

**Minutes of
Clay County Board of Supervisors
Meeting Held Wednesday, August 14, 2019 at 9:00 a.m.**

BE IT REMEMBERED a regular meeting of the Clay County Board of Supervisors was held at the Clay County Courthouse, West Point, Mississippi, on Wednesday, August 14, 2019.

PRESENT:

R.B. Davis, Supervisor District 3, Presiding
Lynn D. Horton, Supervisor District 1
Luke Lummus, Supervisor District 2
Shelton Deanes, Supervisor District 4
Joe Chandler, Supervisor District 5

Amy G. Berry, Clay County Chancery Clerk
Eddie Scott, Clay County Sheriff
Angela Turner Ford, Board Attorney
Joe Maxx Higgins

Member of News Media
County Residents

The following proceedings were had:

CALL TO ORDER/INVOCATION

The meeting was called to order by Sheriff Eddie Scott. The welcome was given by Supervisor Davis with invocation given Supervisor Horton.

ADOPTION OF AGENDA

Motion by Supervisor Deanes to adopt the agenda as prepared.

– Second by Supervisor Lummus.

(See Exhibit "A" - Agenda).

AMENDMENT OF AGENDA

Motion by Supervisor Deanes to call for amendments of the agenda.

– Second by Supervisor Horton.

AMENDMENTS TO AGENDA ANNOUNCED

BCAP Program

TIF RESOLUTION FOR NATURE'S GOLF COURSE

Motion by Supervisor Lummus to authorize and approve Resolution and Interlocal Agreement for the TIF Resolution for Nature's Golf Course.

-Seconded by Supervisor Chandler.

(Exhibit "B").

APPOINTMENTS TO THE BOARD FOR THE CLAY COUNTY ECONOMIC DEVELOPMENT DISTRICT

Motion by Supervisor Horton to appoint Bennie Jones, Jr., Tommie Coleman and William Binder to serve on the Board of the Clay County Economic Development District.

-Seconded by Supervisor Lummus.

BCAP PROGRAM

Motion by Supervisor Lummus to authorize and approve BCAP.

-Seconded by Supervisor Deanes.

(Exhibit "C").

BUDGET HEARINGS

Representatives of the Circuit Clerk, Circuit Court, Elections, Tax Assessor/Collector, Justice Court and Extension Office appeared before the Board to present budget requests.

RECESS

Motion by Supervisor Lummus to recess until Thursday, August 15, 2019, at 8:00 a.m.

-Seconded by Supervisor Horton.

* All Motions were carried unanimously unless otherwise indicated.

DATED this the 14th day of August, 2019.



R.B. Davis
R.B. DAVIS, PRESIDENT
CLAY COUNTY BOARD OF
SUPERVISORS

ATTEST.

A handwritten signature in cursive script, appearing to read "AGB", is written over a horizontal line.

AMY G. BERRY, CHANCERY CLERK
CLERK OF THE CLAY COUNTY
BOARD OF SUPERVISORS

EXHIBIT A

**Clay County Board of Supervisors
Agenda for Regular Meeting
Wednesday, August 14, 2019 at 9:00 a.m.**

- Call to Order
- Welcome and Prayer
- Adopt and Amend Agenda
- Joe Maxx Higgins
 - TIF Resolution for Nature's Golf
- Appointments to EDD Board
 - Bennie Jones, JR, Tommie Coleman, William Binder
- Budget FY2020
 - Circuit Clerk, Circuit Court, Election
 - Tax Assessor Collector
 - Justice Court
 - Extension Office
- Recess until _____, August ____, 2019, at 9:00 a.m.

Amendments:

BCAP Application - Auth. + Approve

EXHIBIT B

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5

RESOLUTION OF THE BOARD OF SUPERVISORS OF CLAY COUNTY, MISSISSIPPI, ADOPTING AND APPROVING THE FORM OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF WEST POINT, MISSISSIPPI, IN SUPPORT OF THE NATURE'S GOLF PROJECT; AUTHORIZING THE EXECUTION OF THE INTERLOCAL COOPERATION AGREEMENT; AND FOR RELATED PURPOSES.

