the President to sign the Mississippi Entity Certification Under the American Recovery and Reinvestment Act. A copy of the certification is attached as Exhibit 4 hereto and incorporated herein by reference.

Appointment of Recovery Act Compliance Designee

Mr. Smith requested ratification and approval for the President to sign the State of Mississippi Recovery Act Compliance Designee form designating John C. Smith, County Administrator, as the Compliance Officer/Point of Contact for the purposes of the Recovery Act and related regulations and rules. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to ratify and approve the designation of John C. Smith, County Administrator, as Compliance Designee.

Project Number: 07VA1751
Subgrantee: Warren County Board of Supervisors
Program: Victim of Crime Act (VOCA)
District Attorney's Office

Mr. Smith informed the Board that the Division of Public Safety Planning has approved the Warren County Board of Supervisors' subgrant application under the Victim of Crime Act (VOCA) Program, in the amount of \$56,994.00 in Federal Funds with a 20% match requirement, for the District Attorney's Office. Mr. Smith requested that the

Board authorize the President to sign the grant documents. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve and authorize the President to sign the subgrant documents.

Approval to Pay Invoices

Mr. Smith requested that the Board approve and authorize payment of the following invoices:

John E. McKee, Jr., P.E., Invoice #44 in the amount of \$28,152.46 for 2009 miscellaneous engineering and surveying services

John E. McKee, Jr., P.E., Invoice #1221-C97 in the amount of \$12,115.73 for county funded projects

Motion was made by Supervisor Lauderdale, seconded by Supervisor Banks and carried unanimously, to approve payment of the above referenced invoices.

Mr. Smith presented the invoice of James R. Sherard, Board Attorney, for legal services rendered from September 1, 2009 through September 30, 2009 in the amount of \$7,012.50 for approval. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried. Supervisors McDonald, Lauderdale, Selmon and George voted "Yea" and Supervisor Banks voted "Nay."

Authorization for Reimbursement to Drug Court

Mr. Smith presented a request from Maryam Husband, Drug Court Coordinator, for reimbursement in the amount of \$4,288.01 for the Drug Court Coordinator's salary, matching benefits and insurance for the month of September 2009. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve reimbursement in the amount of \$4,288.01 for the Drug Court Coordinator's September 2009.

Approval to Pay E911 Dispatchers' Salaries, Matching Benefits and Insurance

Mr. Smith requested approval to pay E911 Invoice in the amount of \$21,566.90 for Warren County's share of E911 dispatchers' salaries, matching benefits and insurance for September, pursuant to Interlocal Agreement. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve the request.

Approval of Request of Parks and Recreation for First Quarter Allotment For FY 2009-2010

Mr. Smith presented the request of Warren County Parks and Recreation for their first quarter allotment in the amount of \$105,000.00. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve payment to Warren County Parks and Recreation in the amount of \$105,000.00 for the first quarter allotment for FY 2009-2010.

FY 07 Public Safety Interoperable Communications
(PSIC) Grant Program Award

Mr. Smith stated that on behalf of the State Homeland Security Grant Program, the Wireless Communication Commission has awarded Warren County a grant in the amount of \$158,730.21, with a required match of \$39,682.58, with Warren County contributing 50% and the City of Vicksburg contributing 50% of the match, pursuant to Interlocal Agreement, for the purchase of interoperable communications equipment. The total project amount is \$198,412.90, and the grant period is 10/01/2007 to 03/31/2010. The grant program is to assist public safety agencies in the acquisition, deployment of equipment, or training for the use of interoperable communications systems that enable communications interoperability between public safety agencies. Mr. Smith requested that the Board authorize the President to sign the subgrant documents and designate Ken Coleman to represent the County as Subgrantee Grant Administrator (SGA). Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve and authorize the President to sign the subgrant documents and to designate Ken Coleman as Subgrantee Grant Administrator (SGA).

Dot McGee, Chancery Clerk

Acceptance of Monthly County Reports

Ms. McGee presented the General Ledger Cash Balances and Cash Receipts Journal for September 2009 for information. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept the reports for information.

