

**Minutes of
Clay County Board of Supervisors
Meeting Held Thursday, February 13, 2020 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 Thursday, February 13, 2020.

PRESENT:

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

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

County Residents

The following proceedings were had:

CALL TO ORDER/INVOCATION

The meeting was called to order by Sheriff Scott. The welcome was given by Supervisor Lummus with invocation given by Supervisor Chandler.

ADOPTION OF AGENDA

Motion by Supervisor Horton to adopt the agenda as prepared.

Seconded by Supervisor Chandler.

(Exhibit "A").

AMENDMENT OF AGENDA

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

Seconded by Supervisor Horton.

DELTA COMPUTERS FOR WEB HOSTING AND PUBLISHING OF LAND RECORDS

Motion by Supervisor Horton to authorize and approve the contract with Delta Computers for Web Hosting and Publishing of Land Records.

– Seconded by Supervisor Chandler.

(Exhibit “E”).

TRAVEL FOR TRAINING

Motion by Supervisor Horton to authorize and approve travel for three deputy chancery clerks to attend training on the new land redemption system in Clinton, Mississippi.

– Seconded by Supervisor Davis.

(Exhibit “F”).

TANNER CONSTRUCTION FOR ERBR CANE CREEK PROJECT

Motion by Supervisor Davis to authorize and approve payment to Tanner Construction for ERBR Cane Creek Project as certified by the County Engineer.

– Seconded by Supervisor Horton.

(Exhibit “G”).

NOTICE OF HAZARD MITIGATION PLAN

No action taken.

TRVWMD ADDITIONAL PLN MONIES

This matter was brought up for discussion, only. (Exhibit “H”)

OUT OF STATE TRAVEL

Motion by Supervisor Deanes to authorize advertisement for out of state travel for Supervisors when they attended the ACA Conference and the National Sheriff’s Conference

Seconded by Supervisor Horton

APPROVE THE INTER LOCAL AGREEMENT WITH CITY OF WEST POINT

Motion by Supervisor Deanes to approve the inter local agreement with the City of West Point for the West Church Hill Road project by this board of a new term of office

Seconded by Supervisor Davis

(Exhibit “I”)

AMENDMENTS ANNOUNCED

Personnel matter and taser re-certification were requested to be added to the agenda.

GRANT OPPORTUNITIES

Phyllis Benson of Golden Triangle Planning and Development District appeared before the Board to share information regarding upcoming grant opportunities. No action was taken.

JAIL MEAL LOG AFFIDAVIT

Motion by Supervisor Horton to accept and spread across the minutes the Jail Meal Long Affidavit.

– Seconded by Supervisor Chandler.

(Exhibit “B”).

TASER CERTIFICATION

Motion by Supervisor Deanes to authorize and approve payment of \$200.00 for deputy taser certification as presented by Sheriff Scott.

– Seconded by Supervisor Horton.

(Exhibit “C”).

CERTIFICATE OF ATTENDANCE FR JUDICIAL COLLEGE TRAINING

Motion by Supervisor Deanes to authorize and approve the Certificate of Attendance of Mississippi Judicial College Training for Ms. Amy Berry, Chancery Clerk.

– Seconded by Supervisor Horton.

(Exhibit “D”).

USE TAX MONEY FIRST DISTRIBUTION

Ms. Amy Berry, Chancery Clerk, provided an update of use tax fund indicating an amount of \$76,000.00 received the first distribution.

No action taken.

CLOSED SESSION

Motion by Supervisor Davis to go into Closed Session to determine the need to go into Executive Session.

– Seconded by Supervisor Chandler.

FIVE MINUTE RECESS

Motion by Supervisor Davis to take a five (5) minute recess.

– Seconded by Supervisor Chandler.

CLOSED SESSION

Motion by Supervisor Horton to resume Closed Session and to go into Executive Session to discuss a personnel matter,

– Seconded by Supervisor Deanes.

OPEN MEETING

Following a discussion in Executive Session, motion by Supervisor Horton to return to Open Meeting.

– Seconded by Supervisor Chandler.

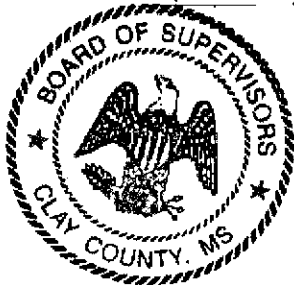
No action taken during Executive Session.

RECESS

Motion by Supervisor Horton to recess until Thursday, February 27, 2020, at 9:00 a.m.