WHEREAS, the Board of Supervisors of Clay County, Mississippi, (the "Board" of the "County"); acting for and on behalf of the County, hereby finds, determines, and adjudicates as follows:

1. Pursuant to the Mississippi Tax Increment Financing Act, Section 21-45-1 *et. seq.*, Mississippi Code of 1972, as amended (the "TIF Act"), the City of West Point, Mississippi (the "City") and the County are authorized to undertake and carry out "redevelopment projects," as defined therein, utilizing tax increment financing.

2. Pursuant to the Act, the Mayor and Board of Selectmen of the City has received and has conducted hearings on the "Tax Increment Financing Redevelopment Plan of 2016, City of West Point, Mississippi, 2016" (the "Redevelopment Plan"), and has approved the Redevelopment Plan on October 11, 2016, after publications of notice of hearing and after a hearing on the Redevelopment Plan as required by the TIF Act. The Redevelopment Plan constitutes a qualified plan under the TIF Act.

3. Pursuant to the Act, the Mayor and Board of Selectmen of the City has received and has conducted hearings on the "Tax Increment Financing Plan, Nature's Golf Project, West Point City, Mississippi, September 2016" (the "TIF Plan"), and has approved the TIF Plan on October 11, 2016, after publication of notice of hearing and after a hearing on the TIF Plan as required by the TIF Act. The TIF Plan constitutes a qualified plan under the TIF Act.

4. Pursuant to the Act, the Board of the County has received and has conducted hearings on the TIF Plan, and has approved the TIF Plan on October 6, 2016, after publication of notice of hearing and after a hearing on the TIF Plan as required by the TIF Act. The TIF Plan constitutes a qualified plan under the TIF Act.

5. Nature's Golf, LLC (the "Developer"), is proposing to develop a public golf course to be known as "Nature's Golf Project" (the "Project") in the City, in the County, and within the TIF District. The County intends to enter into an Interlocal Cooperation Agreement (the "Agreement") with the City, pursuant to the Interlocal Cooperation Act, Section 17-31-1 *et. seq.*, Mississippi Code of 1972, as amended (the "Interlocal Act"), to provide a financing mechanism to pay for the cost of installing or constructing various infrastructure improvements for the use or benefit of the Project, which may include but are not limited to, acquiring and constructing improvements, which may include, but not necessarily be limited to, installation, rehabilitation and/or relocation of utilities such as water and sanitary sewer; construction, renovation, demolition or rehabilitation of drainage improvements, roadways, curbs, gutters, sidewalks, and surface parking; demolition of structures; relocation of electrical lines; lighting; signalization; landscaping of rights-of way; related soft costs including, but not limited to, architectural/engineering fees, attorney's fees, TIF Plan preparation fees, issuance costs, capitalized interest, and other related soft costs (collectively, the "Infrastructure Improvements").

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6. The costs of the Infrastructure Improvements are expected to exceed the sum of Seven Hundred Fifty Thousand Dollars (\$750,000). The Developer is requesting the assistance of the City and the County in providing the funding for the Infrastructure Improvements by the utilization of tax increment financing.

7. The Project appears to be a project of major economic significance within the City and the County and to qualify as a project eligible for tax increment financing under the Redevelopment Plan. The participation on the part of the County is necessary, would be in the public interest, and would benefit the economic and financial well-being and the public health, safety, and welfare of the City and the County.

8. The Developer intends to acquire and construct all or a portion of the Infrastructure Improvements at its expense to facilitate the development of the Project, based on the expectation that tax increment financing funds will be available in the future. The City wishes to reimburse the Developer for this expense in whole or part, up to the amount of funds available from the proceeds of the TIF bonds in the maximum principal amount of Seven Hundred Fifty Thousand Dollars (\$750,000), in one or more series (the "TIF Bonds"), at the time or times the TIF Bonds are issued in the future. The funds derived from the sale of the TIF Bonds will be used by the Developer to acquire and construct the Infrastructure Improvements or reimburse the Developer for the costs of acquisition and construction of the Infrastructure Improvements by the Developer, and other costs included within the Infrastructure Improvements.

