

BE IT REMEMBERED that the Board of Supervisors of Clay County, Mississippi, met at the Courthouse in West Point, Mississippi, on the 13th day of August, 2012, at 9 00 o'clock A M and present were Lynn Horton, Luke Lummus, President, R.B Davis, Shelton Deanes, and Floyd McKee Also present were Amy G Berry, Clerk of the Board, Bob Marshall, Board Attorney, and Eddie Scott, Sheriff, when and where the following proceedings were had and determined, to-wit

NO _____

**IN THE MATTER OF ADOPTING AND AMENDING THE AGENDA FOR THE
BOARD OF SUPERVISORS MEETING HELD ON AUGUST 13, 2012**

There came on this day for consideration the matter of adopting and amending the agenda for the Board of Supervisors meeting held on August 13, 2012

It appears to this Board the items listed below need to be added to the agenda for further consideration and discussion

- Consider Airport Road ARC Project
- Approve the pre-clearance received on the change in the voting method from the Department of Justice
- Publish to the general public a notice of the change in the voting method
- Approval of changing the polling place from the Courthouse to the Henry Harris Building from the Department of Justice

After motion by Shelton Deanes and second by Lynn Horton, this Board doth vote unanimously for the agenda to be adopted as presented and for the amendments referenced to above to be considered by this Board and that such agenda be approved

SO ORDERED, this the 13th day of August, 2012



President

NO _____


**IN THE MATTER OF APPROVING AND AUTHORIZING THE
PRESIDENT TO EXECUTE THE REVISED CONTRACTS FOR
THE VOLUNTEER FIRE DEPARTMENTS**

There came on this day for consideration the matter of approving and authorizing the President to execute the Contracts with the Volunteer Fire Departments

It appears to this Board as attached hereto as Exhibit "A" is the final revised Volunteer Fire Contract for execution by the President of the Board

After motion made by Shelton Deanes and second by Lynn Horton, this Board doth vote unanimously to approve and authorize the President to execute the final revised Contract as attached hereto as Exhibit "A" for fire services to be provided by the individual Volunteer Fire Departments located in Clay County, Mississippi

SO ORDERED, this the 13th day of August, 2012



President

CONTRACT FOR FIRE PROTECTION SERVICE

This Contract is entered into by and between the Clay County Board of Supervisors, as the governing authority of Clay County, hereinafter referred as "County", and the _____ Volunteer Fire Department, Inc , hereinafter referred to as "Fire Department," for the express purpose of providing fire protection, and other services normally provided by fire service organizations in the areas and under the circumstances herein below described

I AUTHORITY

This Contract is entered into pursuant to the authority of §83-1-39, §19-5-175, and §19-5-233 of the Mississippi Code. The Fire Department is designated as the Fire Protection Services Provider for all of the area served by and assigned to the Fire Department

II TERM

The term of this contract shall be for the remainder of the current term of the Board of Supervisors, commencing on the date this Contract is approved by the Board of Supervisors and the Commissioner of Insurance, terminating on the first Monday of January, 2016. This contract shall automatically renew on the first Monday of January, 2016 for an additional four (4) year term to coincide with the term of office of the Board of Supervisors unless any party hereto shall, in writing, notify the other parties that said automatic extension shall not take effect. If renewed without any changes written notification must be sent to the Commissioner of Insurance and State Fire Coordinator of such action. In the event changes are made the Commissioner of Insurance must approve the new contract

III TERMINATION

Any party may terminate this Contract by giving written notice to all other parties upon thirty (30) days notice

IV SERVICE AREA

Fire Department shall provide fire protection services, and other emergency services normally provided by fire service providers as training and equipment permit, in the geographical area described in Exhibit "A" attached hereto and made a part hereof, but said designation of service area shall not inhibit or prevent the Fire Department from answering mutual assistance calls from other fire departments or entities under mutual assistance agreements in other areas of the County or adjoining Counties when feasible

Neither party to this agreement makes any representation that the facilities, equipment, and or manpower to be provided are adequate for the intended purpose

Both parties recognize the nature of the volunteer services is to respond with the facilities and manpower at hand and to do the best possible job under the conditions at the time

V COUNTY RESPONSIBILITIES

A EQUIPMENT, BUILDINGS, AND INVENTORY

The County shall make available to the Fire Department during the life of this Contract and any extension hereof various items of fire-fighting equipment and other appropriate emergency equipment reasonably related to fire protection services, all of which shall be titled to Clay County and documented on the Property Inventory of the County. The County shall provide the Volunteer Fire Unit with at least one Class A pumper fire truck and a building to house such truck, so long as is financially feasible, as determined by the Board of Supervisors in its sole and unrestricted discretion. Additionally, the County shall furnish the Fire Department with up to two hundred (200) gallons of diesel fuel per year, for the exclusive use by the Fire Department in the Fire Department's authorized vehicles and equipment. Any other emergency equipment on loan from state or federal agencies and assigned by the County to the use of the Fire Department shall be inventoried as County equipment. All County owned buildings provided for the use of the Fire Department for the housing of equipment shall be inventoried by the County. All equipment or buildings purchased in whole or in part with State or County funds shall be deemed owned by the County. This paragraph is not to be considered as a limitation on the ability of the Fire Department or the Districts to own property.

B INSURANCE AND BENEFITS

- (i) The County shall pay the cost to provide comprehensive and liability insurance coverage on all County owned motor vehicles, fire fighting equipment and buildings assigned to the use of the Fire Department. The County shall also pay the cost to provide such liability insurance coverage as the Tort Claims Board or State Law determines to be necessary to protect the Fire Department against the risk of claims or lawsuits for which it may be liable under the Tort Claims Act.
- (ii) It is agreed and understood that the Fire Department desires for its volunteers to be covered for any injury or death which may occur at any time the volunteer may be on a fire protection service call or during a training exercise or at any other time while performing Fire Department duties and responsibilities. It is recognized by the County that such

coverage would encourage citizens to participate in the Fire Department activities, thereby enhancing fire protection for the entire County, and it would be more economical and a cost savings to the County for all volunteers in all volunteer fire departments operated in the County to be covered under a special Workers' Compensation Rider for volunteers currently offered as part of the County's regular Workers' Compensation Policy. Also, a master policy covering additional accidental death and dismemberment for all volunteers in all fire departments in the County would be more economical than separate policies for each Department. Therefore, the County agrees to provide such Workers' Compensation coverage for volunteers as a rider on the County's regular Workers' Compensation coverage so long as it is offered by the insurance carrier, and further agrees to provide additional insurance policy for accidental death and dismemberment coverage for volunteer firemen activities in an amount as determined by the County. The cost of these insurance coverages shall be paid by the County from the Volunteer Fire Fund. All accident and/or medical claims incurred in the line of duty shall be filed under the County's workers compensation policy.

