

SEPTEMBER 20, 2022

REGULAR MEETING

SEPTEMBER 20, 2022

Be It Remembered that a Regular Meeting of the Mayor and Board of Aldermen of the City of Batesville was held on the third Tuesday afternoon of September, being the 20th day of September 2022, at 2:00 p.m., when and where were present the following, to-wit:

Mayor Hal Ferrell; Aldermen Stan Harrison, Dennis Land, Bill Dugger, Teddy Morrow and Bobby Walton. Also present were: City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief Police Kerry Pittman; Assistant Chief of Police George Williford; Blake Mendrop of Mendrop Engineering Resources; Chief Building Official Andy Berryhill; Fire Chief Tim Taylor; Deputy Chief David Tarver; Parks and Recreation Director Heath Fullilove; Assistant City Clerk Shonnah Weaver and Jeremy Weldon of The Panolian.

Public Works Director David Karr was present via phone.

A quorum being present, the meeting was duly opened by the Mayor and, after the invocation given by Angela Hubbard, the following business was taken up.

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the agenda of September 20, 2022, was approved.

SEPTEMBER 20, 2022

CITY OF BATESVILLE BOARD MEETING

SEPTEMBER 20, 2022

2:00 P.M. | CITY HALL

AGENDA

CALL TO ORDER: Mayor Hal Ferrell

INVOCATION: Angela Hubbard

MAYOR’S WELCOME STATEMENT: “To all in attendance, pursuant to Order by the Board of Aldermen, adopted on March 1, 2022, in order to address the Mayor and Board of Aldermen, you must be on the agenda.”

CONFIRMATION OR AMENDMENT TO THE AGENDA

PROCLAMATION/RECOGNITION

MINUTES OF PRIOR MEETINGS

- 1. Regular Meeting – September 6, 2022
- 2. Adjourned Meeting – September 13, 2022

CONSENT AGENDA

- 1. Approval for Telecommunicators Shamelda Wilbourn and Dawn Mitchell to attend the Basic Certification Course for Dispatchers October 10-14, 2022, in Batesville at the Public Works Building. Registration fee: \$395.00 each. No cost for lodging, meals or travel.
- 2. Approval for Andy Berryhill to attend the MEMA Floodplain Management L273 Course: Managing Floodplain Development through NFIP in Byram, Mississippi, October 24-28, 2022. There is no cost for registration. Test fee: \$185.00 plus lodging, per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.
- 3. Approval for Andy Berryhill to attend the Building Officials Association of Mississippi 2022 Winter Conference in Natchez, Mississippi, November 30-December 2, 2022. Registration: \$200.00 plus lodging, per diem for meals and milage if necessary. Reimburse travel expenses if necessary.

PAY REQUEST AGENDA

- 1. Approval of Pay App #3 in the amount of \$377,917.98 to be made to Brocato Construction Co., Inc. in connection with the Sanitary Sewer & Force Main Project.
- 2. Approval of Pay App #3 in the amount of \$10,417.10 to be made to Tocowa Electric Co., Inc. in connection with the Public Works Shop.
- 3. Approval of Pay App #1 in the amount of \$23,959.00 to be made to Kline Mechanical Systems, Inc. in connection with the Public Works Shop - HVAC.

SEPTEMBER 20, 2022

4. Approval of invoice in the amount of \$131,835.00 to be made to Caldwell Insurance, Inc. (Travelers Insurance) for Workers Compensation Renewal (10/1/2022-10/1/2023)

HUMAN RESOURCES

1. Approval to accept the resignation of fireman Garrett Radicioni, effective September 23, 2022.
2. Approval to accept the resignation of Street Department employee Erick Gleaton, effective September 21, 2022.

