

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, November 15, 2011 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Sonny Bryant, Alderman Miller, Gary Higdon, Jamie Tipton, and Marcus Manning. Alderman Lauderdale and Alderman Hobbs were absent. Alderman Manning arrived late.

Also present for the meeting were: City Clerk Katie Subia, City Attorney Kenny Stockton, Parks Director Dewayne Williams, City Engineer Joe Frank Lauderdale, Stan Elam, James Reeves, Henry Bailey, and Robert Long.

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### INVOCATION

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Alderman Higdon gave the invocation.

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### APPROVAL OF AGENDA

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Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the agenda after moving item # 5 to item # 12. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

November 15, 2011

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 91823 – 91980 less 91838
- 5) Approve Docket of Claims No.'s (Miller) 91838
- 6) Approve Minutes
- 7) Consent Agenda
  - A) Authorize Fire Chief Hubert Jones and Deputy Fire Chief Marshel Berry to attend the Mid-Winter Chief Conference in Flowood, MS, January 18<sup>th</sup>-20<sup>th</sup>, 2012, and authorize to issue checks for registration and travel expenses.
  - B) Authorize to pay the registration for Bob Barber and Shelly Johnstone to attend the Mississippi Chapter of the American Planning Association state conference in Greenwood, MS on November 29<sup>th</sup> and 30<sup>th</sup> (trip and travel expenses already approved)
- 8) Planning Commission
  - A) 11-11-SD3 – South Central Subdivision Section B – Application is to subdivide out one 25,000 square foot lot. Property is located on the west side of McIngvale and South of Commerce Street
  - B) 11-11-SD4- 1st Revision Watson Commercial Section B – Application is to subdivide lot 2 into 2 lots. Property is located on Pleasant Hill Road east of US 51.

- C) 11-11-SD5 – 2nd Revision Watson Commercial Section C – Application is to add .16 acres to lot 3 for a total of .38 acre. Property is located on the North side of Pleasant Hill Road and east of US 51.
- 9) Approve to pay Tellco, LLC for invoice number 2080 in the amount of \$10,500.00 (did not make it on the docket)
- 10) Approve final Subdivision street specs
- 11) Approve the Municipal Compliance Questionnaire
- 12) Adopt Resolution to borrow funds from the Utility fund for the General fund
- 13) Executive Session – Parks Personnel
- 14) Adjourn

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**APPROVE DOCKET OF CLAIMS NO.'S 91823 – 91980 LESS 91838**

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The Board of Aldermen were presented with a docket of claims No. 91823 – 91823 less 91838 in the amount of \$797,259.80 for approval.

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to approve the docket of claims for payment as presented. A vote was taken with the following results:

Those voting “Aye”: Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Bryant.

Those voting “Nay”: None.

ORDERED AND DONE this the 15<sup>th</sup> day of November, 2011.

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**APPROVE MINUTES**

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Motion was duly made by Alderman Higdon and seconded by Alderman Tipton to approve the minutes of the regular meeting held on November 1, 2011. A vote was taken with the following results:

Those voting “Aye”: Alderman Tipton, Alderman Bryant, and Alderman Higdon.

Those voting “Nay”: None.

Alderman Miller abstained from voting.

Mayor Johnson stated that we will move this item to the next Board Meeting due to a lack of a quorum.

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**CONSENT AGENDA**

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- A) Authorize Fire Chief Hubert Jones and Deputy Fire Chief Marshel Berry to attend the Mid-Winter Chief Conference in Flowood, MS, January 18<sup>th</sup>-20<sup>th</sup>, 2012, and authorize to issue checks for registration and travel expenses.
- B) Authorize to pay the registration for Bob Barber and Shelly Johnstone to attend the Mississippi Chapter of the American Planning Association state conference in Greenwood, MS on November 29<sup>th</sup> and 30<sup>th</sup> (trip and travel expenses already approved)

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to approve the consent agenda. A vote was taken with the following results:

Those voting “Aye”: Alderman Manning, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting “Nay”: None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

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**PLANNING COMMISSION**

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- C) 11-11-SD3 – South Central Subdivision Section B – Application is to subdivide out one 25,000 square foot lot. Property is located on the west side of McIngvale and South of Commerce Street
- D) 11-11-SD4- 1st Revision Watson Commercial Section B – Application is to subdivide lot 2 into 2 lots. Property is located on Pleasant Hill Road east of US 51.
- E) 11-11-SD5 – 2nd Revision Watson Commercial Section C – Application is to add .16 acres to lot 3 for a total of .38 acre. Property is located on the North side of Pleasant Hill Road and east of US 51.