9. The City will pledge up to one hundred percent (100%) of the increase in its ad valorem real property tax revenues (the "City Ad Valorem TIF Revenues"), as collected within the boundaries of the TIF District, calculated in the manner set forth in the TIF Act.

10. The County will pledge not to exceed one hundred percent (100%) of the increase in its ad valorem real and personal property tax revenues (the "County Ad Valorem TIF Revenues"), as collected within the boundaries of the TIF District, calculated in the manner set forth in the TIF Act.

11. The amount of the TIF Bonds to be issued will be based upon seventy-five percent (75%) of the City Ad Valorem TIF Revenues and seventy-five percent (75%) of the County Ad Valorem TIF Revenues.

12. The City Ad Valorem TIF Revenues and the County Ad Valorem TIF Revenues shall be referred to collectively as the "TIF Revenues."

13. The TIF Bonds shall never constitute an indebtedness of the City or the County within the meaning of any state constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the City or the County, other than from the sources set forth herein, or a charge against its general credit or taxing powers.

14. The amount and timing of the TIF Bonds shall be determined pursuant to further proceedings of the City and County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1. The Project is one of major economic significance, and the participation of the City and the County is necessary and in the public interest and would benefit the public health, safety and welfare of the City and the County and their citizens.

SECTION 2. The Board hereby approves and adopts the Agreement in substantially the form attached hereto as **Exhibit A**, with such amendments, corrections, additions, and deletions as may be agreed upon and approved by its duly authorized officers.

SECTION 3. The Board hereby authorizes the President of the Board and the Chancery Clerk of the County to execute and deliver the Agreement for and on behalf of the County, with such amendments, changes, corrections, additions, and deletions as may be approved by such officers, said execution and delivery being conclusive evidence of such approval.

{JX384114.2}

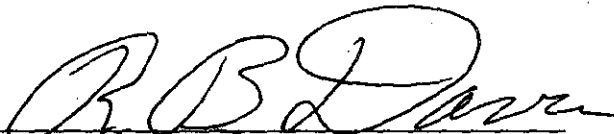
Following the reading of the foregoing resolution and discussion thereof, Supervisor Lumms moved and Supervisor Chandler seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Supervisor Joe Chandler
Supervisor R.B. Davis
Supervisor Shelton Deanes
Supervisor Lynn D. Horton
Supervisor Luke Lumms

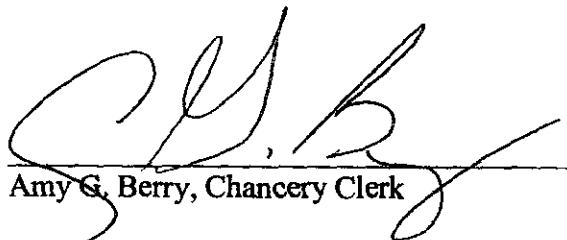
voted: AYE
voted: AYE
voted: AYE
voted: AYE
voted: AYE

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted, on this, the 14th day of August, 2019.

CLAY COUNTY, MISSISSIPPI


R. B. Davis
President, Board of Supervisors

ATTEST:


Amy G. Berry, Chancery Clerk

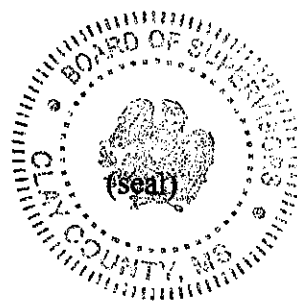


EXHIBIT A

Form of the Interlocal Cooperation Agreement

{JX384114.2}

The Chancery Clerk reported that pursuant to a resolution of the Board of Supervisors (the "Governing Body") of Clay County (the "County") calling for a public hearing to be held at 9:00 A.M. October 6, 2016, with respect to a Tax Increment Financing Plan, Nature's Golf Project, West Point City, Mississippi, September 2016 (the "TIF Plan"), he did cause a notice of the public hearing to be published in the *Daily Times Leader*, a newspaper having a general circulation in the County on September 21, 2016, as evidenced by proof of publication on file in the office of the Clerk. The Board President then called the meeting to order, and the public hearing was duly convened. At that time, all present were given an opportunity to present oral or written comments on the TIF Plan. At the conclusion of the public hearing, Deane offered and moved the adoption of the following resolution:

A RESOLUTION APPROVING THE ADOPTION AND IMPLEMENTATION OF THE "TAX INCREMENT FINANCING PLAN, NATURE'S GOLF PROJECT, WEST POINT CITY, MISSISSIPPI, SEPTEMBER 2016".