- (iii) It shall be the responsibility of the Fire Department to maintain and provide to the County through the County Fire Coordinator a current membership roster of all volunteers and to promptly notify the County through the Fire Coordinator of changes. Nothing herein shall be construed as designating volunteer fire fighters as County employees. The County shall incur no liability or responsibility for the failure of the Fire Department to provide a current membership roster or notify the County of changes. It is specifically understood and agreed that the Workers' Compensation coverage shall not extend to fund-raiser activities or events in which members of the Fire Department may be participating outside of normal fire protection activities or training, unless such activities are deemed to be covered by the carrier. This paragraph is not to be considered as a limitation on the ability of the Fire Department to secure other or additional insurance coverages.
- (iv) Each volunteer fireman who meets the requirements of Section 27-51-42 2 of the Mississippi Code of 1972 shall receive an exemption from ad valorem taxes on one vehicle owned by such volunteer fireman in the amounts allowed by such statute.

VI FINANCIAL SUPPORT

There are currently seven (7) volunteer fire departments serving all areas of Clay County outside the city of West Point, Mississippi. The undersigned Fire Department is one of the seven departments. Funding from the County derived through State Insurance Rebate Funds and the County Fire Protection Levy shall be budgeted equally between all approved fire departments providing fire protection services to a designated area of the County. In return for the rural fire protection service provided by the Volunteer Fire Departments in Clay County, the Board of Supervisors will pay to the undersigned Volunteer Fire Unit a sum of FOUR THOUSAND DOLLARS (\$4,000.00) per year in each year of this contract. In addition the Board will pay over to each of the Volunteer Fire Departments, as the funds become available to the County, an amount equal to one-seventh (1/7th) of the County fire insurance rebate funds received during the fiscal year less (1) any insurance premiums paid by the County for fire protection, (2) any telephone expenses paid by the County for any fire protection services, (3) expenses of radio repairs made in whole or in part to improve fire protection in the County, and (4) any other expenses incurred by the County for fire protection services. After the deductions for the above expenses, the remaining funds, if any, shall be distributed by the County to such Volunteer Fire Departments by September 30 of each year unless for any reason such funds have not been received by the County by that time. In that event, such funds will be distributed promptly when received by the County. Additional appropriations may be made by the County from time to time in aid of particular fire departments or for a particular special project, but each additional appropriation shall be expressly within the sole discretion of the County. The expenditure of County funds budgeted for the Fire Department shall be according to the procedures and for the purposes provided by State Law. In order to facilitate major expenditures for fire fighting equipment and/or capital construction, the County may pledge a portion of these budgeted funds as security. The Fire Department shall annually submit a detailed budget request through the County Fire Coordinator not later than July 1. The Fire Department shall meet the reporting requirements of the State Commissioner of Insurance in order to receive funding through the County budget appropriation.

VII FIRE DEPARTMENT MEMBERSHIP

The Fire Department warrants that it is a duly chartered and active volunteer fire department having a roster of qualified fire fighters of which not less than fifty percent (50%) have completed, or are in the process of completing training recommended by the State Fire Academy. Fire fighters must be at least the minimum age at which the Mississippi Fire Academy will accept students for training and testing as "Certified Volunteer Fire Fighters, Level I". Only properly licensed and trained personnel will be allowed to operate motor vehicle equipment owned by the County. It is required that each driver must successfully complete the Emergency Driver Safety Course. Further, the Board agrees to reimburse the cost of the Emergency Medical Responders (EMR) training of the members of the Volunteer

Fire Unit as long as a certificate showing that the fire fighter passed the course is provided. At least monthly, the Volunteer Fire Unit shall provide to the Clay County Chancery Clerk a roster of the members of the unit. Any volunteer fireman who has not obtained EMR certification shall be paged out as "need assistance" until such certification has been obtained.

It is understood that the Fire Department may in its discretion operate a Junior Membership Program for volunteers at least fifteen (15) years of age for the purpose of public interest, recruitment and education. However, such Junior Members shall not take part in emergency services provided by the Fire Department. Such Junior Members shall not be covered under the insurance described herein above and such Program shall be at the sole risk and under the sole control of the Fire Department.

The Fire Department shall maintain a membership roster containing the names, addresses, dates of birth, and level of completed training for all fire fighters. The roster shall be updated and filed with the County through the County Fire Coordinator at least annually by the date set by the County Fire Coordinator. Any changes, additions, or deletions to the roster shall be immediately reported to the County Fire Coordinator. No alcoholic beverages shall be allowed on the County premises assigned to the use of the Fire Department and no fire fighter shall be allowed to respond to an emergency call while under the influence of alcohol or drugs. The monitoring of this requirement shall be the sole responsibility of the Fire Department.

VIII FIRE DEPARTMENT RECORDS

Records of all alarms shall be maintained on the state reporting system, (MFIRS) with monthly reports to the County through the Fire Coordinator. Documentation of all personal injuries, accidents or property damage must be recorded and reported to the County through the Fire Coordinator within 24 hours following the occurrence. The Fire Department must maintain auditable records for the receipt and expenditure of any and all funds which may be appropriated directly to the Fire Department from the County and a copy of the Fire Department's annual audit shall be provided to the County. The Department shall make available to the County through the County Fire Coordinator a copy of receipts of purchases made with County funds.

