

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF THE
PEARL RIVER VALLEY WATER SUPPLY DISTRICT HELD ON
THURSDAY, JANUARY 17, 2013 AT 9:30 A.M. IN THE
RANKIN COUNTY COMMUNITY CENTER
BRANDON MS**

The regular meeting of the Board of Directors of the Pearl River Valley Water Supply District was held at 9:30 a.m., on Thursday, January 17, 2013 at the Rankin County Community Center, Spillway Road, Brandon, MS. Jack Winstead, who presided, called the meeting to order.

Members Present: Trey Bobinger, Jim Carraway, Larry Castle, Billy Cook, Phillip Crosby, Kenny Latham, Samuel Mitchell, Jack Winstead, Tedrick Ratcliff, Bruce Brackin, John Arledge (late)

Members Absent: Shannon Armstrong, W. C. Gorden

Others Present: John Sigman, Greg Burgess, Jim Tohill, Craig Hunt, Susan McMullan, Perry Waggener, Cindy Ford, Bobby Cleveland, Steve Clark, Jerry Bounds, Buddy DeWeese, Mrs. DeWeese, Dee Mitchell, Lucy Webb, Dana Kelly, John Burwell, Jeff Webb

Board President Jack Winstead called the board to order at 9:30 a.m.

President Winstead welcomed the three new board members to the meeting. Mr. Winstead introduced Tedrick Ratcliff, Larry Castle, and Bruce Brackin to the board. It was noted that Mr. Brackin would not be voting in today's meeting as his bond had not been issued.

President Winstead then asked for the review of the minutes of December 2012.

Upon review of the minutes of a regular meeting of the Board of Directors held on December 2012, a motion was made by Kenny Latham for the minutes to be approved as presented. Mr. Trey Bobinger seconded the motion. The vote was as follows: For: Bobinger, Castle, Carraway, Cook, Crosby, Latham, Mitchell, Ratcliff and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

The board attorney stated there was nothing to report at this time.

President Winstead requested Shoreline Development Committee's business be presented.

Interim Chairman Trey Bobinger stated that the committee had meet on the 14th of January, but did not have a quorum for official action. Mr. Bobinger stated the members of the

committee had discussed the items presented on their meeting agenda and it was their wish to present to the board for consideration four items.

Interim Chairman Bobinger then presented the agenda item for approval of staff negotiation of an MOU with MDWF&P for aquatic spraying.

Mr. Sigman outlined the desire to enter into MOU negotiations with MS DWF&P for aquatic spraying services. Mr. Sigman noted that DWF&P has the manpower, equipment and licenses to provide the services, and additionally the agency has credibility with the community that will be well received.

Mr. Sigman noted that the District spends approximately \$250,000 on aquatic spraying services. Mr. Sigman explained that the MOU with DWF&P would include spraying services, chemicals and dedicated personnel to our spraying and assessment. Mr. Sigman noted that it is the intention to continue the MOU with MSU and Dr. Madsen for Aquatic Vegetation Management, which would work in conjunction with the MOU with DWF&P.

Trey Bobinger made the motion the board approve staffs request to enter into negotiations with MDWF&P for an agreement or MOU for aquatic spraying program. Mr. Jim Carraway seconded the motion.

President Winstead asked for any additional questions or comments. None were offered.

The vote was as follows: For: Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Interim Chairman Bobinger then presented the agenda item requesting approval of Contract for Professional Services – Master Planning Contract No. 76743.

Mr. Sigman stated that staff requests award of the contract for Master Planning Services to CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT, INC., a Mississippi non-profit corporation (“CMPDD”). He reported that CMPDD made the best and final offer in a manner most advantageous to the District for master planning services. Mr. Sigman outlined the process by which the Request for Proposal No. 2012.12.MP-PRVWSD had been developed, published, proposals received and graded. Mr. Sigman explained the involvement of the Personal Services Contract Review Board’s staff in the development of the RFP and PSCRB staff pre-review of the contract package. Mr. Sigman advised the Board that PSCRB would review the contract at its February meeting, provided the PRVWSD Board approves the contract as presented under tab 3 of the board package and included in the Exhibits to these minutes.

Mr. Sigman stated that the evaluation was based on the evaluation factors set forth in the Request for Proposals included in the Exhibits to these minutes. He reported that three proposals

were received as noted in the Score Sheet included in the Exhibits to these minutes. He said all of the proposals were determined to be “acceptable” and were scored by John Sigman, Greg Burgess and Susan McMullan. He referred to the Score Sheet on which CMPDD received an overall high total of 289 in the following factors: overall quality of plan; ability to provide the required services; personnel, equipment, facilities and financial resources to perform and proximity of CMPDD staff to the project; record of past performance of similar work; and, although not determinative, cost.