All motions were carried unanimously unless otherwise indicated.

DATED this the 13th day of February, 2020.



Luke Lummus
LUKE LUMMUS, PRESIDENT

ATTEST:



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

EXHIBIT A



*Clay County Board of Supervisors
Agenda for Meeting
Thursday, February 13, 2020, at 9:00 a.m.*

- Call to Order
- Welcome and Prayer
- Adopt and Amend the Agenda
- Phyllis Benson
 - Grant Opportunities
- Eddie Scott
 - Jail Meal Log Affidavit
- Amy Berry
 - Authorize and approve Certificate of Attendance to MS Judicial College Training
 - Use Tax Monies 1st Distribution
 - Authorize and approve to contract with Delta Computers for Web Hosting and Publishing of Land records
 - Authorize travel for 3 deputy Chancery Clerks to attend training on new land redemption system – Clinton, MS
 - Authorize and approve payment to Tanner Construction for ERBR Cane Creek Project as certified by County Engineer
 - Notice on Hazard Mitigation Plan
 - TRVWMD Additional PLN Monies
 - Approve the inter-local agreement with the City of West Point on Church Hill Rd Project
- Torrey William
- Consider notice of travel to the MAPDD Conference in Biloxi, MS, April 28- May 1st
- Authority to advertise out of state travel affidavit for Supervisors
- Recess until Thursday, February 27, 2020, at 9:00 a.m.

Amendments:

Announcements:

- MS Economic Council today at 11:30
- Northside School Renovation – Mr. Lewis OD’Neal is collecting contributions for the renovation of the North Side School
- Job Corp Update
- TLF Notes

EXHIBIT B



Clay County Sheriff's Office

P.O. Box 142
348 West Broad Street
West Point, Mississippi 39773
Phone (662) 494-2712
Fax (662) 494-4034

Sheriff
Eddie Scott
Chief Deputy
Ramirez Williams
Jail Administrator
Anthony Cummings

CLAY COUNTY SHERIFF EDDIE SCOTT AFFIDAVIT OF JAIL MEAL LOG

I, Eddie Scott, Sheriff of Clay County, hereby certify that listed below is the correct number of meals that were served to the inmates in the Clay County Detention Center for the month of January, 2020, to wit:

2,160 Breakfast

2,159 Lunch

2,162 Dinner

Witness this my signature on the 3rd day of February, 2020.

Eddie Scott

Eddie Scott
Sheriff Clay County

EXHIBIT C

**Kevin L. Connell
5379 Hebron Road
Eupora, MS 39744
Email: law_man75@yahoo.com**

**Clay County Sheriff's Office
Sheriff Eddie Scott
P. O. Box 142
West Point, MS 39773**

February 11, 2020

**4 hour Taser Recertification Class
for the Sheriff's Department**

Total= \$200.00

**Remit to:
Kevin L. Connell
Taser Instructor
CB#9016876789**

EXHIBIT D



Certificate of Attendance

The University of Mississippi Law Center
Awards this Certificate to

Amy Berry

for having attended the

2020 CHANCERY CLERK CONTINUING EDUCATION COURSE

Hilton – Jackson, Mississippi

February 4-6, 2020

conducted by the

Mississippi Judicial College

12 Hours Certification

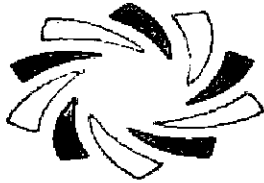
Nancy Daniel

Program Manager

[Signature]

Director

EXHIBIT E



HARRIS
RECORDING SOLUTIONS

Delta

April 1, 2019

Ms. Amy Berry, Chancery Clerk Clay County
PO Box 815
West Point, MS 39773

Amy,

Great talking to you again. I have below the pricing requested regarding hosting your Deed records online. As we spoke about we can provide a link for your web designer to add to your Chancery Clerk page of the Clay County website to the Clay County page on our Delta Website. We will also be glad to put any disclaimer you would like on your Delta homepage informing customers of the date range available for searching, and any disclaimers/statements regarding full searches for the purpose of title searches. For your page we can offer both a per page **and** a subscription rate so that both the general public and abstractors/attorneys have the type of search that will work best for them.

Software Application	License Fee	Monthly Maintenance
Website Set Up	\$2,500.00	\$200.00/month

The setup fee includes the designing of your page and full import of all records and images on your current database. The monthly maintenance includes the daily upload of your added/modified images and indexing every evening after the close of business. This also provides a secondary backup of your Instrument Database for your office.