IX EQUIPMENT AND BUILDING MAINTENANCE

The Fire Department shall maintain all equipment, motor vehicles and County buildings assigned to it in a clean, safe, reliable operating condition, and shall provide repairs, maintenance, operating costs, and licenses from funds allocated or budgeted for such purposes by the County or from the Fire department's own independently generated funds, and shall return the County property in as good condition as when received, except for ordinary wear and depreciation. The maintenance and safety of the equipment will be the exclusive responsibility of the Fire Department. The Fire Department will provide inspection, repair, proper testing and preservation of the

equipment on a specified regular schedule. Records of such shall be a part of the Fire Department's annual report filed with the County Fire Coordinator. The County and County Fire Coordinator shall be authorized to inspect all County property at any time.

X EQUIPMENT USAGE

The equipment assigned to the Fire Department shall be used for the sole purpose of providing fire protection or other approved emergency services related to the providing of fire protection for the general public of the County with specific responsibility to the geographical area assigned to the Department and as described on Exhibit "A" or as may be hereafter amended. Additionally, the Fire Department shall be responsible for responding to mutual assistance calls from other fire departments or entities under mutual assistance agreements in other areas of Clay County or adjoining counties. When responding to such emergency calls, the Fire Department shall cooperate with all other fire departments or agencies responding. The Fire Department shall have complete control of the manner and method of operating the County's equipment, the selection of personnel, and the adoption of safety and other regulations, so as to provide to the Fire Department the complete control of the manner in which such equipment is operated. However, it is expected that County equipment will not be abused and safety shall be a priority consideration in responding to calls.

XI IMPROVEMENTS

Diligent effort shall be made by the Fire Department to attain the most effective fire insurance rating for the area or areas being served.

XII COUNTY LIMITATIONS

The County, its officers, and employees shall exercise no control over the operation of the Fire Department, and nothing contained herein shall be construed as an expressed or implied undertaking on the part of the County to contribute to the operation and performance of the Fire Department.

XIII COOPERATION WITH COUNTY FIRE COORDINATOR

State law requires that the County employ a County Fire Coordinator to act as liaison between the Board of Supervisors, the State Fire Coordinator, the Commissioner of Insurance, the State Rating Bureau, and the various Fire Departments. The duties of the Fire Coordinator shall include, but not be limited to, administrative functions as requested by the Board relative to all Fire Department actions. The Fire Departments and/or Fire Districts shall acknowledge and cooperate in this regard. Rebate funds and insurance policies require accurate and timely reports that will be requested from

the Fire Department by the Fire Coordinator It is agreed and understood that the failure to file these reports can result in withdrawal of funds or insurance coverage The Fire Coordinator shall, with participation from the Fire Departments, submit a five year plan of development for Board approval The Fire Coordinator shall report annually on progress The Volunteer Fire Unit through the Volunteer Fire Coordinator shall file fire run reports at least monthly with the Mississippi State Fire Marshall's Office The Volunteer Fire Coordinator shall submit a copy of such reports monthly to the Board of Supervisors The unit shall further submit to the County an annual accounting of receipts and expenditures for the year and certification from the State Fire Marshall's office that the unit is in compliance with run filings

XIV EFFECTIVE DATE

This agreement shall be effective as the latest date executed by the parties and shall supercede all previous agreements between the parties

Approved and authorized by the Clay County Board of Supervisors on the 13th day of August, 2012

CLAY COUNTY MISSISSIPPI
BOARD OF SUPERVISORS
BY [Signature]
President
Board of Supervisors

ATTEST
[Signature]
Chancery Clerk

CLAY COUNTY VOUNTEER FIRE
COORDINATOR

DATE

Approved and authorized by the _____ Volunteer Fire Department,
Inc on the _____ day of _____, 2012

DEPARTMENT, INC

By _____
President

ATTEST

Secretary

APPROVED

COMMISSIONER OF INSURANCE

DATE

NO _____

**IN THE MATTER OF APPROVING AND AUTHORIZING THE
PRESIDENT TO EXECUTE DOCUMENTS FOR THE
AIRPORT ROAD ARC GRANT PROJECT**

There came on this day for consideration the matter of approving and authorizing the President to execute the documents for the Airport Road ARC Grant Project

After motion by Floyd McKee and second by Shelton Deanes, this Board doth vote unanimously to approve and authorize the President to execute the said documents as attached hereto as Exhibit "A" on the Airport Road ARC Grant Project

SO ORDERED, on this the 13th day of August, 2012



President



Clay County Board of Supervisors

P O Box 815
West Point, Mississippi 39773
Phone (662) 494-3313
Fax (662) 492-4059
Website: claycountymiss.com
E-mail: twarc@claycountymiss.gov

District 1
Lynn D. Horton
District 2
Luke Lummus, President
District 3
R.B. Davis
District 4
Shelton Deanes, Vice President
District 5
Floyd McKee

August 13, 2012

Mr. Mike Armour, Director
Mississippi Appalachian Regional Office
Post Office Box 1606
Tupelo, MS 38802

RE: Clay County/West Point ARC Access Road
Airport Road

Dear Mr. Armour:

As per your request, dated July 15, 2012, please find enclosed a progress report for the referenced project. Your favorable consideration of Clay County's efforts to continue this project will be greatly appreciated.

Should you have any questions or need additional information, please contact this office or Phylis Benson, Project Analyst of Golden Triangle Planning and Development District at (662) 324-7860.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke Lummus".