BIDS RECEIVED

1. Tasers
2. Food & Beverage – Civic Center

VISITORS

1. Edna Richardson
2. Percy Bruce, Barbara Bruce, JaVida Jones
3. Latorria Moore

PERMANENT VISITORS

- Panola Partnership
- North Delta Planning and Development
- Mendrop Engineering Resources
- Panola County Board of Supervisors and department heads
- State or Federal legislators representing any part of Panola County
- Any person engaged in contractual business with the City of Batesville
- The Panolian Jeremy Weldon or his proxy

REPORT OF DEPARTMENT HEADS

- **CHIEF BUILDING OFFICIAL – ANDY BERRYHILL**

1. Solar ordinances

- **CHIEF OF POLICE – KERRY PITTMAN**

1. Month report

- **CITY ATTORNEY – COLMON MITCHELL**

1. Executive Session – Covenant Logistics Appeal

SEPTEMBER 20, 2022

- **CITY CLERK – SUSAN BERRYHILL**

1. Approval for monthly transfers & appropriations
2. Approval for all full-time employees to receive 4% cost of living increase plus longevity, as proposed in the budget, effective September 22, 2022.
3. Approval for the attached list of city employees to receive an increase in their respective salaries as proposed in the budget, effective September 22, 2022. (See attached)
4. Surplus property

- **FIRE CHIEF – TIM TAYLOR**

1. Executive Session – personnel matter

- **PUBLIC WORKS DIRECTOR – DAVID KARR**

1. Basketball court lighting at Patton Lane Park
2. Waived fee at the Civic Center – SPSD JROTC drill meet
3. Emergency certification – Wastewater Treatment Plant - \$67,076.36

OTHER MATTERS BY MAYOR OR ALDERMAN:

1. Mayor - Court collection contract

MATTERS UNDER ADVISEMENT:

EXECUTIVE SESSION

1. David Karr – request to hire & personnel matter (Street Department)
2. Tim Taylor – personnel matter (promotion)
3. Colmon – Covenant Logistics Appeal

ADJOURNMENT

IN RE: APPROVAL OF MINUTES

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, the minutes of the September 6, 2022, regular meeting, and the minutes of the September 13, 2022, adjourned meeting, were approved.

SEPTEMBER 20, 2022

IN RE: SIGNATURE SHEET FOR MEETING OF SEPTEMBER 20, 2022

Board Meeting
September 20, 2022
Signature Sheet
PLEASE PRINT NAME CLEARLY

Please print name clearly Georg Williford

Please print name clearly Jim Whitaker

Please print name clearly Angela Hubbard

Please print name clearly Robert Richardson

Please print name clearly Edna Richardson

Please print name clearly Kerry Pittman

Please print name clearly HEATH Fulllove

Please print name clearly Mrs. Barbara A.M. Bruce

Please print name clearly Mr. Percy F. Bruce

Please print name clearly Josida L. Bruce-Smes

Please print name clearly Josh Hawkins

Please print name clearly Gloria Tucker

Please print name clearly Blake Mendez

Please print name clearly Andy Beughill

Please print name clearly T. Taylor

Please print name clearly Brad Greer

Please print name clearly David Tarrar

Please print name clearly Latoria Moore

SEPTEMBER 20, 2022

IN RE: APPROVAL OF CONSENT AGENDA

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the following matters and items on the consent agenda be and they are hereby approved:

1. Approval for Telecommunicators **Shamelda Wilbourn** and **Dawn Mitchell** to attend the Basic Certification Course for Dispatchers October 10-14, 2022, in Batesville at the Public Works Building. Registration fee: \$395.00 each. No cost for lodging, meals or travel.
2. Approval for **Andy Berryhill** to attend the MEMA Floodplain Management L273 Course: Managing Floodplain Development through NFIP in Byram, Mississippi, October 24-28, 2022. There is no cost for registration. Test fee: \$185.00 plus lodging, per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.
3. Approval for **Andy Berryhill** to attend the Building Officials Association of Mississippi 2022 Winter Conference in Natchez, Mississippi, November 30-December 2, 2022. Registration: \$200.00 plus lodging, per diem for meals and milage if necessary. Reimburse travel expenses if necessary.

IN RE: APPROVAL OF PAY REQUEST AGENDA

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the following matters and items on the pay request agenda be and they are hereby approved:

1. Approval of Pay App #3 in the amount of \$377,917.98 to be made to Brocato Construction Co., Inc. in connection with the Sanitary Sewer & Force Main Project.
2. Approval of Pay App #3 in the amount of \$10,417.10 to be made to Tocowa Electric Co., Inc. in connection with the Public Works Shop.
3. Approval of Pay App #1 in the amount of \$23,959.00 to be made to Kline Mechanical Systems, Inc. in connection with the Public Works Shop.
4. Approval of invoice in the amount of \$131,835.00 to be made to Caldwell Insurance, Inc. (Travelers Insurance) for Workers Compensation Renewal (10/1/2022-10/1/2023)

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IN RE: APPROVAL OF HUMAN RESOURCES AGENDA

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the following matters and items on the Human Resources agenda be and they are hereby approved:

1. Approval to accept the resignation of fireman Garrett Radicioni, effective September 23, 2022.
2. Approval to accept the resignation of Street Department employee Erick Gleaton, effective September 21, 2022.

