

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, November 1, 2010, 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 (5<sup>th</sup> District)  
William Banks, Vice President (2<sup>nd</sup> District)  
David L. McDonald (1<sup>st</sup> District)  
Charles Selmon (3<sup>rd</sup> District)  
William Lauderdale (4<sup>th</sup> District)  
Martin Pace, Sheriff, and Deputy  
Dot McGee, Chancery Clerk, and Deputy

The President called the meeting to order at 9:00 a.m., and Supervisor Selmon offered the invocation.

Approval of September Minutes

The October minutes were presented for approval. Supervisor Banks moved, seconded by Supervisor McDonald, to approve the minutes, subject to a correction on page four, paragraph two of the October 4<sup>th</sup> minutes, to delete "Real" property and authorize the President to sign the minutes. Motion carried unanimously.

Richard Winans, Road Manager

Approval of Change of Hours of  
Operation - Kings Point Ferry

Mr. Winans requested that the Board approve a change in hours of operation for the Kings Point Ferry beginning Monday, November 1, 2010, as follows:

Sunday - Saturday, 4:30 a.m. - 8:00 p.m. (7 days a week). These hours will remain in effect until February 1, 2011.

Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve this change in hours of operation for the Kings Point Ferry.

Acceptance of October 2010  
Monthly Work Order Report

Mr. Winans presented the October 2010 Work Order Report for information. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to accept the report for information.

Approval of Driveway Permits

Mr. Winans presented two (2) driveway permits for approval. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale 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.

Approval of Temporary Easements

Mr. Winans presented three (3) temporary easements for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept the recommendation of the Road Manager to approve the temporary easements contained in Exhibit 4 attached hereto and incorporated herein by reference.

Brian Robbins, County Engineer's Office

Contractors Estimate No. 1  
2010 Paving Project No. 75(305)

Mr. Robbins requested that the Board approve payment to APAC-Mississippi, Inc. for Progress Payment Estimate No. 1 in the amount of \$381,458.87 for work performed on the 2010 Paving Project No. 75(305). Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve payment of Progress Payment Estimate No. 1 in the amount of \$381,458.87.

Approval for Addition of  
Roads to 2010 Warren County  
Striping Project

Mr. Robbins stated that considerable progress had been made on the 2010 Warren County Striping Project and that it had been determined that some additional roads could be added to the project while staying within the budgeted amount set aside for the project. The following roads were recommended for addition to the project: Culkin Ramp, Bovina Drive, and Mt. Alban Road. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve the addition of Culkin Ramp, Bovina Drive and Mt. Alban Road to the 2010 Warren County Striping Project.

Frankie Meeks, Jimmy G. Gouras Urban Planning Consultants

Adoption of Resolution of Intent -  
Purchase and Installation of  
Energy Conservation Measures to  
Promote Energy Efficiency and Economic  
Growth

Ms. Meeks presented for consideration by the Warren County Board of Supervisors the matter of authorizing and approving a loan in the amount of \$118,130.00 from the Mississippi Development Authority for the purpose of purchasing and installing energy conversion measures to promote energy efficiency and economic growth. Following discussion motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to adopt the following Resolution:

"RESOLUTION OF INTENTION AUTHORIZING AND APPROVING THE WARREN COUNTY BOARD OF SUPERVISORS, WARREN COUNTY, MISSISSIPPI TO APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR THE PURPOSE OF PURCHASING AND INSTALILNG ENGERGY CONSERVATION MEASURES TO PROMOTE ENERGY EFFICIENCY AND ECONOMIC GROWTH"

The Resolution shall be published once a week for at least four (4) consecutive weeks in the *Vicksburg Post*, a newspaper published in Warren County, Mississippi, and having a general circulation in the County and qualified under the provisions of 13-3-31, Mississippi Code of 1972, as amended. A copy of the Resolution is attached hereto as Exhibit 5 and incorporated herein by reference.

Community Revitalization Project  
No. R-103-075-01-KED  
Haining Road Project

Ms. Meeks requested that the Board authorize the issuance of checks, upon receipt of MDA funds, to pay ABMB Invoice #23 in the amount of \$13,390.76, Key, LLC Pay Estimate #18 in the amount of \$218,236.73, and Jimmy G. Gouras Urban Planning Invoice #8871 in the amount of \$4,833.33, to approve Request for Cash #25 in the amount of \$236,460.82 to pay the aforesaid invoices, and to authorize line item adjustments totaling \$27,588.24 from Architect/Engineering to Testing/Geotech. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve the aforesaid requests.

CDBG Project No. R-110-073-01-GZ  
Bayou Project

Ms. Meeks requested that the Board authorize the issuance of checks, upon receipt of MDA funds, to pay ABMB Invoice #11 in the amount of \$11,377.20, Jimmy G. Gouras Urban Planning Invoice No. 8868 in the amount of \$3,381.24, Invoice No. 8869 in the amount of \$3,381.24 and Invoice No. 8870 in the amount of \$3,318.25, and approve Request for Cash #12 in the amount of \$21,520.95 to pay the aforesaid invoices. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve the aforesaid requests.

