

REGULAR MEETING OF THE MAYOR AND BOARD OF SELECTMEN
OF THE CITY OF WEST POINT, MISSISSIPPI
SEPTEMBER 11, 2012
5:30 P.M.

Board of Mayor and Selectmen of the City of West Point, Mississippi held the Regular Meeting the 11th day of September 2012, at 5:30 p.m. at City Hall, 204 Commerce Street, West Point, Mississippi. Members present were Mayor H. Scott Ross, Selectman Rod Bobo, Selectman Homer Cannon, Selectman Charles Collins, Selectman Keith McBrayer, CAO Randy Jones, and City Clerk Lela Q. Jack.

Absent: Board Attorney Orlando Rod Richmond.

Mayor Ross called the meeting to order and called Selectman Homer Cannon to offer invocation and CAO Randy Jones to lead the Pledge of Allegiance.

Mayor Ross stated that item 1, under old business would be addressed later.

Mayor Ross opened the floor for item 2, discussion regarding the Mayor's veto that the Board took action on at August 14, 2012 Regular Meeting to terminate services with Golden Triangle Planning Development District. There was no motion taken. Mayor Ross stated the the veto would stand and the contract with Golden Triangle Planning Development District remains in effect. Item 3, was the discussion on the redistricting plan for the City of West Point. GIS Mr. Thomas Sanford, with the GTPDD explained some of the process in terms of meeting the deadline to prepare for redistricting. Qualification will start January 1, 2013 and the deadline is March 8, 2013. Mr. Sandford stated that the public hearing notice should be published in the newspaper one week prior to the hearing. The City Clerk Lela Jack would published the notice as specified. The work session will be held Thursday, September 13, 2012 for the Board to specify which plan would fit the changes to be made in their wards.

Item 4, 2 hours parking. Chief Tim Brinkley explained that the two hours parking including Main Street and High Street would be on a honor system; 8:00 a. m. -6:00 p. m. would be the times of effect. Selectman Jasper Pittman entered the meeting at 5:45.

Selectman Keith McBrayer made the motion to accept Chief Brinkley's recommendations.

The motion received a second from Selectman Rod Bobo.

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”

Selectman Homer Cannon voted: “Aye”

Selectman Charles Collins voted: “Aye”

Selectman Keith McBrayer voted: “Aye”

Selectman Jasper Pittman voted: “Aye”

Motion carried.

Item 5, Act of Indecency, Chief Brinkley stated that until further notice this item would be tabled.

Mayor Ross called for the first public appearance on the agenda, Ms. Pernetha Evans of the American Red Cross of America, addressed the Board to request funding. Mayor Ross stated that the Board would take this under advisement and considered the request. Ms. Nikia McLeod, with Tobacco Coalition addressed the Board in regard to the City of West Point becoming smoke free. Mayor stated that he was going to proposed that all public buildings become smoke free right away and this be considered at the next meeting. Dr. Johnnie Rasberry's concerns were the sagging pants ordinance (*Chief Brinkley suggested at the Regular Meeting September 11, that the sagging pants ordinance be tabled*), and the small poll that was considered that suggested the sagging pants ordinance.

CONSENT AGENDA

Mayor Ross requested a motion on the consent agenda.

Selectman Rod Bobo made the motion to accept the consent agenda.

The motion received a second from Selectman Jasper Pittman.

Item 7, Approval of August 14, 2012 Board Minutes

Item 8, Approval of August 2012, Claim Dockets.

General City: \$900,383.01

West Point Electric: \$ 742,801.77

West Point Water & Sewer: \$ 79,316.62

Item 9, Emergency Declaration.

Item 10, Oath of Office / Officer Alex D. Jackson

OATH OF OFFICE

I, Alex Daniel Jackson, do solemnly swear or affirm that I will support the constitution of the
(Print or Type Name)
United States of America and the Constitution of the State of Mississippi, and the Ordinances of the City of West
Point, Mississippi and obey all laws thereof; and that I am not disqualified from holding the office of: **Police Officer**,
and that I will faithfully discharge the duties of the office upon which I am about to enter. (position)
So help me God.