Luke Lummus
President

Enclosure

PROPOSED APPALACHIAN ACCESS HIGHWAY PROGRAM FOR clay COUNTY
 PERIOD January ~~XX~~ 2012 THROUGH December, ~~XX~~ 2015

Pursuant to the provisions of governing Federal and State laws and regulations we the Board of Supervisors of Clay County Mississippi hereby order that the proposed project(s) aforesaid hereon constitute the Appalachian Access Highway Program for clay County for the period January ~~XX~~ 2012 through December ~~XX~~ 2015 subject to approval by the Appalachian Regional Commission the Federal Highway Administration and the State Aid Engineer

In support of this program this Board certifies and agrees as follows

- 1 The County will employ a registered professional engineer who will employ such other competent technical assistants as required, to properly supervise and inspect the work in compliance with the rules and regulations of the State Aid Engineer the Appalachian Regional Commission and the Federal Highway Administration
- 2 The Board will finance the required matching funds estimated to be approximately 20 % on said project(s) and does hereby certify that it wishes to proceed with the project(s) if approved
- 3 The Board assures that it will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and 49 CFR Part 24
- 4 If said project(s) is approved as outlined in Item 2 above the Board will proceed with the surveys plans and rights-of-way acquisition, so that the project(s) can be advanced to the contract stage at the earliest practicable date(s)
- 5 The Board estimates that after being advised of the approval of the project(s) said project(s) can be advanced to the advertisement stage within a period of 12 months
- 6 The Board agrees to maintain the project(s), after completion in a regular and satisfactory manner and subject to inspection and approval by the Appalachian Regional Commission the Federal Highway Administration and the State Aid Engineer The Board further agrees to maintain the acquired rights-of-way for said projects and keep same free of encroachments such as buildings fences or any other obstructions
- 7 The Board hereby authorizes the State Aid Engineer to effect such transfer of funds as are necessary to pay testing expenses incurred prior to the award of the contract on any project(s) included in this program
- 8 In the event the Board cancels or withdraws any project(s) included in this program the Board hereby agrees to reimburse its State Aid Funds for the testing charges incurred

Pertinent information relating to this Project listed below

PROJECT PRIORITY NO _____

1 Appalachian Access Highway Project No APL-0013 () B

2 Road Designation Airport Road

3 Termini of Project Beginning approximately 700 east of the SW corner of the NW 1/4 of Section 22, T17 S, R6 E, Clay County and extend east for approximately 0.27 miles along Airport Road

4 Length of Project 0.27 Miles (to the nearest tenth)

5 Design Criteria

a	Traffic (ADT) <u>350</u>	b	Design Speed (MPH Min) <u>30</u>
c	Pavement or Surf Width <u>22</u>	d	Roadway Crown Width <u>30</u>
e	Right-of-way Width <u>80</u>	f	Type(s) of Base <u>clay gravel</u>

6 Character of Work widening overlay

7 Federal Aid Route No NA

8 Bridges Proposed (width curb to curb) NA

a	Located _____ Miles from BOP	Span Arrangement _____
b	Located _____ Miles from BOP	Span Arrangement _____
c	Located _____ Miles from BOP	Span Arrangement _____

(Use supplemental sheet if additional bridges are proposed)

9 ESTIMATED CONSTRUCTION COST OF THE PROJECT (INC CONTINGENCIES) \$ 136,859

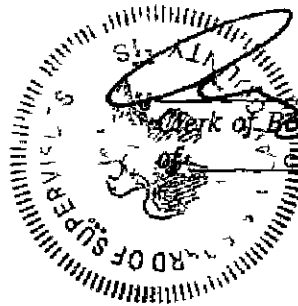
A	Preliminary Engineering Cost			\$ <u>6,256</u>
	ARC Funds Requested (80 %)	\$ <u>5,005</u>		
	County Funds Contributed (20 %)	\$ <u>1,251</u>		
B	Construction Engineering Cost			\$ <u>9,385</u>
	ARC Funds Requested (80 %)	\$ <u>7,508</u>		
	County Funds Contributed (20 %)	\$ <u>1,877</u>		
C	Right-of-way Cost			\$ <u>0</u>
D	TOTAL ESTIMATED PROJECT COST			\$ <u>152,500</u>
	Appalachian Funds Requested (80 %)	\$ <u>122,000</u>		
	_____ Funds Requested (0 %)	\$ <u>0.00</u>		
	County Funds Contributed (20 %)	\$ <u>30,500</u>		

BOARD OF SUPERVISORS

Clay County
[Signature] Supervisor District I
[Signature] Supervisor District II
[Signature] Supervisor District III
[Signature] Supervisor District IV
[Signature] Supervisor District V
 Prepared By Robert J. Calvert Engineer

STATE OF MISSISSIPPI
 COUNTY OF Clay

This is to certify that the foregoing is a true and correct copy of an order passed by the Board of Supervisors of Clay County Mississippi entered into the minutes of the said Board of Supervisors Minute Book No 1374 Page same having been adopted at a meeting of said Board of Supervisors on the 13th day of August, 2012.


[Signature]
 Clerk of Board of Supervisors
Clay County Mississippi

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

DATA TO BE SUBMITTED WITH ALL PROJECT PROGRAMS

Project Number APL-0013()B County Clay Date _____

Road Connections at each End of Project
 West End Surf Type Asphalt Surf Width 22 Rdwy Width 30
 (South or West)
 East End Surf Type Asphalt Surf Width 18 Rdwy Width 26
 (North or East)

Railroad Grade Crossing Data
 Is there an existing Railroad Grade Crossing? Yes _____ No