Dexter Jones, Inventory Control Clerk

Approval of Monthly Fixed Assets  
Disposition Listing

Mr. Jones presented the Monthly Fixed Assets Disposition Listing for 9/1/2010 through 10/31/2010 for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the Monthly Fixed Assets Disposition Listing for 9/1/2010 through 10/31/2010.

John Smith, County Administrator

Approval to Pay Invoices

Mr. Smith presented the following invoices of John E. McKee, Jr., P.E. for approval: Invoice No. 1221-S115 in the amount of \$6,694.93 for State Aid and LSBP projects, and Invoice No. 57 in the amount of \$27,167.97 for miscellaneous engineering and surveying services. Motion was made by Supervisor McDonald, seconded by Supervisor Selmon and carried unanimously, to approve payment of the aforesaid invoices.

Mr. Smith presented the invoice of James R. Sherard, Board Attorney, in the amount of \$4,770.00 for legal services for September 30 through October 26, 2010 for approval. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale to approve the invoice. Supervisors Lauderdale, McDonald, Selmon and George voted "Yea" and Supervisor Banks voted "Nay." Motion carried.

Approval for Reimbursement to Drug Court

Mr. Smith presented a request from Maryam Husband, Drug Court Coordinator, for reimbursement in the amount of \$4,335.17 for the Drug Court Coordinator's salary, matching benefits and insurance for the month of October 2010. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve reimbursement in the amount of \$4,335.17 for the Drug Court Coordinator's salary for October 2010.

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

Mr. Smith requested approval to pay E911 Invoice in the amount of \$19,161.92 for Warren County's share of E911 dispatchers' salaries, matching benefits and insurance for October 2010, pursuant to Interlocal Agreement. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve payment to E911 in the amount of \$19,161.92 for Warren County's share of E911 dispatchers' salaries, matching benefits and insurance for October 2010.

Dot McGee, Chancery Clerk

Acceptance of Monthly County Reports

Ms. McGee presented the General Ledger Cash Balances and Cash Receipts Journal for October 2010 for information. Motion was made by Supervisor Banks, seconded by Supervisor Selmon and carried unanimously, to accept the reports for information.

Approval of October Docket of Claims

Ms. McGee presented the Docket of Claims for claims paid from 10/01/2010 through 10/31/2010 for approval. Motion was made by Supervisor Lauderdale, seconded by Supervisor Selmon and carried, to approve the Docket of Claims as presented. Supervisors Lauderdale, McDonald, Banks and George voted "Yea" and Supervisor Selmon

abstained from voting on payment of the claim of Warren Washington Sharkey Issaquena Community Action Agency and voted to pay all other claims. A copy of the Summary of Funds is attached hereto as Exhibit 6 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 9/21/2010 to 10/20/2010 for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the aforesaid reports.

Acceptance of Tax Collector's  
Privilege Tax License Collections

Ms. McGee presented the Tax Collector's report of privilege tax license collections for 09/01/2010 to 9/30/2020 for information. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to accept the report for information.

Acceptance of Tax Collector's  
Distribution of Funds Report  
September 30, 2010

Ms. McGee presented the Tax Collector's report of distribution of funds as of September 30, 2010 for information. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept the report for information.

Acceptance of E-911 Commission, Warren County  
Parks and Recreation Commission, and Warren County  
Port Commission Minutes

Ms. McGee presented the minutes of the E-911 Commission minutes for September 29, 2010; Warren County Parks and Recreation Commission minutes for September 21, 2010; and Warren County Port Commission minutes of September 20, 2010 for information. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept these minutes for information.

Acceptance of Second Quarter of  
FY 2010 Jury Commission Report

Ms. McGee presented Second Quarter FY 2010 Jury Commission Report for information. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept the report for information.

Approval of Thanksgiving, Christmas  
and New Year's Holidays

Ms. McGee advised that Governor Barbour has issued a proclamation to close state offices for the following holidays:

Thursday, November 25, 2010 for Thanksgiving  
Monday, December 27, 2010 for Christmas, and  
Monday, January 3, 2011 for New Year's.

Additionally, according to the Governor's proclaim,  
agency heads may close offices on:

Friday, November 26, 2010, for Thanksgiving  
Friday, December 24, 2010 for Christmas, and  
Friday, December 31, 2010 for New Year's

Motion was made by Supervisor Banks, seconded by  
Supervisor Lauderdale and carried unanimously, to approve  
the aforesaid holidays.

Approval of Contract for Professional  
Audit Services for 2009-2010 and 2010-  
2011 Fiscal Years

Ms. McGee stated that the Audit Department had chosen  
Warren County to have a contracted audit for fiscal years  
2010 and 2011. Bridgers & Company, P. C., who has  
experience in performing county audits, was contacted and  
is willing to provide the service. Following discussion,  
motion was made by Supervisor Banks, seconded by Supervisor  
Lauderdale and carried unanimously, to approve a contract  
between the Warren County Board of Supervisors and Bridgers  
& Company, P.C. for audit services for fiscal years 2010  
and 2011 and authorize the President to sign the contract.