If you have any questions, please let me know.

Thank you for the opportunity to better serve your office.

Amber Wilson
Client Services Manager



Luke Lanner
2/13/20

EXHIBIT F



Data Systems Management, Inc.



Land Redemption Basic Training

Course: LandRedemp-001

Audience: This course should be taken by anyone who will be utilizing the operational and administrative features of the DSM Land Redemption Solution.

Prerequisites: Basic workable knowledge of Chrome Browser and Windows 10 PC

Objectives: After completing the course the student should be able to:

- * Process a Land Redemption Release
- * Reconcile collected funds
- * Perform daily deposits
- * Execute month end reconciliation & collection settlement
- * Prepare for new land sales
- * Execute all mandatory searches & notifications for maturing properties
- * Print management & process reports
- * Maintain master files

Classes are from 10:00 AM till 2:00 PM. Lunch will be provided. Cost is \$250 per initial attendee, \$175 for additional attendees from same organization; \$175 for "Go to Meeting" Remote attendance. One Week \$50 Late Cancellation Fee.

Where: Data Systems Main Office, 1505 Clinton Business Park Drive, Clinton, MS 39056

When: Wednesday, February 19th

To Enroll: Call us at 601-925-6270, **FAX to 601-925-2223**, or eMail al@altheriot.com

Name:		eMail:	
Organization:		Phone:	Class Date:

Name:		eMail:	
Organization:		Phone:	Class Date:

Name:		eMail:	
Organization:		Phone:	Class Date:

Al Theriot
504-909-9387
al@altheriot.com

1505 Clinton Business Park Drive
Clinton, MS 39056
601-925-6270 www.dsmgov.com

Robert Holt
662-329-1222
rholt@datasysmgt.com



Data Systems Management, Inc.



PRODUCT ANNOUNCEMENT

ProntoLEARN

Land Redemption Basic Training

Wednesday, February 19th

Data Systems Management formerly invites you to attend our Land Redemption Basic Training classroom course held at our corporate offices in Clinton, MS. Land Redemption Basic Training is just one scheduled course of our new ProntoLEARN training series which will be offering a multitude of classroom courses relating to our county and municipal products.



All classes will be held at our Clinton, MS Corporate office, 1505 Clinton Business Park Drive, Clinton, MS from 10:00 AM till 2:00 PM. We have plenty of parking and lunch will be served.

Classroom instruction provides an offsite environment free from interruptions, the chance to share information with industry peers, and the ability to directly interact with Data System Management's programmers and support personnel. Our most recent classes with Justice Court has provided us with over forty suggestions that we have since incorporated into our product. We are hoping your attendance will provide suggestions that we can implement into our Land Redemption module.

Cost is \$250 per initial attendee, \$175 for additional attendees from the same organization. We also offer the option to monitor the class via a "Go to Meeting" Remote Computer Session from your location at a cost of \$175. Attendance is limited to 16 people and we charge a One Week \$50 Late Cancellation Fee if you cancel within one week of the class. Substitutions are accepted.

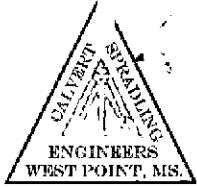
We hope you will be able to utilize our new classroom training. Please call, eMail, or FAX your request via our course outline document.

Al Theriot
504-909-9387
al@altheriot.com

1505 Clinton Business Park Drive
Clinton, MS 39056
601-925-6270 www.dsmgov.com

Robert Holt
662-329-1222
rholt@datasysmgt.com

EXHIBIT G



CALVERT-SPRADLING ENGINEERS, INC.
CONSULTING ENGINEERS
P.O. DRAWER 1078
WEST POINT, MISSISSIPPI 39773
PHONE - 662-494-7101

Date: 2/3/2020
Job No.: 217157
Attention: Amy Berry
Reference: ERBR-STP/BR-0013(53)B
Caradine-County Line Road

To: Clay County Board of Supervisors
P. O. Box 815
West Point, MS 39773

WE ARE SENDING YOU

- Attached Under separate cover via _____ the following items:
 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order

COPIES	DATE	NO.	DESCRIPTION
2			Tanner Construction Co. - Estimate #4 w/OCR 484-S
2			Monthly Report of County Engineer
2			Calvert-Spradling Engineers - Invoice #8612
1			Expenditure Report #4

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit ____ copies for approval
 For your information Approved as noted Submit ____ copies for distribution
 As requested Return for corrections Return ____ corrected prints
 For review and comment For your files

REMARKS:

SIGNED: Robert L. Calvert
 Robert L. Calvert, P.E.