Name of Railroad _____

Existing Protection _____

Proposed Protection _____

Existing and/or Proposed Facilities Effecting Route

SCHOOLS YES NO _____ ON ROUTE _____ OFF ROUTE _____
 INDUSTRY YES NO _____ ON ROUTE _____ OFF ROUTE

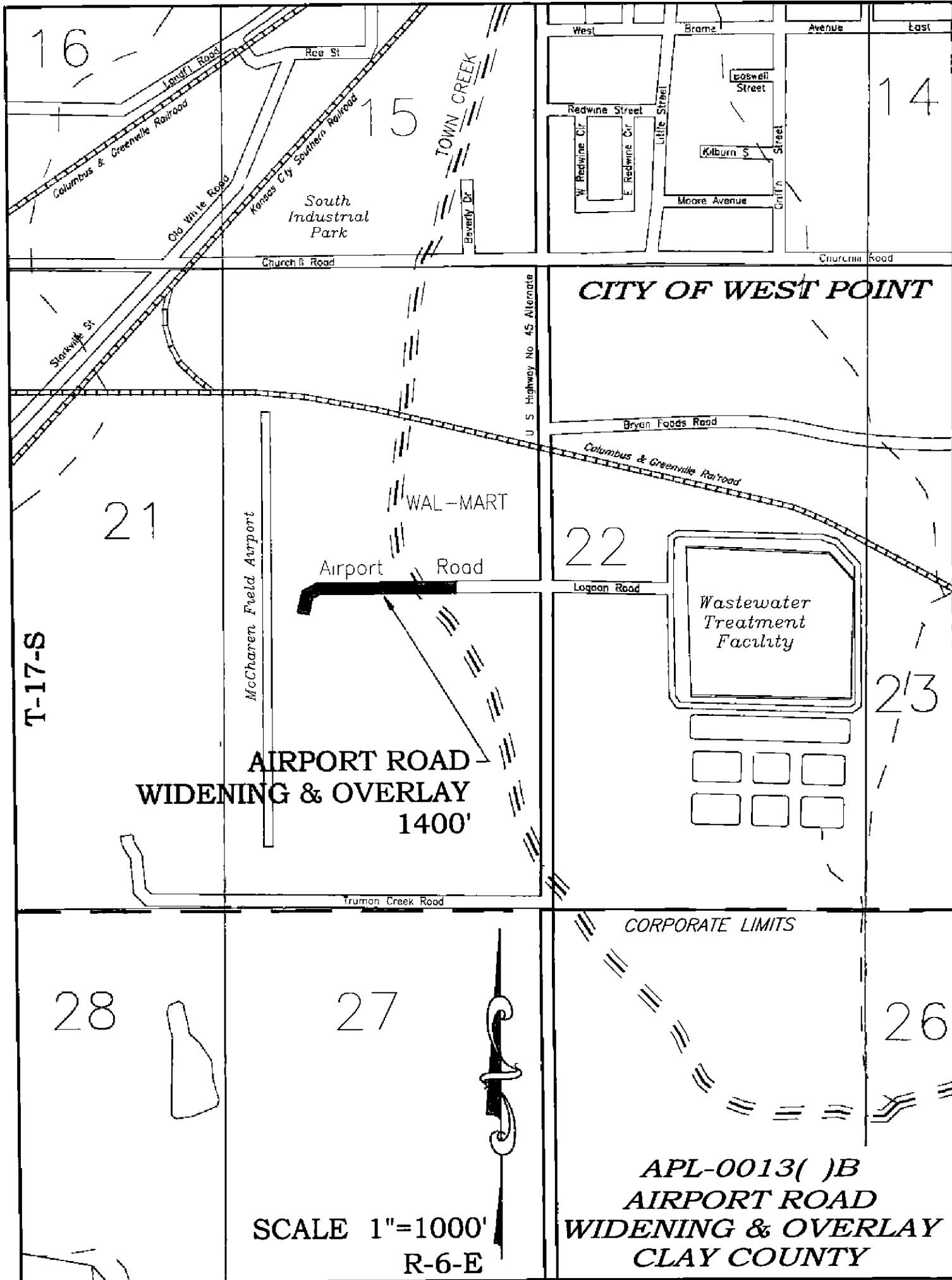
TYPE OF INDUSTRY Metal Fabricating

OTHER DESIGN CONSIDERATIONS _____

UTILITY COMPANIES TO BE AFFECTED BY PROJECT

NAME	STREET OR P.O. BOX ADDRESS	CITY
None		

Signed _____
 County Engineer



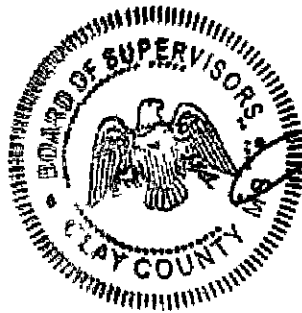
IN THE MATTER OF SPREADING ON THIS BOARD'S MINUTES THE UNITED STATES DEPARTMENT OF JUSTICE'S CLEARANCE FOR THE ELIMINATION OF PRINTERS ON CLAY COUNTY VOTING MACHINES

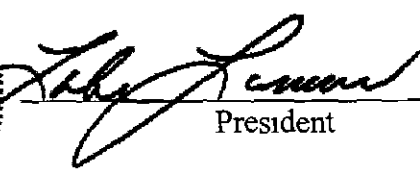
There came on this day for consideration the matter of spreading on this Board's minutes the United States Department of Justice's clearance for the elimination of printers on Clay County Voting Machines

It appears the Department of Justice has approved the voting change method of eliminating the printers on the Clay County Voting Machines as attached hereto as Exhibit "A" due to the printers not being reliable and representing a significant cost to the county to repair replace, and maintain

After motion by Lynn Horton and second by Floyd McKee this Board doth vote unanimously to spread on these minutes the letter of final approval and furthermore, orders the Clay County Election Commissioners not to use the paper printers as approved by the United States Department of Justice

SO ORDERED this the 13th day of August, 2012





President

ATTEST



Chancery Clerk
Clerk of the Board



U S Department of Justice
Civil Rights Division

TCH RSB JBG IRR maf
DJ 166-012-3
2012-3446

Voting Section NWB
950 Pennsylvania Avenue NW
Washington DC 20530

August 7, 2012

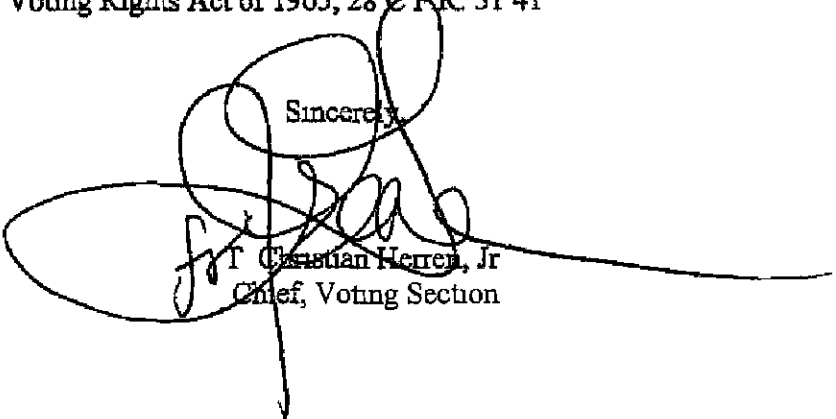
Robert B Marshall, Jr , Esq
Edwards, Storey, Marshall, Helveston & Easterling
P O Box 835
West Point, Mississippi 39773