Acknowledgement of Armistice Day  
(Veterans' Day) Holiday

Ms. McGee stated that notice had been received from  
the Secretary of State designating Thursday, November 11,  
2010 as the day for the observance of Armistice Day  
(Veterans' Day). Motion was made by Supervisor McDonald,  
seconded by Supervisor Banks and carried unanimously, to  
accept this notice for information.

Authorization to Issue Checks  
For Replacement Titles

Ms. McGee requested that the Board authorize the  
issuance of three (3) checks payable to the Mississippi  
Department of Revenue in the amount of \$9.00 each to obtain  
replacement titles for three (3) Sheriff's Department  
vehicles. These titles have been misplaced. Motion was  
made by Supervisor Lauderdale, seconded by Supervisor  
McDonald and carried unanimously, to approve the request.

James R. Sherard, Board Attorney

Adoption of Resolution Implementing  
Authority to Impose a Service Charge  
on Voice Over Internet Protocol ("VOIP")  
Subscribers

The Board took up the matter of the need for official  
action to implement the authority granted to the County  
under Senate Bill No. 2938, 2010 Regular Session,  
Mississippi Legislature, amending Mississippi Code  
Annotated Section 19-5-313 (1972) and imposing a service

charge on Voice Over Internet protocol ("VOIP") subscribers in the District for emergency telephone service. After full discussion of the subject, Supervisor Banks offered and moved the adoption of the following resolution:

"RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY, MISSISSIPPI, IMPLEMENTING AUTHORITY GRANTED BY SENTATE BILL NO. 2938, 2010 REGULAR SESSION, MISSISSIPPI LEGISLATURE, IMPOSING A SERVICE CHARGE ON VOICE OVER INTERNET PROTOCOL ("VOIP") SUBSCRIBERS IN THE COUNTY'S EMERGENCY COMMUNICATIONS DISTRICT ("DISTRICT").

Supervisor Lauderdale seconded the motion for its adoption and the motion carried unanimously. A copy of the resolution is attached hereto as Exhibit 7 and incorporated herein by reference.

Approval of Letter Agreement for Update -  
Warren County Solid Waste Master Plan

Mr. Sherard stated that Warren County's Solid Waste Master Plan is updated at five year intervals, and it is time for an update. Mr. Sherard informed the Board that International Paper had requested that Warren County include in the Plan a proposed industrial landfill siting that International Paper proposes to install on property owned by International Paper across Highway 3 east of the mill. Mr. Sherard requested that the Board enter into a Letter Agreement with Neel-Schaffer, Inc. for professional services related to updating the Plan. Motion was made by Supervisor Lauderdale, seconded by Supervisor Banks and carried unanimously, to approve and authorize the Board President to sign a Letter Agreement with Neel-Schaffer, Inc. to provide professional services in connection with updating the Warren County Solid Waste Master Plan. A copy of the Letter Agreement is attached as Exhibit 8 and incorporated herein by reference.

Authorization to Notify City of Vicksburg  
and Vicksburg Warren School District  
of Deduction of Refund for Ad Valorem Taxes

Supervisor Lauderdale said that the Board had received an Attorney General's Opinion related to the ad valorem tax refunds due Ameristar and RiverWalk Casinos. It was the opinion of the Attorney General that the Warren County Board of Supervisors may deduct the respective pro rata shares of the 2009 refunds due the taxpayers against the current monthly settlements due to the City and the School District, until each entity's pro rata share is recovered. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to direct the Board Attorney to notify the City and the School District, at the appropriate time, that their pro rata share of the 2009 refunds due the taxpayers will be deducted from the current monthly settlements due them beginning in January 2011, until each entity's pro rata share is recovered.

Ratify Contract Between Warren County  
Port Commission and Kinder Morgan  
Bulk Terminals, Inc.

The Board considered the final one-year extension of the contract between the Warren County Port Commission and Kinder Morgan Bulk Terminals, Inc. for the operation of the terminal facility. This contract extension has been approved by the Warren County Port Commission. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to ratify and approve the final one-year extension of the contract between the Warren County Port Commission and Kinder Morgan Bulk Terminals, Inc. for the operation of the terminal facility for one (1) year.

NRCS T-Dock Slope Stabilization  
Project No. 75(304)

On October 21, 2010, at 3:15 p.m., the Warren County Port Commission opened sealed bids for the NRCS T-Dock Slope Stabilization Project No. 75(304). The bids were tabulated and ProCon was the low bidder, and the Warren County Port Commission awarded the contract to ProCon. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale and carried unanimously, to ratify and approve the award of the contract for the NRCS T-Dock Slope Stabilization to ProCon, the low bidder.

Approval of Supplemental Docket of Claims

The Supplemental Docket of Claims for October bills was considered. Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried, to approve the Docket of Claims as presented. Supervisors Lauderdale, Selmon, McDonald and George voted "Yea" and Supervisor Banks voted "Yea" to approve all claims except payment of Claim No. 602. A copy of the Summary of Funds is attached hereto as Exhibit 9 and incorporated herein by reference.

Recess

Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to recess until 9:00 a.m., Monday, November 15, 2010.

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Richard George, President