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**11-11-SD3 – SOUTH CENTRAL SUBDIVISION SECTION B – APPLICATION IS TO SUBDIVIDE OUT ONE 25,000 SQUARE FOOT LOT. PROPERTY IS LOCATED ON THE WEST SIDE OF MCINGVALE AND SOUTH OF COMMERCE STREET**

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Bob Barber presented the information and stated that the Planning Commission approved this application.

Alderman Tipton asked if the street will be extended to go in front of that lot.

Bob Barber answered that the street will not be extended, they want to utilize the frontage and access the office, and because he wants to turn the road later in the future.

Alderman Higdon stated that if they decided to sell lots further down then that street would have to be extended.

Bob Barber answered yes, if they sold anything else other what is shown tonight, it will require street frontage.

Alderman Miller asked can you tell me why the Planning Commission recommended the City to take over that road.

Bob Barber answered that it was brought up in discussion, they didn't necessarily recommend the City taking over the street but that it be subject to appropriate testing before the City took it over. They had no issue on making that a public road if the Board saw fit to do so, and with the appropriate testing.

Alderman Miller asked what would be the advantage of doing that.

Bob Barber answered that it will have to be extended in the future to accommodate these other lots, and you may determine that there isn't an advantage.

Alderman Miller stated I don't think there is.

Alderman Higdon stated that it really depends on how all of that is developed.

Alderman Miller stated that he is talking about as it is right now, we can only speak to how it is right now.

Bob Barber stated that as it is right now, it services these two lots, but it would be exclusively served by this drive.

Alderman Miller stated that it is no different than Wal-Mart and the other places. The street services no business that is exists there, it is not a City Street. Based on the condition and the businesses there, I wouldn't see a need that the City taking over the street.

Mayor asked if there were any other questions.

Alderman Tipton asked if we were just approving tonight the subdivision adding lot 3.

Bob Barber answered that is for the 4<sup>th</sup> revision for South Central, adding that lot and then I guess you need to decide about the street.

Alderman Tipton stated that the street would be addressed later wouldn't it.

Bob Barber answered No sir, they are asking that you add the lot and include taking over this street as a public street, as shown on this plat.

Alderman Higdon asked if the utilities are already at the end of the street, plus about 40 or 50 feet.

Alderman Tipton stated that he doesn't see anything on the recommendation asking us to approve making that a City street.

Bob Barber answered that it is based on the way the plat is drawn.

Bob Barber asked Mr. Elam if he was correct in his statement, you are asking the City to make that a public street.

Mr. Elam answered yes.

Alderman Tipton stated that he just didn't see that on the recommendation/application.

Mayor Johnson asked Bob if he is saying by virtue of the way the plat is drawn.

Bob Barber answered yes.

Mr. Elam stated that the existing street was engineered and surfaced by Joe Frank Engineering, and inspections.

Bob Barber showed the original plat versus the new plat request, with the name of 'Future Street'. They anticipated a street there in the future, and they did build a drive. They want what they called a future street to become an existing public street.

Mayor Johnson asked if when the plat was originally approved if it was approved with the knowledge that that would become a future City street.

Alderman Tipton asked Stan Elam if there are curb and gutters on there.

Mr. Elam answered yes.

Alderman Tipton asked if Joe Frank has any concerns about that.

Joe Frank Lauderdale stated that it doesn't have road frontage on a city street. That would be why Mr. Elam is asking for approval.

Mayor Johnson stated that whatever that street name is would be the address of the new building.

Joe Frank Lauderdale answered yes, every business needs frontage on a City street.

Alderman Miller asked about the addresses for Dollar Tree and the other businesses in that strip. Stated that those do not front a City street. Businesses do not have to front a City Street for an address.

Joe Frank Lauderdale stated that they could give that lot an address without fronting a City street.

Mayor Johnson stated that generally speaking if you are subdividing and have individually owned lots, don't we put a City street through it. A shopping center is different than individually owned lots.

Alderman Miller based upon everything I don't see a need for taking in another street.

Alderman Tipton stated that I think it needs to be subject to testing to see if it is up to City standards. Can we approve the revision of the lot and wait on the testing on the street before we approve that. Can we approve the 4<sup>th</sup> revision of adding lot 3 and wait upon the results of the testing on the street to decide if we want to take that as a City street.

Bob Barber answered yes sir.