Dear Mr Marshall

This refers to the change in voting method for Clay County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U S C 1973c We received your submission on June 14, 2012, additional information was received through July 31, 2012

The Attorney General does not interpose any objection to the specified change However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41

Sincerely,



T. Christian Herren, Jr
Chief, Voting Section

NOTICE TO VOTERS OF CLAY COUNTY, MISSISSIPPI

The voting machines used by the Clay County Elections Commission are equipped with external printers (Accu Vote Printer Module) which generate a paper record of each ballot cast. However, during past elections these external printers have malfunctioned causing delays in the voting process. Without the external printers, the voting machines still include technology that is capable of generating a paper record of every ballot cast in the case of any recount or election contest. The Clay County Elections Commission has received pre-clearance by the U S Department of Justice to discontinue the use of the external printers to better facilitate the election process.

Thank you

Wendy Fuller, Chairperson – Clay County Election Commission

RESOLUTION OF THE CLAY COUNTY BOARD OF SUPERVISORS ELIMINATING PRINTERS ON CLAY COUNTY VOTING MACHINES

WHEREAS Clay County Election Commissioner Wendy Fuller appeared before the Clay County Board of Supervisors and presented the minutes from the Clay County Election Commission where the Commission had voted on September 6, 2011 to remove the printers and is recommending that the printers be removed from the Clay County voting machines and

WHEREAS Commissioner Fuller indicated that these printers have not been reliable and represent a significant expense to repair, replace, or maintain, and

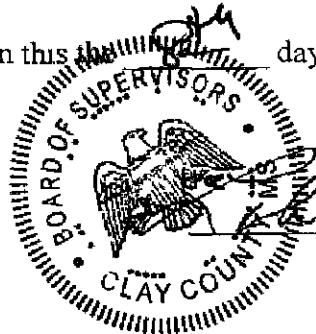
WHEREAS the Board, after considering said recommendation finds that it is appropriate and necessary and in the best interest of the citizens of Clay County to eliminate the printers from the voting machines

IT IS THEREFORE, RESOLVED, that Clay County, Mississippi shall remove printers from the Clay County voting machines

IT IS FURTHER RESOLVED, that this removal shall not be effective until pre-clearance is received from the United States Department of Justice

IT IS FURTHER RESOLVED, that the Board Attorney, Robert B Marshall, Jr is directed to file a submission with the United States Department of Justice seeking pre-clearance for removal of printers from Clay County voting machines

This Resolution passed and adopted on this 14th day of March, 2012



[Signature]
President

ATTEST

[Signature]
Amy G Berry, Chancery Clerk

Clay County Election Commissioners
P O Box 364
West Point, MS 39773

TO CLAY COUNTY BOARD OF SUPERVISORS
RE BUDGET CUTS
SEPTEMBER 6, 2011

We would like to make the following proposals regarding budget cuts for the next calendar year

- 1 Hire poll workers according to the Code Section 23-15-231 and 235, the minimum, never the maximum (see attached Code Section and appendix)
- 2 Reduce amount of pay for the Resolution Board to \$75 (see attached Code Section 23-15-277)
- 3 Merge the Pheba and Cedar Bluff precincts (see previous documentation presented to the board on this matter)
- 4 Do away with the printers to avoid cost on having the printer housing repaired *Replacement \$1200*
- 5 Put a cap of \$20 on poll worker training

Thank you for your consideration on these matters

Sincerely,

Clay County Election Commissioners

RESOLUTION OF THE CLAY COUNTY ELECTION COMMISSIONERS
ELIMINATING PRINTERS OF CLAY COUNTY VOTING MACHINES

WHEREAS, Clay County Election Commissioners, Wendy Fuller and Glenda Nadeau appeared before the Clay County Board of Supervisors and recommended that printers be removed from Clay County voting machines

WHEREAS they also indicated that these printers have not been reliable and represent a significant expense to repair, replace or maintain

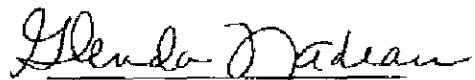
WHEREAS, the Clay County Commissioner s proposal, in regards to budget cuts will be appropriate and necessary and in the best interest of the voters of Clay County

IT IS THEREFORE RESOLVED that the Clay County Board of Supervisors support the removal of said printers

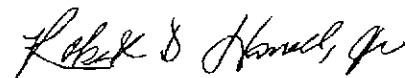

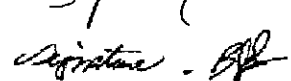
IT IS THEREFORE, RESOLVED, that the Clay County Board pass and adopt this request before the November General Election in 2012

IT IS THEREFORE RESOLVED, that the Clay County Board of Supervisors will instruct Board Attorney Tom Storey, to submission with the United States Department of Justice seeking pre-clearance for removal of Clay County voting machine printers

This Resolution was passed and adopted on September 6, 2011


Chairman

Attest



Notary for Mrs. Glenda Nadeau



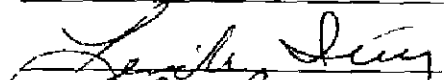


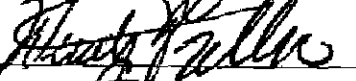

Circuit Clerk & Ex-Officio Notary Public
My Commission Expires Jan 4, 2016

MINUTES OF CLAY COUNTY ELECTION COMMISSIONERS

The Election Commissioners met Tuesday, September 06, 2011 in the Clay County Court House Present were Linda Ivy, Tommy Bryan, Glenda Nadeau and Wendy Fuller Not Present was Jessie Ivy who is due to come in at 3 00 p m (see attachment)

The Commissioners meet at 11 00 a m and purged the attached list of voters from the voter rolls

All other business was disposed of, and the next meeting for the Commissioners is scheduled for September 20, 2011

	Circuit Clerk
	District 1 Secretary
	District 2
	District 3 Chairman
	District 4
	District 5

9/6 The president Nadeau & Commissioner Fuller met with the Board on ways to cut cost Commissioners Bryan and Linda Ivy checked on the machines Commissioners took election boxes to the Swift Building

Appendix 1

East West Point is one of two precincts in Clay County that is charged a rental fee for county elections. During the 2008 election year, due to Special Elections and Run-offs, the total amount spent on rental fees was \$1,375.00. The projected cost for the 2010-2011 election cycles is \$1,350.00.