RLC:nkw
 Enclosures

cc: Tanner Construction (Contractor Est, Monthly Rpt)

If enclosures are not as noted, kindly notify us at once at 662-494-7101.

CALVERT-SPRADLING ENGINEERS, INC.
CONSULTING ENGINEERS

PERIODIC ESTIMATE FOR PARTIAL PAYMENT

AMOUNT DUE: TANNER CONSTRUCTION CO INC
P.O.BOX 460
ELLISVILLE MS 39437

FOR: ERBR-STP/BR-0013(53)B
ESTIMATE NO. 4
CLAY COUNTY

CONTRACT AMT: \$1,552,813.60

% COMPLETE: 41.19

FROM: 1-1-20 TO 1-31-20
FILE: canecreekbr.est

PAGE 1

DESCRIPTION	CONTRACT QUANTITY	ALLOWED TO DATE	UNIT	UNIT PRICE	AMOUNT
MOBILIZATION	L.S.	100.000	L.S.	75000.00	75000.00
CLEARING & GRUB	L.S.	100.000	L.S.	150000.00	150000.00
REMOVAL OF BR	1.000	1.000	UN	95000.00	95000.00
UNCL. EXC.	2930.000	500.000	CY	7.20	3600.00
BORROW EXC	8808.000	1000.000	CY	10.30	10300.00
GRANULAR MATERIAL	2782.000	0.000	CY	32.70	0.00
MSC	3151.000	0.000	SY	1.20	0.00
HOT MIX ASPHALT	483.000	0.000	TON	112.45	0.00
PRIME COAT	945.000	0.000	GAL	5.25	0.00
RUMBLE STRIPE	0.379	0.000	MI	500.00	0.00
36"REIN CONC PIPE	32.000	0.000	LF	125.00	0.00
36"FES	2.000	0.000	EA	1650.00	0.00
GUARD RAIL W BEAM	275.000	0.000	LF	21.90	0.00
GUARD RAIL BR END	4.000	0.000	EA	2590.00	0.00
GUARD RAIL TER END	4.000	0.000	EA	2780.00	0.00
ROW MARKERS	16.000	0.000	EA	175.00	0.00
MAINT OF TRAFFIC	L.S.	41.000	L.S.	3000.00	1230.00
ADDIT CONST SIGNS	0.000	0.000	SF	10.00	0.00
4" EDGE STRIPE	0.500	0.000	MI	3000.00	0.00
4" SKIP YELLOW	0.214	0.000	MI	1500.00	0.00
4" CONT YELLOW	1510.000	0.000	LF	1.00	0.00
RAISED MARKERS	24.000	0.000	EA	7.00	0.00
WARNING SIGN	1.000	0.000	EA	150.00	0.00
OBJECT MARKERS	4.000	0.000	EA	115.00	0.00
AGR LIMESTONE	3.000	0.000	TON	100.00	0.00
COMM FERTILIZER	2.250	0.000	TON	500.00	0.00
AMM NITRATE	1.500	0.000	TON	1600.00	0.00
SEEDING	3.000	0.000	AC	900.00	0.00
MULCH	6.000	0.000	TON	200.00	0.00
SOLID SODDING	100.000	0.000	SY	10.00	0.00
SILT FENCE	2000.000	2000.000	LF	3.50	7000.00
WATTLES 20"	120.000	0.000	LF	8.00	0.00
LOOSE RIPRAP 100#	50.000	0.000	TON	54.25	0.00

ESTIMATE NO. 4
 CONTRACTOR: TANNER CONSTRUCTION CO INC
 PROJECT: ERBR-STP/BR-0013(53)B

PAGE 2

DESCRIPTION	CONTRACT QUANTITY	ALLOWED TO DATE	UNIT	UNIT PRICE	AMOUNT
LOOSE RIPRAP	795.000	0.000	TON	54.25	0.00
TEST PILE	2.000	2.000	EA	9000.00	18000.00
LOAD TEST	0.000	0.000	EA	4000.00	0.00
14X89 STEEL PILING	2145.000	2145.000	LF	64.00	137280.00
16"PRE-FORMED HOLES	429.000	0.000	LF	101.90	0.00
BRIDGE CONCRETE	349.050	73.720	CY	1100.00	81092.00
40' PRE CONCRETE BEAM	954.000	477.000	LF	90.00	42930.00
80' PRE CONCRETE BEAM	319.000	0.000	LF	140.00	0.00
REINFORCEMENT	69455.000	7064.000	LB	1.20	8476.80
CONCRETE RAILING	640.000	0.000	LF	53.00	0.00
LOOSE RIPRAP 300#	490.000	179.440	TON	54.25	9734.62
GEOT. FABRIC	907.000	0.000	SY	2.45	0.00