Approval of September Docket of Claims

Ms. McGee presented the Docket of Claims for claims paid from 09/01/2009 through 09/30/2009 for approval. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve the Docket of Claims as presented. A copy of the Summary of All funds is attached hereto as Exhibit 5 and incorporated herein by reference.

Approval of Justice Court Settlements

Ms. McGee presented the Justice Court settlements for the Clearing Account Cash Journal, Civil Court Cash Journal and Criminal/Traffic Cash Journal for the period 08/21/2009 to 09/20/2009 for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the aforesaid reports.

Acceptance of E911 Commission,
Port Commission, and Parks and
Recreation Commission Minutes
for Information

Ms. McGee presented the minutes of the E911 Commission for August 26, 2009; Port Commission minutes for August 17, 2009, and Parks and Recreation Commission minutes for August 18, 2009 for information. Motion was made by

Supervisor McDonald, seconded by Supervisor Lauderdale and carried unanimously, to accept these minutes for information.

James R. Sherard, Board Attorney

Purple Heart Memorial Monument

Mr. Sherard stated that the Interlocal Agreement between the City of Vicksburg and Warren County for the Purple Heart Memorial Monument has been approved by the Attorney General. Mr. Sherard requested that the Board authorize the President to sign the Interlocal Agreement and authorize the issuance of a check in an amount not to exceed \$5,000.00 toward the purchase of the memorial monument. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve and authorize the President to sign the Interlocal Agreement and authorize the issuance of a check in an amount not to exceed \$5,000.00 toward the purchase of the memorial monument. A copy of the Interlocal Agreement is attached hereto as Exhibit 6 and incorporated herein by reference.

Approval of Law Library Subscription

Mr. Sherard informed the Board in regards to enrolling in a level-pay subscription plan for purchasing supplements for the Law Library. The cost would be \$915.00 per month and would begin October 1, 2009. Mr. Sherard requested that the Board ratify and authorize the President to sign the contract for the level-pay plan, to begin October 1, 2009. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to ratify and authorize the President to sign the contract for the level-pay plan.

Bazinsky Road Bridge Replacement Project

Mr. Sherard discussed working with the U.S. Corps of Engineers and acquiring right of ways for the Bazinsky Road Bridge Replacement Project. Mr. Sherard asked that the Board authorize the President to sign an Agreement with ERDC and the Vicksburg District Corps of Engineers for the project. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to authorize the President to sign an Agreement with ERDC and the Vicksburg District Corps of Engineers for the project.

Justice Court Judge, Central District

Mr. Sherard stated that due to the resignation of Richard Bradford, III, the office of Justice Court Judge, Central District should be declared vacant. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to declare the office of Justice Court Judge, Central District, vacant.

Mr. Sherard requested that the Board adopt an Order setting a special election next year for the office of Justice Court Judge, Central District. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to adopt an Order for a special

election next year for the office of Justice Court Judge. A copy of the Order is attached as Exhibit 7 hereto and incorporated herein by reference.

Mr. Sherard asked the Board to approve and ratify the publication of a notice in the *Vicksburg Post* that the Board will accept resumes to fill the office of Justice Court Judge, Central District, to serve until the November 2, 2010 special election. Motion was made by Supervisor Lauderdale, seconded by Supervisor Selmon and carried unanimously, to ratify and approve publication of the notice.

Authorization to Publish Notice of Logic
And Accuracy Testing of Voting Machines

President George stated that the Board should authorize publication of the notice that logic and accuracy testing on the voting machines to be used in the November 3, 2009 Special Election will begin on Monday, October 26, 2009, at 8:00 a.m., and will continue each weekday to 5:00 p.m., until all machine testing is complete. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to authorize publication of the notice in the *Vicksburg Post* on 10/19, 10/21 and 10/23.

Petition to Abandon a Portion of
Herman Road Taken Under Advisement

President George presented the petition of Richard Enright requesting that the Board abandon a portion of Herman Road. Following discussion, motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to take the petition under advisement.