Trey Bobinger made a motion to award the Contract for Professional Services – Master Planning Contract No. 76743, as presented to the Board, to Central Mississippi Planning and Development District, Inc. and to authorize the Executive Director, John Sigman, to execute the contract. Mr. Samuel Mitchell seconded the motion.

President Winstead asked for any additional questions or comments. None were offered.

The vote was as follows: For: Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Mr. John Arledge joins the meeting.

President Winstead then requested approval of the residential lease for residential for A. J. Jones.

Mr. Sigman explained that A. J. Jones built the cabins on Conestoga Road, which he has since sold. He stated that Mr. Jones’ private residence is located in the same area, which he built some 33 years ago without a mortgage or survey and a portion of his house, barn, pond and yard is actually located on PRVWSD land. Mr. Jones understands there can be no adverse possession of property against the State and is ready and willing to lease the property legally. Mr. Sigman noted the .8 acre property encroachment has been surveyed and appraised for lease value. As this is property is a residential encroachment, Board’s attorney advises it can be leased without advertisement. The lease amount for full appraised value is \$21,250.00.

Mr. Sigman stated that it was staff’s recommendation that the lease be approved.

Trey Bobinger made a motion to approve the residential lease as presented. Mr. Samuel Mitchell seconded the motion.

President Winstead asked for any additional questions or comments. None were offered.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

President Winstead requested presentation of the agenda item for the ratification of General Manager's declaration of emergency for sewer repair.

Mr. Sigman explained that an approximately 40 year old sewer line had failed at Post Road. He explained that it has been determined that the broken concrete pipe is not trenchable and is currently being bypassed until repaired. The repair will be a pipe bursting method due to the physical location of pipe and amount of damage. Mr. Sigman stated that staff received two quotes for the repair work.

Mr. Sigman requested the ratification of General Manager's declaration of emergency sewer repair at Post Road, and the award of contract to Delta Contractors in the amount of \$78,775.00.

Trey Bobinger made a motion to ratify General Manager's declaration of emergency for sewer repair and award the contract for repairs to Delta Contractors in the amount of \$78,775.000. Mr. Phillip Crosby seconded the motion.

President Winstead asked for any additional questions or comments. None were offered.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

President Winstead asked for the executive session held until the end of the meeting.

President Winstead then asked Mr. Samuel Mitchell to present the financial items on the agenda.

Mr. Samuel Mitchell then presented the per diem and travel expenditures for the month of December 2012 for approval by the Board. Mr. Mitchell stated Audit Committee had not met this month, but that he had reviewed the expenditures and found them to be in order.

Samuel Mitchell made a motion for approval of the per diem and travel as presented. Mr. Phillip Crosby seconded the motion.

President Winstead asked for any questions or comments. None were offered.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Mr. Mitchell presented the Cash Balance Report for approval by the Board. Mr. Mitchell stated he had reviewed the report and found it to accurately reflect balances.

Mr. Billy Cook made a motion for approval of the Cash Balance Report as presented. Mr. Kenny Latham seconded the motion.

President Winstead asked for any questions or comments. None were offered.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Mr. Mitchell then presented the Claims Docket for approval by the Board. Chairman Mitchell stated he had reviewed the docket and found it to be in order.

Chairman Mitchell noted that there were some big items on the docket, and asked staff to respond to any questions on the docket items.

The group discussed the fee amounts to be paid to contracted engineers and consultants.

Samuel Mitchell made a motion for approval of the Claims Docket as presented. Mr. Phillip Crosby seconded the motion.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Committee Minutes and Miscellaneous Correspondence:

The Board reviewed the committee meeting minutes presented of December 2012. Mr. Bobinger requested the correction of attendance for Shoreline Committee's meeting notes.

Chief Waggener then presented the Police Report for December 2012 and a general accounting of the year 2012 to the Board.

Mr. Tohill inquired as to the amount of fines generated by DUI convictions by PRV police and who receives those funds.

Chief responded that under state law any ticket or fine the PRV Police issue, those funds go to the county in which they were issued. Chief gave the example of the two largest counties served and the DUI conviction funds collected by Madison County for 2012 was \$26,000 and Rankin County collected \$122,000, of those funds the PRV police receives zero (0) dollars or percentage.

President Winstead then added an item of discussion for the board. Mr. Winstead noted that the District had not requested any legislation be drafted but that there were a couple of items in motion that may affect the District. President Winstead requested that Mr. Bobinger,

chairman of the legislative committee, give an update of legislation pending in the house and senate that may affect the PRVWSD.