TOTAL AMT INST TO DATE 639643.42
 LESS 2.5 % RETAINAGE 15991.08

TOTAL AMT DUE TO DATE 623652.34
 LESS PREV PAYMENTS 434128.50

AMT DUE THIS ESTIMATE 189523.84

This Estimate Certified Correct:

Robert J. Calvert

CALVERT-SPRADLING ENGRS., INC.

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION
OFFICE OF STATE AID ROAD CONSTRUCTION
JACKSON, MISSISSIPPI**

CERTIFICATION OF PAYMENTS TO SUBCONTRACTORS

Project No: ERBR-STP/BR-0013(53)B County: CLAY

Prime Contractor: TANNER CONSTRUCTION CO., INC.

Project Engineer: CALVERT-SPRADLING ENGINEERS, INC.

THIS IS TO CERTIFY THAT PAYMENT HAS BEEN MADE TO THE FOLLOWING SUBCONTRACTING FIRMS FOR THE AMOUNT INDICATED FOR WORK PERFORMED OR MATERIALS/SUPPLIES PURCHASED, ON THE REFERENCED PROJECT TO SATISFY THE DBE REQUIREMENTS. * THIS REPORT IS SUBJECT TO AUDIT *****

Prime Contractor	Date of Payment	Amount Paid This Period	Total Paid to Date
DBE <input type="checkbox"/> Yes / <input type="checkbox"/> No			

DBE Firm (listed on OCR-481 to meet Project Goal)	Type of Firm	Date of Payment	Amount Paid This Period	Total Paid to Date	Amount of Retainage Withheld	Amount of Retainage Paid	Percent of Retainage Paid	% Sub-Contract Complete

DBE Firm (not listed on OCR-481 to meet Project Goal)	Type of Firm	Date of Payment	Amount Paid This Period	Total Paid to Date	Amount of Retainage Withheld	Amount of Retainage Paid	Percent of Retainage Paid	% Sub-Contract Complete
Simmons Erosion Control	C		\$0.00	\$7,093.92				13.35%
J. C. Cheek Contractors	C		\$0.00	\$0.00				
Mississippi Paving	C		\$0.00	\$0.00				

Non-DBE Firm	Type of Firm	Date of Payment	Amount Paid This Period	Total Paid to Date	Amount of Retainage Withheld	Amount of Retainage Paid	Percent of Retainage Paid	% Sub-Contract Complete
Traffic Maintenance Service	C	01/14/20	\$167.47	\$753.59				20.87%
A-1 Sealing, Inc.	C		\$0.00	\$0.00				
Southern Guard Rail	C		\$0.00	\$0.00				

Harry Mc Bee
Submitted by

Total DBE Project Goal: 0%

Project Coordinator _____
Title

Date: 02/03/2020

***** INSTRUCTIONS *****

- Contractor must submit this report for EVERY PROJECT each month to the Project Engineer.
- If no payments are made this period, submit a negative or no change report to the Project Engineer.
- The Project Engineer will attach a copy of the OCR-484 to the Monthly Estimate; Project Engineer will submit original to the Office of Civil Rights.
- Progress estimates will be withheld if Contractor fails to submit OCR-484.
- Type of firm is either (S) for Supplier, (C) for Contractor, (B) for Bonding, (M) for Miscellaneous, or (CS) for Consultant.

Office of State Aid Road Construction

Mississippi Department of Transportation



Monthly Report of County Engineer

Project Number ERBR-STP/BR-0013(53)B

County CLAY

Date 2-1-20

Contractor **Tanner Construction Co Inc** From **1-1-20**, 20 to **1-31-20** 20

1. Accompanying Current Estimate No. **4**

2. No estimate is being submitted this month due to:

- Suspension- Of-Work for period of
- Insufficient work
- No work
-

Check (X) above what is applicable, and when necessary to clarify state in detail the reasons.