Alex D Jackson
(Signature)

CERTIFICATE

I, Lela Q. Jack, Clerk for the Mayor and Board of Selectmen, hereby certify that the above named
individual, Alex Daniel Jackson, appeared before me on the 16th day of
August, 2012, and that he/she took the Oath of Office above written as prescribed by
law.

WITNESS MY SIGNATURE AND SEAL OF THE CITY OF WEST POINT,
MISSISSIPPI, this 16th day of August, 2012.

Lela Q. Jack
Lela Q. Jack
West Point, City Clerk

Item 11, authoring the Clerk to publish publication to announce public hearing in regards to set millage.

“NOTICE OF A PUBLIC HEARING ON THE PROPOSED TAX LEVIES FOR THE UPCOMING FISCAL YEAR 2013 FOR THE CITY OF WEST POINT

The City of West Point will hold a public hearing September 25, 2012, at 5:30 P.M. in the City Auditorium of the City of West Point, on its proposed tax levies for current fiscal year 2013.

For the fiscal year 2012 ending June 30, 2012, the City's operations budget revenue was \$6,828,800. Of that amount (24.89%) or \$1,700,000 was financed through a total ad valorem tax levy. The City of West Point is now operating in fiscal year 2013, with a budget revenue of \$6,924,500. Twenty four point fifty five percent (24.55%) or \$1,700.000 of such revenue is obtained through ad valorem taxes.

The decision to not increase the ad valorem tax millage rate for fiscal year 2013 above the current fiscal year's ad valorem tax millage rate means you will not pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental real property, unless the assessed value of your property has increased for fiscal year 2013.

Any citizen of City of West Point is invited to attend this public hearing on the proposed tax levies for fiscal year 2013 and will be allowed to speak before any vote is taken.”

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”

Selectman Homer Cannon voted: “Aye”

Selectman Charles Collins voted: “Aye”

Selectman Keith McBrayer voted: “Aye”

Selectman Jasper Pittman voted: “Aye”

Motion carried.

Mayor Ross called for the department heads' reports. Those presenting written reports were Randy Jones CAO, Dwight Prisock, Electric Superintendent and Interim Building Inspector: Wasterwater Treatment Plant, Water and Sewer and Electric, Building; Chief Johnnie Littlefield, Fire Department; Chief Tim Brinkley, Police Department; Joey Wright, Public Works; James Crowley, Park and Recreation; and Teresa Moore, Office of Contunienty.

Mayor Ross called for questions or comments from the Department Heads and question or comments from the Board of Selectmen. Mayor Ross commended The all City's workers for their work they did to ready the City for the Prairie Arts Festival, September 1, 2012. Selectman Bobo stated that Mrs. Randle lives on Crowell Street she had a concern about grass cutting. Selectman Pittman's concerns were business property owners not keeping the grass cut on their properties, Selectman stated that the

property owners at Windale thank Mr. Joey Wright of Public Works and Mr. Dwight Prisock, Electric for the support they gave in the Windale project. Selectman Cannon stated the property at the corner of Brady and Falcon Street was still a problem. Mayor Ross asked Selectman did he suggest the property was a public health hazard? Selectman Cannon response was yes. Mayor Ross stated that it would be taken care of. Attorney Richmond stated that due process would have to be handle as the statue states. Item 13 Dr. Johnnie Rasberry requested to the Board to support the annual NAACP membership drive. The Board supported the request with a \$75.00 ad.

Item 14, no jake brakes. Attorney Richmond and CAO, Randy Jones explained that the company JACO was stating that signs that read NO JAKE BRAKES are infringing upon their trademark. Attorney Richmond suggested that the old signs should come down and the new signs should read No Engine Brakes. Attorney Richmond will have to revisit this item again due to more communication with JACO'S Attorney. No action was taken.

Item 15, Municipal Compliance Questionnaire. After the audit is preformed every fiscal year the State Auditor Department requires that all Municipalities complete a Municipal Compliance Questionnaire to make certain assertion with regard to legal compliance.

Selectman Charles Collins made the motion to approve the Municipal Compliance Questionnaire.

The motion received a second from Selectman Keith McBrayer.