Mr. Trey Bobinger updated the board on the proposed bills currently in discussion or review that could affect the District.

Mr. Bobinger outlined proposed legislation developing in the Senate for the designation of the reservoir as a resort. Mr. Bobinger listed some of the benefits that the reservoir would experience from the designation. Mr. Bobinger then requested the Board consider and support the conceptual idea of the legislation.

There was some discussion among the group as to the additional benefits of the resort status.

Trey Bobinger made a motion that the Board support the conceptual idea of the designation of the reservoir as a resort. Mr. Jim Carraway seconded the motion.

There was some additional discussion in the group as to other areas that had received the designation and the timing of the bill to make deadline for legislative voting.

The group discussed the clarification to support concept of resort status only, holding the full support of legislative measure pending review of final bill.

With Mr. Bobinger's consent, Mr. John Arledge offered a friendly modification to the motion to clarify the support of the Board be given to the conceptual idea of a resort designation for the reservoir and allow the Board to reserve support of the legislation until review of the final bill. Mr. Bobinger seconded the motion.

President Winstead requested any additional comments or questions. None were offered.

The vote was as follows: For: Arledge, Bobinger, Carraway, Cook, Crosby, Latham, Mitchell, and Winstead. Abstained: Ratcliff, Castle. Against: None. **MOTION CARRIED BY MAJORITY.**

Mr. Bobinger then briefed the Board about a piece of legislation in the House which seeks to divert a percentage of sales tax from unincorporated properties located with the PRVWSD to the PRVWSD.

President Winstead made the clarification that this tax diversion was not a new tax, but revenue diversion from the existing sales tax currently collected.

Mr. Trey Bobinger made a motion that the Board support legislation for a sales tax diversion to PRVWSD for unincorporated properties located within the District. Mr. Billy Cook seconded the motion.

President Winstead requested any additional comments or questions.

Mr. Tedrick Ratcliff inquired as to the modification of the approval to conceptual approval only, until review of final language.

Mr. Trey Bobinger then amended the motion that the Board support of the conceptual idea of a sales tax diversion to PRVWSD for unincorporated properties located within the PRVWSD and allow the Board to reserve support of the legislation until review of the final bill. Mr. Billy Cook seconded the motion.

President Winstead requested any additional comments or questions. None were offered.

The vote was as follows: For: Arledge, Bobinger, Carraway, Cook, Crosby, Latham, Mitchell, and Winstead. Abstained: Ratcliff, Castle. Against: None. **MOTION CARRIED BY MAJORITY.**

Mr. John Sigman then gave his report as Executive Director. Mr. Sigman gave the current lake level of 296.17.

Mr. Sigman noted the committee assignments and the duties of each committee for 2013.

President Winstead asked the members to review the new assignments which have been made by him as Board president in accordance with the District's by-laws.

Mr. Sigman notified the Board of status of the Lake Level Operating Committee and the draft report released to board members. Mr. Sigman urged the Board to review the information.

Mr. Sigman then gave the status of the weather event and expected levels.

Mr. Sigman invited all members to attend the retirement luncheon for Johnny Jordan, a long time employee to be held the following week.

Mr. Sigman noted the next board meeting would be held in the District's main office board room.

President Winstead then asked for a motion to enter closed session to discuss the need for executive session to discuss pending litigation and prospective leasing of land.

Mr. Billy Cook made the motion to enter closed session. Mr. Sam Mitchell seconded the motion.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead. Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Staff, Mr. Burwell and Mr. Kelly were requested to remain in the building for lease modification. Mr. Jeff Webb was asked to remain to discuss ongoing litigation.

Mr. Tohill advised that the Board needed to discuss a proposed settlement in the Safe Harbor case and a lease of a parking lot, both of which qualify for an executive session. Mr. Samuel Mitchell made a motion to enter into Executive Session to discuss the prospective lease and pending litigation as reported by the attorney. Mr. Phillip Crosby seconded the motion.

The vote was as follows: For: Arledge, Bobinger, Carraway, Castle, Cook, Crosby, Latham, Mitchell, Ratcliff, and Winstead Abstained: None. Against: None. **MOTION CARRIED UNANIMOUSLY.**

Board enters Executive Session. No action was taken.

Mr. John Arledge made a motion the board exit Executive Session. Mr. Phillip Crosby seconded the motion.

President Winstead noted that the committee meetings for February would be held on Tuesday, the 19th due to state holiday on Monday.

There being no further business to come before the Board at this time, the meeting was adjourned.

Jack H. Winstead, President