Kenny Stockton stated that you could take the street by a separate Board order.

Bob Barber stated that we would have to note the plat as approved with this being an egress/ingress easement.

Alderman Higdon asked how it is recorded right now.

Bob Barber answered that it is a future street.

Alderman Higdon stated, being used by those two tenants now, Captain D's and the tire store.

Bob Barber answered yes.

Alderman Tipton stated that once the rest of the subdivision is developed then that street will have to be an entrance for construction vehicles. I'm not sure we would want to take it in and maintain a construction street. I'm for approving lot 3, and to do some more study on the street.

Alderman Tipton asked if that will go ahead and let you do what you need to do.

Mr. Elam answered yes, and asked Bob if he could get building permits with that.

Bob Barber answered yes.

Alderman Tipton asked Mr. Elam if his main deal is to get ingress and egress to lot 3

Mr. Elam answered yes. Then asked in the future what will become of this easement or street. Would it have to stay an easement?

Alderman Tipton stated if it became a City street, it would no longer be called an easement. I would think that the next lot you sold, you would probably have to go ahead and extend that street, and you would probably want to go ahead and turn it behind Captain D's.

Mr. Elam asked if the Board thinking in terms of that being an easement or becoming a street.

Alderman Tipton stated that in the future becoming a street. Right now it would be an ingress egress.

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to approve the application for South Central subdivision section B to subdivide out one 25,000 square foot lot, leaving the street to be named future street / ingress/egress. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

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**11-11-SD4 – 1<sup>ST</sup> REVISION WATSON COMMERCIAL SECTION B – APPLICATION IS TO SUBDIVIDE LOT 2 INTO 2 LOTS. PROPERTY IS LOCATED ON PLEASANT HILL ROAD EAST OF US 51**

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Bob Barber presented the information and stated that the Planning Commission approved the application.

Mr. Reeves stated that the State is going to take part of the front lot on Old Hwy 51, so I decided to move the lots around for when they do that.

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to approve the application for the 1<sup>st</sup> revision of Watson Commercial Section B, to subdivide lot 2 into 2 lots. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

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**11-11-SD5 – 2<sup>ND</sup> REVISION WATSON COMMERCIAL SECTION C – APPLICATION IS TO ADD .16 ACRES TO LOT 3 FOR A TOTAL OF .38 ACRES. PROPERTY IS LOCATED ON THE NORTH SIDE OF PLEASANT HILL ROAD AND EAST OF US 51**

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Bob Barber presented the information and stated that the Planning Commission approved the application.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the application for the 2<sup>nd</sup> revision of Watson Commercial section C to add .16 acres to lot 3 for a total of .38 acres. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

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**APPROVE TO PAY TELLCO, LLC FOR INVOICE NUMBER 2080 IN THE AMOUNT OF \$10,500.00 (DID NOT MAKE IT ON THE DOCKET)**

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Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to approve to pay Tellco, LLC for invoice number 2080 in the amount of \$10,500.00. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

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**APPROVE FINAL SUBDIVISION STREET SPECS**

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Joe Frank Lauderdale presented the information.

Alderman Higdon asked if we added the one year, to item #28

Joe Frank Lauderdale answered that it is in #28 now as one year. We just began telling the developer after 75%.

Mayor Johnson stated that it has been addressed in the new #29. It says 75% or within 3 years.

Joe Frank Lauderdale answered yes. We asked which came first 75% or 1 year, and it looks like we will not do the one year or 75% because it looks like they aren't going to build that fast anymore. I asked Bob and he said 3 years.

Alderman Higdon stated that 3 years was a long time. In my opinion that's too long.

Mayor Johnson asked the Board if they had a consensus on what that time should be. Should it be 1, 2, or 3 years.

Alderman Miller stated that it couldn't be one because they are just getting started with construction.

Higdon stated that it couldn't be one

Tipton stated that he would cut it in half, a year and a half, 18 months.

Miller stated that we could live with 2 years.

Tipton stated that we are saying that but I think it depends on the subdivision. Think about Vaiden Ridge, how many homes have been built in there this past year.

Miller stated that if you look at the timeline, how many years was it from start to now.

Tipton stated that he understood, but if you are building \$300K yes, then if you are building \$120K/\$150K like what is in Vaiden Ridge in the last 12 months. The majority of them have been built in the past 12 months.

Mayor Johnson asked if he is saying that they will build faster.

Alderman Tipton stated that he doesn't have a problem with 1 ½ to 2 years.