41.19 % Complete **37.50** % Elapsed Time

DATES CURRENT MONTH

NUMBER OF DAYS

	Current Month	Previously Reported	Total
Sundays: 1-5,12,19,26 Holidays: 1-1,20	6	15	21
Saturday Credit (Over 40 Hours):	4	12	16
Rain: 1-2,3,10,13,14,23,27,31	8	11	19
Highwater:			
Snow:			
Cold Weather:			
Wet Soil:	0	12	12
Delays by State (State Reasons):	0	4	4
Other Delays (State Reasons & Authority):			
Working Days Charged: 1-6,7,8,9,15,16,17,21,22,24,28,29,30	13	32	45
Totals	31	86	117

Contract Time **120** Working Days: Original **120** ; Approved Extension **0** ; Total **120**

Remarks:

25

Certified Correct:

County Engineer

CC: Contractor

Office of State Aid Road Construction

Mississippi Department of Transportation



Monthly Report of County Engineer

Project Number ERBR-STP/BR-0013(53)B County CLAY Date 2-1-20

Contractor Tanner Construction Co Inc From 1-1-20, 20 to 1-31-20 20

1. Accompanying Current Estimate No. 4

2. No estimate is being submitted this month due to:

- Suspension- Of-Work for period of
- Insufficient work
- No work
-

Check (X) above what is applicable, and when necessary to clarify state in detail the reasons.

41.19 % Complete 37.50 % Elapsed Time

DATES CURRENT MONTH

NUMBER OF DAYS

	Current Month	Previously Reported	Total
Sundays: <u>1-5,12,19,26</u> Holidays: <u>1-1,20</u>	6	15	21
Saturday Credit (Over 40 Hours):	4	12	16
Rain: <u>1-2,3,10,13,14,23,27,31</u>	8	11	19
Highwater:			
Snow:			
Cold Weather:			
Wet Soil:	0	12	12
Delays by State (State Reasons):	0	4	4
Other Delays (State Reasons & Authority):			
Working Days Charged: <u>1-6,7,8,9,15,16,17,21,22,24,28,29,30</u>	13	32	45
Totals	31	86	117

Contract Time: 120 Working Days: Original 120 ; Approved Extension 0 ; Total 120

Remarks:

CC: Contractor

26

Certified Correct:

Robert L. Albert
County Engineer

Calvert-Spradling Engineers, Inc
P. O. Drawer 1078
West Point, MS 39773
662-494-7101

Clay County Board of Supervisors
P. O. Box 815
West Point, MS 39773

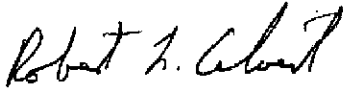
Invoice number 8612
Date 02/03/2020

Project **217-157 CCBS - CARADINE-COUNTY
LINE RD STP/BR-0013(53)B/ERBR-13(01)**

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
01 Preliminary	77,640.68	100.00	77,640.68	77,640.68	0.00
03 Construction	155,281.36	40.00	43,478.78	62,112.54	18,633.76
Total	232,922.04	60.00	121,119.46	139,753.22	18,633.76

Invoice total 18,633.76

Approved by:



Robert L. Calvert

EXHIBIT H



STATE OF MISSISSIPPI

Tombigbee River Valley Water Management District

DAVID M. KENNARD
EXECUTIVE DIRECTOR

January 30, 2020

Mr. Luke Lummus, President
Clay County Board of Supervisors
P.O. Box 815
West Point, MS 39773

RE: New PLN Allocation

Dear Mr. Lummus:

The Tombigbee River Valley Water Management District Board of Directors, at their January Quarterly Board Meeting, voted to allocate additional PLN funds to our member counties. The new PLN allocation for Clay County is \$48,970. This new allocation has already been added to your account and is ready for your use. Your new PLN account balances are:

Obligated: \$15,000.00
Remaining Funds: \$75,685.13

As always, please do not hesitate to call if you have questions or comments. I can be reached at 662-842-2131 or 601-479-2205. My email address is dkennard@trvwmd.com.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Kennard", written over a horizontal line.

