

September 23, 2013

The Marshall County Commission met in regular session on Monday, September 23, 2013 at 10:00 a.m. in the Marshall County Commission Chambers.

PRESENT WERE:

James Hutcheson, Chairman
William H. Stricklend, III, Dist. 1 Commissioner
C.W. "Buddy" Allen, Dist. 3 Commissioner
Tamey Hale, Dist. 4 Commissioner
Shelly Fleisher, County Administrator
Jennifer Lewis, Commission Clerk
Bob Pirando, County Engineer
Karen Young, Administrative Assistant

NOT PRESENT:

R.E. Martin, Dist. 2 Commissioner

Chairman Hutcheson called the meeting to order and asked Mike Cross, Pastor of Crosswalk Church, to deliver the invocation. He then asked Commissioner Stricklend to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to approve the consent agenda as read by Chairman Hutcheson.

DISTRICT 1 – APPROVE RESOLUTION TO INITIATE FA RESURFACING PROJECT MOBBS SCHOOL ROAD USING FY 2014 FUNDS

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to follow the recommendation of County Engineer Pirando and approve resolution to initiate FA resurfacing project Mobbs School Road using FY 2014 funds.

DISTRICT 3 – APPROVE FINANCE AGREEMENT FOR ATRIP 48-02-03 BRIDGE REPLACEMENT ON WELCOME HOME CHURCH ROAD AT SLAB CREEK

A motion was made by Commissioner Allen, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to follow the recommendation of County Engineer Pirando and approve finance agreement between ALDOT and Marshall County Commission for ATRIP 48-02-03 bridge replacement on Welcome Home Church Road at Slab Creek.

DISTRICT 3 – APPROVE RESOLUTION FOR BANCORP SOUTH FINANCING OF EQUIPMENT

A motion was made by Commissioner Allen, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to approve resolution for Bancorp South for financing of John Deere tractor and mower.

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF A CONTRACT
WITH BANCORPSOUTH EQUIPMENT FINANCE, A DIVISION OF
BANCORPSOUTH BANK**

WHEREAS, County Commission, the Governing Body (the "Governing Body") of Marshall County, Alabama (the "Buyer"), acting for and on the behalf of the Buyer hereby finds, determines and adjudicates as follows:

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The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank ("Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").

2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and

3. It is necessary for Buyer to approve and authorize the contract.

4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by the Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved, and Chairman James Hutcheson (the "Authorized Officer") is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2013.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2013, Buyer has designated \$98,025.60 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated, Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2013 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Buyer during calendar year 2013 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the Code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the

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Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

The motion having received the affirmative vote of all members present, Chairman Hutcheson declared the motion carried and the resolution adopted this the 23rd day of September, 2013.

Chairman James Hutcheson

PROBATE – APPROVE COPIER LEASE AGREEMENT; \$89.50 MONTHLY

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen, all members voting affirmatively and so carried to approve copier lease agreement in the amount of \$89.50 monthly.

COA – APPROVE ACCEPTANCE OF MEDICAID WAIVER GRANT

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to approve accept of COA Medicaid Waiver Grant. This grant is based on the number of service hours and has no match.

COA – APPROVE ACCEPTANCE OF NUTRITION GRANT; \$121,812

A motion was made by Commissioner Hale, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve acceptance of COA Nutrition Grant in the amount of \$121,812. The match on this grant is met by providing transportation.

COA – APPROVE ACCEPTANCE OF SENIOR RX GRANT; \$20,848

A motion was made by Commissioner Allen, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to approve acceptance of COA Senior Rx Grant in the amount of \$20,848. This grant has no match.

SHERIFF – APPROVE REQUEST FOR ADDITIONAL FUNDS NEEDED IN THE JAIL BUDGET FOR ELECTRICITY AND SALARIES; \$10,000

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen, all members voting affirmatively and so carried to approve request for additional funds needed in the jail budget for electricity and salaries. \$10,000 will be transferred from fund balance.

APPROVE AUTHORIZATION OF COUNTY ATTORNEY TO WORK WITH MARSHALL COUNTY PERSONNEL BOARD TO RESOLVE THE PART-TIME ISSUE AS IT RELATES TO SCHOOL RESOURCE OFFICERS

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen, all members voting affirmatively and so carried to approve authorization of County Attorney Maze to work with Marshall County Personnel Board to resolve the part-time issue as it relates to school resource officers. The goal is to create a special category in the employee handbook regarding these specific employees. Currently the officers are part-time employees but need to be able to work the full school day for the 180 school days.

DISCUSSION

Chairman: He and the County Administrator met with the bonding company and are moving forward on the bond issue. They are currently awaiting the bond rating.

District 1: They have started on the second ATRIP resurfacing project which is the southern portion of Warrenton Road.

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District 4: Mrs. Hale congratulated Charles Whisenant on his promotion to editor.

ADJOURNMENT

There being no further business; a motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale and so carried to adjourn.

MEETING ADJOURNED

James Hutcheson, Chairman

William H. Stricklend, District 1 Commissioner

absent

R.E. Martin, District 2 Commissioner

C.W. "Buddy" Allen, District 3 Commissioner

Tamey Hale, District 4 Commissioner