The Election Commissioners are recommending that EWP voting precinct be moved to a more cost effective location with a yearly rental contract, or property owned by the county at no fee. This location also needs to have ample parking, good lighting, and a physical layout enabling the voters to enter and exit the building in an efficient manner. We would also need an agreement that the building could be used for three days, one to set-up, one to vote, and one to pick-up election equipment no later than 10:00 a.m.

The present EWP precinct location has requested we do not post required voter signs on the walls and the clean-up fee is not included in the rental fee. Parking is also a problem at this location.

EWP Voter Totals 2,120

- Active 1,747
- Inactive 372

Financial Expenses (2006 through December 2010) \$3,850.00

Projected Expenses for 2011 \$1,350.00

- Special/Run-off \$450.00
- Primary/Run-off 450.00
- General 225.00
- Run-off 225.00

Attachment Clay County Vendor Invoices

c

Appendix 3

The Clay County Election Commissioners and Circuit Clerk Bob Harrell are proposing to remove the printers to the TSX Voting Machines. 18 of the 78 counties using the Touch Screen System have already moved in this direction with no reported incidents with election results.

The following are some of the reasons we are requesting the removal of the printers. The cost of paper rolls per unit has increased due to the size of the roll. We are also anticipating replacing canisters due to wear and tear on them. We need to replace some of the paper roll guides, leg braces, and thirty-seven clear covers for the windows of the printer. We ask ES&S to replace the covers in November of 2010, but we never received them. Workers are having problems with paper jams and have to open the units without seeing the voters' ballots. When we have back to back elections, as we have just had, storage of all the canisters is a problem because we don't have enough "extra" ballot boxes to store them in for the required 21 months.

The printers are not absolutely necessary because all units have an archive file in the bottom department that can print out a paper copy if there is a need.

NO _____


**IN THE MATTER OF AUTHORIZING THE ADVERTISEMENT
OF THE STATE AID JOE MYERS BRIDGE PROJECT**

There came on this day for consideration the matter of authorizing the advertisement of the State Aid Joe Myers Bridge Project

It appears to this Board that there are currently no funds available in the State Aid Project budget to cover the Joe Myers Bridge Project, however, upon notice that funds are available, Robert Calvert, County Engineer, requests this Board approval to authorize the advertisement for contractors for the Joe Myers Bridge Project

After motion by R B Davis and second by Shelton Deanes, this Board doth vote unanimously to authorize the advertisement of the State Aid Joe Myers Bridge Project pending monies becoming available thru the Office of State Aid to fund said project

SO ORDERED, on this the 13th day of August, 2012



President

NO _____

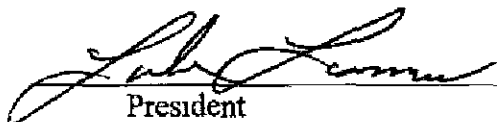
**IN THE MATTER OF SPREADING UPON THIS BOARD'S
MINUTES THE UNITED STATES DEPARTMENT OF JUSTICE'S
CLEARANCE FOR THE CHANGE IN THE POLLING PLACE
FOR CLAY COUNTY, MISSISSIPPI**

There came on this day for consideration the matter of spreading upon this Board's Minutes the United States Department of Justice's clearance for the polling place change for Clay County, Mississippi

It appears to this Board the United States Department of Justice has approved the polling place change of the West West Point precinct from the Clay County Courthouse located at 205 Court Street to the Henry Harris Voting & Administrative Complex Building located at 227 Court Street

After motion by Shelton Deanes and second by Lynn Horton, this Board doth vote unanimously to spread upon these Minutes the United States Department of Justice's letter of approval and designation of the new polling place for the West West Point precinct to be the Henry Harris Voting & Administrative Complex building located at 227 Court Street


SO ORDERED, on this 13th day of August, 2012



President

856

After motion by R B Davis and second by Shelton Deanes this Board doth vote unanimously to recess until Wednesday, August 14, 2012 at 9 00 o'clock A M



President



U S Department of Justice

Civil Rights Division

TCH RSB JR ANA tst
DJ 166-012-3
2012-2355

Voting Section NWB
950 Pennsylvania Avenue NW
Washington DC 20530

May 29, 2012

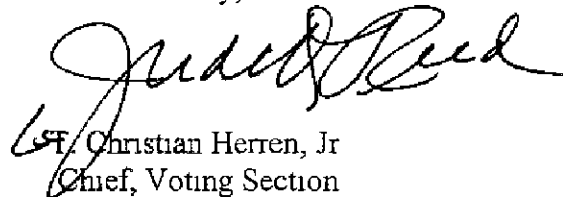
Thomas B Storey, Jr , Esq
Edwards, Storey, Marshall, Helveston & Easterling
P O Box 835
West Point, Mississippi 39773

Dear Mr Storey

This refers to the polling place change for Clay County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U S C 1973c We received your submission on April 12, 2012

The Attorney General does not interpose any objection to the specified change However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C F R 51.41

Sincerely,


Christian Herren, Jr
Chief, Voting Section

857

EDWARDS, STOREY, MARSHALL, HELVESTON & EASTERLING, LLP

ATTORNEYS AT LAW

A M EDWARDS JR
1926 2007

PO BOX 835 103 E BROAD STREET
WEST POINT MS 39773
PHONE (662) 494-5184 FAX (662) 494-4836
E-MAIL esmhe@esmhe.net
WEBSITE [http //www.esmhe.net](http://www.esmhe.net)

THOMAS B STOREY JR
ROBERT B MARSHALL JR
JAMES C HELVESTON
MICHELLE D EASTERLING

April 11, 2012

COPY

Via Federal Express

Chief of Voting
Civil Rights Division
Room 7254 NWB
U S Department of Justice
1800 G Street, NW
Washington, DC 20006

Re *Voting Precinct - District 4, Clay County, Mississippi*

Dear Sir/Madam

On December 27, 2011, I sent to your office documents relating to the District 4 Voting Precinct in Clay County, Mississippi. I was later informed that the address to which the letter was sent was the wrong address. For your ready reference, I am enclosing a copy of the December 27, 2011 correspondence.