David M. Kennard
Executive Director

Copy:
Mr. Paul Vickers
Mr. Steve Wallace

EXHIBIT I

NO. _____

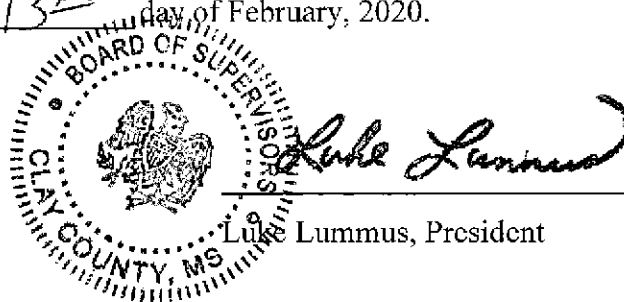
**IN THE MATTER OF AUTHORIZING AND APPROVING OF THE INTER-LOCAL
AGREEMENT FOR THE WEST CHURCH HILL ROAD PROJECT**

There came on this day for consideration the matter of authorizing and approving of the Inter-Local Agreement for the West Church Hill Road Project.

It appears to this Board the Clerk is presenting to this board the proposed Inter-Local Agreement by and between the Clay County Board of Supervisors and the City of West Point for purposes of renovating the West Church Hill Road as attached hereto as Exhibit A.

After motion by Shelton Deanes and second by R. B. Davis this Board doth vote unanimously to authorize and approve of the said Agreement which was previously approved by this Board at the December 5, 2019 meeting; however, due to the new term of office commencing on January 6, 2020, the current Board in its official capacity approved of the said agreement.

SO ORDERED this the 13th day of February, 2020.



Luke Lummus, President

ATTEST:

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

Amy Berry, Chancery Clerk
Clerk of the Board

INTERLOCAL COOPERATION AGREEMENT

THIS AGREEMENT (this “**Agreement**”) is made and entered into by and between **CLAY COUNTY, MISSISSIPPI** (the “**County**”), a political subdivision of the State of Mississippi, acting by and through its duly elected and serving Board of Supervisors, and the **CITY OF WEST POINT, MISSISSIPPI** (the “**City**”), a municipal corporation of the State of Mississippi, acting by and through its duly elected and serving Board of Mayor and Selectmen.

RECITALS:

1. The County and City are authorized pursuant to Sections 17-13-1 *et seq.*, Mississippi Code of 1972, as amended (the “**Interlocal Act**”), to contract with each other for joint and cooperative action relating to the funding and construction of certain road improvements which would otherwise be within the individual authority of the County and City.

2. The County is authorized to construct and maintain roads and streets within any municipality of the County. Mississippi Code Annotated §65-7-85, §65-7-74 and §19-3-40. Also see Mississippi Attorney General Opinion No. 2011-00067 (A.G. Op. Adams - March 3, 2011). The City is authorized to construct and maintain roads, streets and sidewalks within its municipal boundaries. Mississippi Code Annotated §21-37-39 (all of the foregoing being the “**Road Authority**”).

3. West Church Hill Rd. (the “**Road**”) is an existing road constructed by the County at a time when the Road was located outside the municipal boundaries of the City. Subsequently, the City annexed the area and the Road is now within the City.

4. Over the years, both the City and the County have maintained the Road.

5. The Road is an important thoroughfare, carrying significant vehicular traffic. Companies employing over 800 workers utilize the Road for business access, including the transport of goods and materials, and employee travel.

6. The County and City have determined that the existing vehicular traffic and the Road’s importance for economic development merit Road improvements estimated to cost \$997,000 and which shall include base repair and roadway structure strengthening (the “**Road Project**”).

7. The County and City desire to work together to obtain grants and provide funding for the Road Project and to construct the same, with the County serving as lead agency for Road construction. To that end, the County and City desire to and do enter into this Agreement wherein the County and City agree to fund (or secure funding) and construct the Road Project pursuant to the terms set forth herein.

AGREEMENT

NOW THEREFORE, for and in consideration of the Recitals and the mutual promises, agreements and covenants contained herein, and other good and valuable consideration each to the other given, and intending that the obligations set forth herein are valid and legal obligations of each party, the County and City mutually agree as follows:

1. Duration. This Agreement shall be in force and effect from the Effective Date (as defined below) until the Road Project has been completed and accepted by the County, all grants received, and all payments have been made.

2. Purpose. The purpose of this Agreement is to define the responsibilities of the County and City with respect to the funding and construction of and payment for the Road Project.

3. Statutory Authority. The County and City are each authorized to engage in road construction under the Road Authority as described in Recital 2 above. The County and City are each authorized to enter into and fulfill the terms of this Agreement pursuant to the Interlocal Act, as described in Recital 1 above.

4. The Road Project. The Road Project is described in the engineering report plans and specifications attached hereto as Exhibit "A," as may be amended from time to time, and will be constructed following the appropriate approval, advertisement, acceptance of bids, and execution of contracts to construct the Road Project in accordance with statutory and other requirements for the use and expenditure of public funds.