Joe Frank Lauderdale stated that Laurel Wood subdivision wouldn't come close, they are bigger houses, bigger lots.

Alderman Higdon stated that 2 years is a good number.

Alderman Tipton stated to look at the one on Robinson, in the last 12 to 14 months there have been a lot of houses built in there.

Alderman Higdon stated that Vaiden Ridge and Grove Park have been the ones causing problems.

Mayor Johnson stated that he has heard the majority of the Board say that 2 years are good.

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to approve the final subdivision street specs with the change of the number of years from three to two, in the sentence on #29 to read "All construction required for the subdivision streets must be completed within two years from the date of the first lift of asphalt". A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

**APPROVE THE MUNICIPAL COMPLIANCE QUESTIONNAIRE**

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**Municipal Compliance Questionnaire**

As part of the municipality's audit, the governing authorities of the municipality must make certain assertions with regard to legal compliance. The municipal compliance questionnaire was developed for this purpose.

The following questionnaire and related certification must be completed at the end of the municipality's fiscal year and entered into the official minutes of the governing authorities at their next regular meeting.

The governing authorities should take care to answer these questions accurately. Incorrect answers could reduce the auditor's reliance on the questionnaire responses, resulting in the need to perform additional audit procedures at added cost.

**Information**

*Note: Due to the size of some municipalities, some of the questions may not be applicable. If so, mark N/A in answer blanks. Answers to other questions may require more than "yes" or "no," and, as a result, more information on this questionnaire may be required and/or separate work papers may be needed.*

1. Name and address of municipality: City of Hernando  
475 W Commerce St Hernando, MS 38632
2. List the date and population of the latest official U.S. Census or most recent official census:  
2011 - 14,090
3. Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney).  
List Attached
4. Period of time covered by this questionnaire:  
From: 10-1-10 To: 9-30-11
5. Expiration date of current elected officials' term: 6-30-13

**IV-B0**

**MUNICIPAL COMPLIANCE QUESTIONNAIRE**  
Year Ended September 30, 20\_\_

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<br>_____ |
| 2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27)  | Y<br>_____ |
| 3. Are municipal records open to the public? (Section 25-61-5)  | Y<br>_____ |
| 4. Are meetings of the board open to the public? (Section 25-41-5)  | Y<br>_____ |
| 5. Are notices of special or recess meetings posted? (Section 25-41-13)   | Y<br>_____ |
| 5. Are all required personnel covered by appropriate surety bonds?  | Y<br>_____ |
| · Board or council members (Sec. 21-17-5)   |            |
| · Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter)  | Y<br>_____ |
| · Municipal clerk (Section 21-15-38)  | Y<br>_____ |
| · Deputy clerk (Section 21-15-23)   | Y<br>_____ |
| · Chief of police (Section 21-21-1)   | Y<br>_____ |
| · Deputy police (Section 45-5-9) (if hired under this law)  | Y<br>_____ |
| 7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19)  | Y<br>_____ |
| 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<br>_____ |
| 9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53)   | Y<br>_____ |
| 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<br>_____ |
| 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<br>_____ |

**IV-B1**

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

IV-B2

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|--|------------|
| 11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11)  | Y<br>_____ |
| 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<br>_____ |
| 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<br>_____ |
| 14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363)   | Y<br>_____ |
| 15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323)  | Y<br>_____ |
| 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<br>_____ |
| 17. Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide)  | Y<br>_____ |
| 18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41?  | Y<br>_____ |
| 19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41)   | Y<br>_____ |
| <b>PART III - Purchasing and Receiving</b>   |            |
| 1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)]   | Y<br>_____ |
| 2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)]   | Y<br>_____ |
| 3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)]   | Y<br>_____ |
| 4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23)  | Y<br>_____ |

**IV-B3**

**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<br>_____   |
| 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<br>_____   |
| 3. | Have the required trust funds been established for utility revenue bonds? (Section 21-27-65)   | N/A<br>_____ |
| 4. | Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317)                                    | Y<br>_____   |
| 5. | Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5)   | Y<br>_____   |

**PART V - Taxes and Other Receipts**

- |    |  |              |
|----|--|--------------|
| 1. | Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167)  | Y<br>_____   |
| 2. | Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53)  | Y<br>_____   |
| 3. | Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63)                                       | N/A<br>_____ |
| 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<br>_____   |
| 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<br>_____   |
| 6. | Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5)            | Y<br>_____   |
| 7. | Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1)            | Y<br>_____   |
| 8. | Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37)      | Y<br>_____   |