MUNICIPAL COMPLIANCE QUESTIONNAIRE

Year Ended · JUNE 30, 2012

Answer All Questions: Y - YES, N - NO, N/A - NOT APPLICABLE

PART I - General

1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13) Y
2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27) Y
3. Are municipal records open to the public? (Section 25-61-5) Y
4. Are meetings of the board open to the public? (Section 25-41-5) Y
5. Are notices of special or recess meetings posted? (Section 25-41-13) Y
5. Are all required personnel covered by appropriate surety bonds?
 - Board or council members (Sec. 21-17-5) Y
 - Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter) Y
 - Municipal clerk (Section 21-15-38) Y
 - Deputy clerk (Section 21-15-23) Y
 - Chief of police (Section 21-21-1) Y
 - Deputy police (Section 45-5-9) (if hired under this law) Y
7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19) Y
8. Are minutes of board meetings signed by the mayor or majority of the board within 30 days of the meeting? (Section 21-15-33) Y
9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53) Y
10. Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) Y

11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) Y

12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19) Y

PART II - Cash and Related Records

1. Where required, is a claims docket maintained? (Section 21-39-7) Y

2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9) Y

3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7) Y

4. Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13) Y

5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13) Y

6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9) Y

7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23) Y

8. Has the municipality held a public hearing and published its adopted budget? (Sections 21-35-5, 27-39-203, & 27-39-205) Y

9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25) Y

10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25) Y

11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) Y
12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) Y
13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) Y
14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) Y
15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) Y
16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] Y
17. Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide) Y
18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? Y
19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) Y

PART III - Purchasing and Receiving

1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] Y
2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] Y
3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)] Y
4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) Y

PART IV - Bonds and Other Debt

- 1. Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) Y
- 2. Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87) Y
- 3. Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) Y
- 4. Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317) Y
- 5. Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) Y

PART V - Taxes and Other Receipts

- 1. Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167) Y
- 2. Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53) Y
- 3. Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63) Y
- 4. Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53) Y
- 5. Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Sections 27-39-320 and 27-39-321) Y
- 6. Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5) Y
- 7. Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1) Y
- 8. Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37) Y

9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39)

Y

10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.)

Y

11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21)

Y

12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1)

Y

Selectman Charles Collins made the motion to close the meeting to determine if there was a need for an executive session.

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”
Selectman Homer Cannon voted: “Aye”
Selectman Charles Collins voted: “Aye”
Selectman Keith McBrayer voted: “Aye”
Selectman Jasper Pittman voted: “Aye”

Motion carried.

Selectman Charles Collins made the motion to remain in executive session to discuss personnel.

The motion received a second from Selectman Jasper Pittman.

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”
Selectman Homer Cannon voted: “Aye”
Selectman Charles Collins voted: “Aye”
Selectman Keith McBrayer voted: “Aye”
Selectman Jasper Pittman voted: “Aye”

Motion carried.

It was announced to the public that the Board would remain in executive session to discuss personnel.

Selectman Keith McBrayer made the motion to terminate Mr. Terry Clay, that worked in the water and sewer department.

The motion received a second from Selectman Charles Collins.

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”
Selectman Homer Cannon voted: “Abstained”
Selectman Charles Collins voted: “Aye”
Selectman Keith McBrayer voted: “Aye”
Selectman Jasper Pittman voted: “Aye”

Motion carried.

Selectman Rod Bobo made the motion to come out of executive session.

The motion received a second from Selectman Jasper Pittman.

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”
Selectman Homer Cannon voted: “Aye”
Selectman Charles Collins voted: “Aye”
Selectman Keith McBrayer voted: “Aye”
Selectman Jasper Pittman voted: “Aye”

Motion carried.

The public was informed that the executive session was closed.

Mayor Ross announced to the public that one action was taken; Mr. Terry Clay, that worked in the water department was terminated.

Selectman Rod Bobo made the motion to adjourn.

The motion received a second from Selectman Keith McBrayer.

Hearing no further discussion, Mayor Ross called for a vote and the results were as follows.

Selectman Rod Bobo voted: “Aye”
Selectman Homer Cannon voted: “Aye”
Selectman Charles Collins voted: “Aye”
Selectman Keith McBrayer voted: “Aye”
Selectman Jasper Pittman voted: “Aye”

Motion carried.

H. Scott Ross, Mayor of West Point

(SEAL)

Lela Q. Jack, City Clerk