5. Administration. This Agreement shall be administered as a joint undertaking of the County and City. A separate entity is not created under this Agreement.

a) Lead Agency. The County is designated as the lead agency assigned the responsibility for administration of this joint undertaking, and the Chancery Clerk is hereby designated as the officer to receive, disburse and account for the funds contributed for this undertaking and payments made for the Road Project in the manner prescribed by law.

b) Funding. The cost of the Road Project, currently estimated to be \$997,000, will be funded as follows:

(i) The County will obtain and contribute a grant in the amount of \$240,000 from the Appalachian Regional Commission.

(ii) The County will obtain and contribute a Small Municipal and Limited Population Counties Grant from the Mississippi Development Authority in the amount of \$150,000.

(iii) The City will obtain and contribute \$500,000 from the 2018 Transportation and Infrastructure Improvements Fund, as

appropriated for the Road Project by Section 24(s) of Senate Bill 3049, 2019 Regular Session of the Mississippi Legislature, and signed into law by the Governor.

- (iv) The balance of Road Project construction costs not funded pursuant to Sections 5(a)(i)-(iii) above will be equally divided between the County and City and contributed from the general fund or special road fund of each, as appropriate.

c) Construction.

- (i) As lead agency, the County will be solely responsible for the finalization of plans and specifications and the approval, advertisement, acceptance of bids, execution of construction contracts, oversight of construction, and payments to the contractor in accord with statutory and other requirements for the use and expenditure of public funds.
- (ii) The County will keep the City reasonably informed of the activities set forth in subsection 5(c)(i) above.
- (iii) In the event the construction bids exceed the estimate of \$997,000, the County and City will confer and agree on the action to take, such as cost reductions through modification of Road Project scope, re-bidding or acceptance of a bid which exceeds the estimate, all in accord with statutory requirements. The County shall not accept a bid in excess of the estimate without the prior written consent of the City.

d) Accounting, Payments and Approvals.

- (i) Prior to the construction contract award, the County will provide details of the construction contract(s), including construction costs and the timetable of construction payments.
- (ii) At the time of construction contract award, the County and City will establish a formula, approved by the Board of Supervisors and Board of Mayor and Selectmen, approving the contract and establishing a formula and timetable for the payment of project costs by the County and City.
- (iii) Upon receipt of payment requests from the contractor, the County Engineer will promptly review the same, determine whether each is proper and payable, and, upon approval by the County, transmit a copy of the same to the City together with an itemized invoice documenting the City's share of the payment to the contractor. Any payments to be made from the City general fund, as provided

in Section 5(b)(iv) above, will be made to the County promptly after receipt and approval by the Board of Mayor and Selectmen.

- (iv) After the County's approval of a payment request and transmittal to the City, the County and/or City will promptly request disbursement of grant or other funding for the same. If the payment request is within the construction cost and timetable previously approved by the City, the Mayor, City Clerk and City Chief Administrative Officer are authorized to immediately request grant funds, subject to ratification by the City at the next regular meeting of the Board of Mayor and Selectmen.
- (v) Upon receipt of grant funds by the City, the City will promptly convey the same to the County for payment of Road Project construction expenses.
- (vi) The County will pay all accepted Road Project payment requests as promptly as possible.
- (vii) The County will make available to the City all reports provided by the construction contractor and the County's engineer. The County will provide to the City a monthly accounting of each expenditure report of the Road Project and a final accounting at the conclusion of the Road Project.

6. Amendment. This Agreement may be amended by mutual written consent of the County and the City.

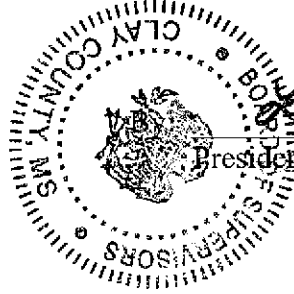
7. Effective Date. This Agreement shall become effective from and after the date (i) it has been approved by the governing authorities of the County and City and executed by the parties hereto using multiple counterparts, and (ii) approved by the Attorney General of the State of Mississippi and filed with the Secretary of State of the State of Mississippi and Chancery Clerk of Clay County, in compliance with the Interlocal Act.

THIS AGREEMENT ENTERED into as of the Effective Date.

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CLAY COUNTY, MISSISSIPPI

Date: 2/13/2020



Blake Linn
President, Board of Supervisors

ATTEST:

[Signature]
Chancery Clerk