SEPTEMBER 20, 2022

IN RE: BIDS RECEIVED - TASERS

This day the Mayor and Board of Aldermen received sealed competitive bids for tasers, pursuant to advertisement made in the manner and for the time provided by law as evidenced by a copy attached hereto. Mayor Ferrell found that there were no bids received.

ADVERTISEMENT FOR SEALED BIDS

The Mayor and Board of Aldermen of the City of Batesville, Mississippi, will receive sealed bids for the purchase from the City of Batesville, Mississippi, 17 used Taser X26 until noon, central daylight savings time, on the 20th day of September, 2022. The bids may be mailed to the City of Batesville at P. O. Box 689, Batesville, Mississippi 38606, or delivered to the City of Batesville at 103 College Street, Batesville, Mississippi 38606. Bids received after noon, central daylight savings time, on the 20th day of September, 2022, will not be considered.

The tasers may be inspected at the Batesville Police Department at 106 College Street. Batesville, Mississippi 38606. Bid forms may be picked up at the Batesville Police Department. The tasers will be sold only to a business that purchases, refurbishes, and distributes the Taser X26 and is duly licensed to do so. The successful bidder, on its bid, must represent and warrant to the City of Batesville, Mississippi, the foregoing facts and agree that it will not dispose of or sell the tasers except on the secondary market to governmental law enforcement.

The Mayor and Board reserve the right to reject any and all bids and to waive any informalities in the bids or the bidding process.

This the 16th day of August, 2022.



(SEAL)
Post in three (3) places in the City of Batesville, Mississippi: City Hall, Panola County Courthouse, and the Batesville Code Office

CITY OF BATESVILLE, MISSISSIPPI

By: Hal Ferrell
Hal Ferrell, Mayor

This day the Mayor and Board of Aldermen received sealed competitive bids for food & beverage service at the Batesville Civic Center, pursuant to advertisement made in the manner and for the time provided by law as evidenced by a copy of Proof of Publication attached hereto. Mayor Ferrell, having read aloud said bids, found that the following bids were received and are on file in the Office of the City Clerk.

Having heard all bids received, upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the bids be and they are hereby taken under advisement.

**The Panolian:
Aug. 17 and 24, 2022
PROPOSALS**

SEPTEMBER 20, 2022

IN RE: NOISE COMPLAINT

The Mayor recognized Edna Richardson who appeared before the Mayor and Board of Aldermen complaining about excessive noise in her neighborhood.

No action was taken.

IN RE: CITIZEN CONCERNS

The Mayor recognized Percy Bruce, Barbara Bruce and JaVida Jones who appeared before the Mayor and Board of Alderman voicing their concerns regarding safety of citizens in Wards 2 and 3.

No action was taken.

IN RE: AMERICAN CANCER SOCIETY CANCER WALK

The Mayor recognized Latorria Moore who appeared before the Mayor and Board of Aldermen requesting the use of the walking trail at Trussell Park on Sunday, October 23, 2022, for the American Cancer Society Cancer Walk from 3:00 p.m. until 6:00 p.m.

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that the above request be and it is hereby approved.

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IN RE: APPROVAL FOR APPROPRIATIONS AND MONTHLY TRANSFERS

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, the Board approved the following appropriations and monthly transfers:

010-005-609	Panola County Civil Defense	Donation	\$3,000.00	Monthly Appropriation
090-090-609	Main Street	Donation	\$25,000.00	Annual Appropriation
090-090-609	Springfest	Donation	\$25,000.00	Annual Appropriation
010-005-609	Panola Partnership	Donation	\$16,666.67	Monthly Appropriation
010-005-609	Panola Partnership	Donation-Spe Events	\$59,000.00	Annual Appropriation
010-310-609	First Regional Library	Donation	\$19,600.00	Monthly Appropriation
010-255-609	Panola County Humane Society	Animal Shelter	\$8,000.00	Annual Appropriation
010-005-609	Grace Place	Donation	\$7,500.00	Annual Appropriation
010-105-660	District Attorney Office	Rent	\$350.00	Monthly Appropriation
010-305-660	American Legion	Lease - January	\$1,000.00	Annual Appropriation
010-255-660	Dennis Lott	Rubbish Site - May	\$3,000.00	Annual Appropriation
010-005-660	Royce Cobb-Cobb River Farm	Land Rent I55 Sign - Jan.	\$1,000.00	Annual Appropriation
430-680-941	Gas Deprecation		\$1,000.00	Monthly Transfer
405-655-805/810	AMR	Radio Read - Water	\$4,443.71	Monthly Transfer
405-660-805/810	Covenant Crossing	Sewer Project	\$2,290.17	Monthly Transfer

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IN RE: COST OF LIVING AND INDIVIDUAL SALARY INCREASE

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, the Board approved a four percent (4%) cost of living increase plus longevity for all full-time city employees excluding all part-time employees and fire department personnel and further ordered that the following city employees receive an increase in their respective salaries in the amount set opposite their names, as proposed in the FY 2022-2023 budget, effective September 22, 2022:

DEPT / STATUS		LAST NAME, FIRST NAME	RAISE
2080 ADM	FIRE	INMAN, TRAVIS	2.00
2080 ADM	FIRE	SNYDER, JAMES	2.00
CDL Class B	STREET	BOBO, KENYA	2.50
	STREET	BURKS, CHARLES	1.00
FOREMAN	STREET	COLE, EDDIE	1.25
	STREET	COOPER, MICHAEL	1.00
	STREET	FAULKNER, KENDRON	1.00
	STREET	FAULKNER, LATAVIUS	1.00
	STREET	FLOWERS, AUNDRA	1.37
	STREET	GILES, AQUINO	1.00
	STREET	JACKSON, JOHNATHAN	1.00
CDL Class B	STREET	JOINER, PATRICK	3.00
	STREET	KING, RANDY	1.12
CDL Class B	STREET	MARKET, JUSTIN	1.45
	STREET	PATTERSON, BRANDON	1.00
	STREET	PERRY, CEDRIS	1.00
	STREET	ROBISON, CURTIS	1.00
	STREET	SANFORD, LARRY	1.00
	STREET	SCOTT, MELVIN	1.00
CDL Class B	STREET	SHEILDS, MARCUS	2.74
	STREET	TAYLOR, BRANDON	1.00
	STREET	THOMAS, CLEVELAND	1.73
	SANITATION	CALVIN, KEVIN	1.73
	SANITATION	GLEATON, JOLIAN	1.00
	SANITATION	JEFFERSON, WESLEY	1.00
	SANITATION	KINDY, DENARRIUS	1.00
Assistant	P&R (4/14/16)	BUTLER, WALTER	2.00
	SALARY	FULLILOVE, HEATH	1.00
	SALARY	BERRYHILL, SUSAN	1.00
	WATER	ROPER, CINDY	2.00
Assistant	WATER	JAUDON, TAYLOR	2.00
	SALARY	BENSON, NEWT	1.00
	SALARY	SNIDER, GARY	1.00
Assistant	GAS	CALDWELL, DARRIEL	2.00
CDL Class B	GAS	RED, JEREMY	2.47
Assistant	GAS	WEAVER, SHONNAH	2.50

SEPTEMBER 20, 2022

IN RE: SURPLUS PROPERTY – SUPERVISION & FINANCE

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the following Resolution was adopted:

RESOLUTION

BE IT RESOLVED that the following equipment is obsolete and is not needed for municipal purposes and therefore, the equipment should be and is hereby declared to be surplus property and further ordered that said equipment, having no value, shall be disposed of as junk, described as follows, to-wit:

1. COMPUTER TOWER
INTEL CORE I3- 7TH GENERATION
S/N# 1703530504896170
2. RECEIPT PRINTER
2261521050600113C
MODEL# SP700
3. RECEIPT PRINTER
2261521010600002C
MODEL# SP700
4. LENOVO – THINK CENTRE
1150C649966ZVJ8AK5150MV
5. ADTRAN MODEM
4243908F5
6. TELTREND MODEM
MODEL# 295
7. USROBOTICS FAX MODEM
3ABLX7IH3385
MODEL# 5686
8. HYPEREDGE MODEM
D400IKR78AA
DTWA-528-02
9. CISCO 837 MODEM
FHK084830ZV
MODEL : SERIES 800A

SEPTEMBER 20, 2022

**IN RE: APPROVAL TO OBTAIN SPECIFICATIONS/QUOTES – PARK
 LIGHTING**

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that Public Works Director David Karr be and he is hereby authorized to obtain specifications and quotes for the basketball court lighting at Patton Lane Park and the tennis court lighting at Trussell Park.