**IV-B4**

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
13. Has the municipality determined the full and complete cost for solid waste for the previous fiscal year? (Section 17-17-347) Y
14. Has the municipality published an itemized report of all revenues, costs and expenses incurred by the municipality during the immediately preceding fiscal year in operating the garbage or rubbish collection or disposal system? (Section 17-17-348) N
15. Has the municipality conducted an annual inventory of its assets in accordance with guidelines established by the Office of the State Auditor? (MMAAG) Y

IV-B5

**IV-B6**

**City of Hernando**  
**Certification to Municipal Compliance Questionnaire**  
**Year Ended September 30, 2011**

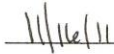
We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of Hernando, and, to the best of our knowledge and belief, all responses are accurate.

  
 \_\_\_\_\_

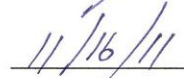
Katie Subia, City Clerk

  
 \_\_\_\_\_

Chip Johnson, Mayor

  
 \_\_\_\_\_

Date

  
 \_\_\_\_\_

Date

Minute Book References:

Book Number \_\_\_\_\_

Page \_\_\_\_\_

(Clerk is to enter minute book references when questionnaire is accepted by board.)

IV-B7

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to approve the Municipal Compliance Questionnaire. A vote was taken with the following results:  
 Those voting "Aye": Alderman Tipton, Alderman Manning, Alderman Bryant, Alderman Miller, and Alderman Higdon.  
 Those voting "Nay": None.  
 ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.



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**ADOPT RESOLUTION TO BORROW FUNDS FROM THE UTILITY FUND FOR THE  
GENERAL FUND**

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**RESOLUTION TO BORROW FUNDS FROM THE UTILITY FUND TO  
THE GENERAL FUND IN ANTICIPATION OF TAXES**

WHEREAS, the City of Hernando, a lawful municipality of the State of Mississippi, is acting pursuant to the power and authority vested to the governing authorities to borrow money for the current expenses of such municipality in anticipation of the ad valorem taxes to be collected for the current fiscal year pursuant to Section 21-33-325 of the Mississippi Code of 1972, Annotated, as Amended; and

WHEREAS, the City of Hernando has a need to borrow funds from the municipal Utility Fund Treasury account to pay current expenses in the General Fund; and

WHEREAS, the amount to be borrowed shall not exceed fifty percent (50%) of the anticipated, but uncollected, revenue to be produced by the current tax levy, against which such money is borrowed; and

WHEREAS, the City of Hernando has the authority to set the interest rate.

BE IT RESOLVED, that the City of Hernando, acting through its Mayor and Board of Aldermen, has determined the need to borrow for the General Fund, Three-Hundred Thousand Dollars (\$300,000.00), at zero interest, for a period not to exceed repayment by March 15, 2012. Said funds shall be transferred from the Utility Fund to the General Fund as needed.

Motion was duly made by Alderman Higdon, seconded by Alderman Tipton to adopt the foregoing "Resolution to Borrow Funds from the Utility Fund in Anticipation of Taxes. A roll call vote was taken with the following results:

Those voting "Aye": Alderman Manning, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting "Nay": None.

WITNESS our signatures on this the 15<sup>th</sup> day of November, 2011.

ATTEST:

\_\_\_\_\_  
Chip Johnson, Mayor

\_\_\_\_\_  
Katie Subia, City Clerk

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**APPROVE DOCKET OF CLAIMS NO.'s (MILLER) 91838**

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Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 91838 in the amount of \$36,199.76 for approval.

Motion was duly made by Alderman Manning, and seconded by Alderman Bryant to approve the docket of claims for payment as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

**GO INTO CLOSED SESSION**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to go into closed session to determine if an executive session for parks personnel is needed. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

**GO INTO EXECUTIVE SESSION – PARKS PERSONNEL**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to go into executive session for Parks personnel. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

**COME OUT OF EXECUTIVE SESSION – PARKS PERSONNEL**

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Motion was duly made by Alderman Tipton, and seconded by Alderman Miller to come out of executive session for Parks personnel. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

**PARKS PERSONNEL**

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Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to suspend Quamin Moore for one day without pay. A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 15<sup>th</sup> day of November 2011.

**ADJOURN**

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There being no further business at this time a motion was duly made by Alderman Lauderdale, seconded by Alderman Bryant to adjourn.

Motion passed with a unanimous vote of "Aye".

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MAYOR CHIP JOHNSON

ATTEST:

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KATIE SUBIA, CITY CLERK