WHEREAS, under the power and authority granted by the Laws of the State of Mississippi and particularly under Chapter 45 of Title 21, Mississippi Code of 1972, as amended, the Governing Body, on September 15, 2016, did adopt a certain resolution entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS OF CLAY COUNTY, MISSISSIPPI, DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO MUNICIPALITIES BY THE LEGISLATURE WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE NATURE'S GOLF PROJECT IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES.

WHEREAS, as directed by the aforesaid resolution and as required by law, a notice of public hearing was published one (1) time in the *Daily Times Leader*, a newspaper having a general circulation within the County, and was so published in said newspaper on September 21, 2016, as evidenced by the publisher's proof of publication of the same heretofore presented to the Governing Body and filed with the Clerk;

WHEREAS, the notice of public hearing generally described the TIF Plan and further called for a public hearing to be held at Clay County Board of Supervisors, 205 Court St, West Point, Mississippi, at 9:00 A.M. on October 6, 2016, in order for the general public to state or present their views on the TIF Plan; and

WHEREAS, at 9:00 A.M. on October 6, 2016, the public hearing was held and all in attendance were given an opportunity to state or present their oral or written comments on the TIF Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the County, as follows:

SECTION ONE: That all of the findings of fact made and set forth in the preamble to this resolution shall be and the same are hereby found, declared, and adjudicated to be true and correct.

SECTION TWO: That the Governing Body of the City is now fully authorized and empowered under the provisions of Chapter 45 of Title 21, Mississippi Code of 1972, as amended, to adopt and implement the TIF Plan attached hereto, and do hereby adopt and approve such plan as presented in order to assist in the development of the proposed project by participating jointly with Clay County (the "County") to issue Tax Increment Financing Bonds or Notes in one or more series in an amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) to finance the cost of various improvements in connection with the TIF Plan.

SECTION THREE: That the Tax Increment Bonds or Notes of the City shall be issued pursuant to further proceedings of the Governing Body of the City.

Horton seconded the motion to adopt the foregoing resolution and after the vote, the result was as follows:

Supervisor Lynn "Don" Horton
Supervisor Luke Lummus
Supervisor R.B. Davis
Supervisor Shelton L. Deanes
Supervisor Floyd T. McKee

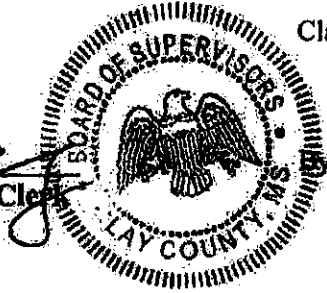
voted: AYE
voted: AYE
voted: AYE
voted: AYE

The motion having received the affirmative vote of a majority of all of the members of the Governing Body present, the Mayor declared the motion carried and the Resolution adopted on this the 6th day of Sept, 2016.

Attest:

Clay County, Mississippi


Amy G. Berry, Chancery Clerk




R. B. Davis, President

EXHIBIT C

6

COOPERATIVE SERVICE AGREEMENT
Between
<CLAY COUNTY>
and the
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
WILDLIFE SERVICES (WS)

ARTICLE 1

The purpose of this agreement is to cooperate in a wildlife damage management project, as described in the Work Plan on the next page.