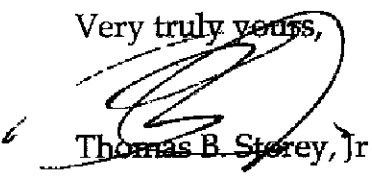
Also enclosed please find a certified copy of a Resolution of the Board of Supervisors of Clay County, Mississippi transferring the Clay County, Mississippi West West Point District 4 voting precinct from the Clay County Courthouse at 205 Court Street, West Point, Mississippi to the former Daily Times Leader building located at 227 Court Street, West Point, Mississippi. This building is now owned by Clay County, Mississippi and is being renovated for the primary purpose of enlarging the voting precinct area for the convenience of the voters of Clay County, Mississippi, for both primary and general elections.

We would request pre-clearance documentation to approve such voting precinct location. If there is anything further I need to provide, please advise.

Page Two

Thanking you for your assistance, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas B. Storey, Jr.", written over a printed name.

Thomas B. Storey, Jr

TBSjr vjr
Enclosure

c Amy Berry, Chancery Clerk
of Clay County, Mississippi

EDWARDS, STOREY, MARSHALL, HELVESTON & EASTERLING, LLP

ATTORNEYS AT LAW

A M EDWARDS JR
1926-2007

PO BOX 835 103 E BROAD STREET
WEST POINT, MS 39773

PHONE (662) 494-5184 FAX (662) 494-4836
E-MAIL esmhe@esmhe.net
WEBSITE [http //www esmhe net](http://www.esmhe.net)

THOMAS B STOREY JR
ROBERT B MARSHALL JR
JAMES C HELVESTON
MICHELLE D EASTERLING

December 27, 2011

Via Certified Mail
Return Receipt Requested
Chief, Voting Section
Civil Rights Division
Department of Justice
Post Office Box 66128
Washington, DC 20035-6128

Re *Voting Precinct - District 4, Clay County, Mississippi*

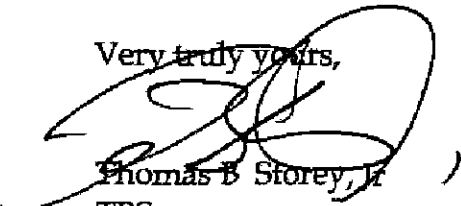
Dear Sir/Madam

Enclosed please find a certified copy of a Resolution of the Board of Supervisors of Clay County, Mississippi transferring the City of West Point District 4 voting precinct from the Clay County Courthouse at 205 Court Street, West Point, Mississippi to the former *Daily Times Leader* building located at 227 Court Street, West Point, Mississippi. This building is now owned by Clay County and is being renovated for the primary purpose of enlarging the voting precinct area for the convenience of the voters of Clay County, Mississippi, for both primary and general elections.

We would request pre-clearance documentation to approve such voting precinct location. If there is anything further that I need to provide, please advise.

Thanking you for your assistance, I remain,

Very truly yours,


Thomas B Storey, Jr.

TBSjr-vjr
Enclosure

cc Harmon A Robinson, Clerk

**IN THE MATTER OF THE RELOCATION
OF THE WEST WEST POINT VOTING PRECINCT**

The matter of relocating the West West Point voting precinct of Clay County, Mississippi came on for discussion by the Board of Supervisors of Clay County, Mississippi

After a thorough discussion of same, Supervisor Shelton Deanes moved that the following Resolution be adopted

A RESOLUTION TO RELOCATE THE WEST WEST POINT VOTING PRECINCT

WHEREAS, the current West West Point voting precinct located at 205 Court Street (the Courthouse of Clay County, Mississippi) is small and presents confusion and congestion when holding elections, and

WHEREAS, the *Daily Times Leader* building owned by Clay County, Mississippi is located at 227 Court Street, being 180 feet from the Clay County Courthouse, the current West West Point voting precinct; and

WHEREAS, the *Daily Times Leader* building will provide more space and less congestion for the voters in the West West Point voting precinct and would cause no confusion for voters as to the new location, and

WHEREAS, relocating the West West Point voting precinct to the *Daily Times Leader* building will be a convenient improvement for voters by providing easier access to the polling location and much needed space.

STATE OF MISSISSIPPI
COUNTY OF CLAY
I, Harmon A. Robinson, Chancery Clerk in and for said county and state do hereby certify that the above and foregoing is a true and correct copy of Board Resolution as same as appears on record in Supervisor Minute Book 12 in the office of the Chancery Clerk in West Point Mississippi.
Given under my hand and official seal this 20 day of December 2011
HARMON A. ROBINSON, Chancery Clerk
CLAY COUNTY, MISSISSIPPI
By Harmon A. Robinson

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Clay County, Mississippi that

The West West Point voting precinct shall be relocated to the *Daily Times Leader* building located at 227 Court Street, West Point, Mississippi from the current location of the Clay County Courthouse, 205 Court Street, West Point, Mississippi.


Supervisor Lynn Horton seconded the motion.


After a thorough discussion of same, President R.B Davis submitted the Resolution for a vote and the Board voted as follows

- | | | |
|---|----------------------------------|------|
| 1 | Supervisor Lynn Horton voted. | Yea. |
| 2 | Supervisor Luke Lummus voted. | Yea. |
| 3 | Supervisor R.B Davis voted | Yea. |
| 4 | Supervisor Shelton Deanes voted. | Yea. |
| 5 | Supervisor Floyd McKee voted. | Yea |

The Resolution having received the affirmative vote of all of the members of the Board of Supervisors of Clay County, Mississippi, President R B Davis declared the Resolution adopted

This the 8th day of December, 2011


Harmon A Robinson, Clerk


R.B Davis, President of the Board of Supervisors of Clay County, Mississippi