Approval of Supplemental Docket of Claims

The Supplemental Docket of Claims paid October 5, 2009 for September bills was considered. Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to approve the Supplemental Docket of Claims as presented. A copy of the Summary of All funds is attached hereto as Exhibit 8 and incorporated herein by reference.

Approval of School Bus Turnaround

President George presented a request from the Vicksburg Warren School District for repairs to 1602 Murray Road for a school bus turnaround. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve a school bus turnaround at 1602 Murray Road.

Martin Pace, Sheriff

FY '07 Port Security Grant Program (PSGP)
Grant No. 07PG075

Sheriff Pace said that under the State Homeland Security Grant Program, the Department of Public Safety has notified Warren County of the availability of grant funds

in the amount of \$204,375.00 for the purchase of equipment, for planning, training, exercise management and administrative costs. The grant funds would be used to obtain a rescue boat for use on the Mississippi River. Applicants must provide matching funds of at least 25 percent of the total project cost. The deadline for acceptance of the grant is October 7, 2009. The matter will be considered further after the bid opening.

Mallett Road Bridge Replacement Project
No. LSBP-75(10) Bid Opening

The President stated that the date and time had arrived to receive sealed bids for the construction of the Mallett Road Bridge Replacement Project. Notice to Contractors appeared in the *Vicksburg Post*, a newspaper of general circulation in Warren County, Mississippi, on August 24, 2009 and August 31, 2009. Proof of publication is attached as Exhibit 9 hereto and incorporated herein by reference. Four (4) bids were received: W. S. Construction, LLC in the amount of \$381,336.90; Dozer, LLC in the amount of \$416,843.50; Key, LLC in the amount of \$466,644.05; and, Fordice construction Co. in the amount of \$357,531.80. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale and carried unanimously, to take the bids under advisement so that the bid can be tabulated and verified.

Martin Pace, Sheriff

The Board continued the discussion of the Port Security Grant and the rescue boat. Following discussion, motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried, to approve submittal of an application for the FY '07 Port Security Grant. Supervisors Banks, McDonald, Selmon and George voted "Yea" and Supervisor Lauderdale voted "Nay."

Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried, to approve the acceptance of the FY '07 Port Security Grant award. Supervisors Banks, McDonald, Selmon and George voted "Yea" and Supervisor Lauderdale voted "Nay."

Motion was made by Supervisor McDonald, seconded by Supervisor Selmon and carried, to appoint John Smith, County Administrator, as Grant Administrator, and Undersheriff Jeff Riggs as the contact person with the Department of Public Safety, Office of Homeland Security. Supervisors McDonald, Selmon, Banks and George voted "Yea" and Supervisor Lauderdale voted "Nay."

Award of Contract for Mallett Road Bridge Replacement
Project No. LSBP-75(10)

The Engineer stated that the bids had been tabulated and the bid of Fordice Construction Co. in the amount of \$357,531.80 was the lowest bid and recommended award of the contract to Fordice Construction Co. and rejection of the bids of W. S. Construction, LLC, Key, LLC and Dozer, LLC as high bids. Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to adopt an Order awarding the contract to Fordice

Construction Co., the lowest bidder, subject to approval of the State Aid Engineer, authorizing the President to execute the contract with the Contractor, and establishing the project fund in the amount of \$375,400.00, also an additional amount of \$42,900.00 to cover engineering services. This Order transfers a total of \$418,300.00 (\$13,400.00 in county funds and \$404,900.00 in LSBP funds). A copy of the Order is attached hereto as Exhibit 10 and incorporated herein by reference. Copies of approved/rejected Proposals are attached as Exhibit 10 hereto and incorporated herein by reference.

Order of Board of Supervisors of Warren County
Requesting "Advance Credits" in LSBP Funds to
Be Used on Project No. LSBP-75(10), Warren County

Following discussion, motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to adopt an Order that the State Aid Engineer approve "advance credits" in the amount of \$59,380.00 for Mallet Road Bridge Replacement Project No LSBP-75(10). A copy of the Order is attached hereto as Exhibit 12 and incorporated herein by reference.

Recess

Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to recess until 9:00 a.m., Monday, October 19, 2009.

Richard George, President