ARTICLE 2

APHIS WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 USCA 8351-7 USCA 8352) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 USCA 8353), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

ARTICLE 3

APHIS WS and the <CLAY COUNTY> agree:

1. APHIS WS will provide the requested wildlife damage management services.
2. The <CLAY COUNTY> will provide the U.S. Department of Agriculture the sum of **\$7,500** to cover the costs as outlined in the Financial Plan. Payment will be made by check payable to "U.S. Department of Agriculture" by a mutually agreed upon date.
3. The <CLAY County> ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
4. The monies received by APHIS WS will be used for wildlife damage management activities.
5. Nothing in this agreement shall prevent APHIS WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage management services exclusive of those provided for under this agreement.
6. <CLAY County> certifies that APHIS WS has advised the <CLAY County> that there may be private sector service providers available to provide wildlife management services that the <CLAY County> is seeking from APHIS WS.
7. The performance of wildlife damage management actions by APHIS WS under this agreement is contingent upon a determination by APHIS WS that such actions are in compliance with the National Environmental Policy Act, Endangered Species Act, and any other applicable federal statutes. APHIS WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.

ARTICLE 4

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom.

ARTICLE 5

APHIS assumes no liability for any actions or activities conducted under this Cooperative Service Agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (FTCA), (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

ARTICLE 6

The Agreement shall become effective October 1, 2019 and shall continue in effect until the completion or termination of the project. This Agreement may be amended or terminated at any time by mutual agreement of the parties in writing. Further, in the event the CLAY County does not provide necessary funds, APHIS WS is relieved of the obligation to provide services under this agreement.

Tax Identification Number: 64-6000252

Name: Clay County, MS

Address: PO Box 815
West Point, MS 39073

R.B. Dorn
CLAY County's Signature

8/19/2019
Date

USDA-APHIS-Wildlife Services
PO Drawer FW
Mississippi State, MS 39762

State Director

Date

WORK PLAN

Wildlife Species: Beaver, Muskrat, Nutria

Location: CLAY County, MS

Services Provided: BCAP Enrollment fee **Effective Date October 1, 2019 to September 30, 2020**

WS will provide animal damage management for the named county to reduce damage by beaver, muskrat, nutria to the lowest level possible as long as funds are available*. Target animals will be removed with Conibear body grip traps, snares, leg-hold traps, and shooting. Beaver dams will be removed by hand, or explosives utilized by WS, or backhoe when assisted by the county road department.

**FINANCIAL PLAN
BCAP Enrollment Fee**

Personnel Costs	\$4,856.00
Supplies	\$1,601.00
Subtotal (Direct Costs)	\$6,457.00
Indirect Costs.....	\$1,043.00
TOTAL	\$7,500.00

The above figures are only estimates. The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed **\$7,500.00**.

*Services will be provided as long as funds are available. When current funds have been Exhausted services will cease unless further funds are provided.

Financial Point of Contact

CLAY County:

Amy Berry
<Name to call for billing questions>

(662) 494-3124
Phone

APHIS, WS: Brenda Clayton, Program Support Assistant
<Budget Personnel Name>

662-325-3014
Phone

Amy Berry

From: Clayton, Brenda F - APHIS <brenda.clayton@usda.gov>
Sent: Thursday, August 15, 2019 9:59 AM
To: 'Amy Berry'
Subject: RE: BCAP Application

Thank you. Could you please mail the original document to the following address?

PO Drawer FW
Mississippi State, MS 39762

Brenda Clayton

Program Support Assistant
USDA APHIS Wildlife Services
(P) 662-325-3014
(F) 662-325-2054

PO Drawer FW
Mississippi State, MS 39762

775 Stone Blvd.
Room 200 Thompson Hall
Mississippi State, MS 39762

From: Amy Berry [<mailto:aberry@claycounty.ms.gov>]
Sent: Thursday, August 15, 2019 9:57 AM
To: Clayton, Brenda F - APHIS <brenda.clayton@usda.gov>
Subject: BCAP Application

Mrs. Clayton,
Please find Clay County's BCAP Application for year 2020 as approved at yesterday's meeting – 8/14/2019. Please process this application on behalf of Clay County. The Board did vote to participate in the BCAP program.

Please just let me know. Thank you

Amy Berry

From: claycountycopier@donotreply.com [<mailto:claycountycopier@donotreply.com>]
Sent: Wednesday, August 14, 2019 5:00 PM
To: aberry@claycounty.ms.gov
Subject: Message from KM_368 ID #1538 Clay Co. Chancery