**IN RE: BATESVILLE CIVIC CENTER - SOUTH PANOLA SCHOOL DISTRICT-
 JROTC DRILL MEET**

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Dugger and second of Alderman Morrow and unanimously carried upon the affirmative vote of all Aldermen present, the following Resolution was adopted:

RESOLUTION

WHEREAS, the South Panola School District [“Applicant”] has filed an Application under the City’s Batesville Civic Center Reduced Fee Policy [“Policy”] as set forth in the Resolution adopted by the Mayor and Board of Aldermen on July 7, 2015, and of record in Minute Book V-2 at Page(s) 460-462; and

WHEREAS, the Mayor and Board of Aldermen do hereby find and determine that the event [JROTC Drill Meet] to be held by the Applicant on November 5, 2022, qualifies for a no fee under the Policy as authorized by Section(s) 21-17-1(3)(a)(i) of the Mississippi Code of 1972, and all amendments thereto and will promote and advance the civic, social, educational, cultural and moral welfare of the City and bring into favorable notice its opportunities and resources.

NOW, THEREFORE, BE IT RESOLVED as follows:

1.

That the foregoing recitations are true and correct.

2.

That the Applicant be and is hereby granted a no fee as provided by the Policy.

RESOLVED this the 20th day of September, 2022.

SEPTEMBER 20, 2022

**IN RE: APPROVAL OF PAYMENT FOR EMERGENCY REPAIR –
 WASTEWATER TREATMENT PLANT**

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, the following Resolution was adopted:

**RESOLUTION APPROVING AND RATIFYING THE EMERGENCY REPAIR OF
TWO PUMPS AT THE WASTEWATER TREATMENT PLANT
AND FURTHER AUTHORIZING PAYMENT THEREFOR**

WHEREAS, Public Works Director David Karr, of the City of Batesville, Mississippi, has advised the Mayor and Board of Aldermen of the City of Batesville that under conditions determined to be an emergency, the two (2) pumps located at the Wastewater Treatment Plant were repaired by Gulf States Engineering, Co., Inc. for a total of \$67,076.36 and submitted a Certificate of Emergency Purchase or Repair setting out the facts of the afore said matter which is attached hereto and incorporated herein by reference; and

WHEREAS, the Mayor and Board of Aldermen do hereby find and determine that the two (2) pumps located at the Wastewater Treatment Plant were in a state of disrepair and had to be repaired immediately in order to avoid conditions that would be detrimental to the public health, welfare and safety of the citizens of Batesville and that said circumstances constituted an emergency under Sections 31-7-1(i) and -13(k) of the Mississippi Code of 1972, as amended:

NOW, THEREFORE, BE IT RESOLVED the matters set out by the Certificate of Emergency Purchase or Repair are true and correct and that:

1. The Mayor and Board of Aldermen do hereby find and determine that an emergency did in fact exist in regard to the repair of said pumps located at the Wastewater Treatment Plant so that delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority of the City of Batesville, Mississippi, and to the public health, welfare and safety of the citizens of Batesville, Mississippi, and, accordingly, the provisions for competitive bidding contained in Sections 31-7-1, et seq., Mississippi Code of 1972, and all amendments thereto, did not apply to said purchase.

2. The Mayor and Board of Aldermen do hereby ratify, confirm and approve the repair of the two (2) pumps located at the Wastewater Treatment Plant by Gulf States Engineering Co., Inc. for the sum of \$67,076.36.

3. The Mayor and Board of Aldermen of the City of Batesville, Mississippi, do hereby approve and authorize the payment of the sum of \$67,076.36 to Gulf States Engineering Co., Inc. in connection with the repair of the aforesaid pumps at the Wastewater Treatment Plant.

RESOLVED, this the 20th day of September, 2022.

SEPTEMBER 20, 2022

CERTIFICATION OF EMERGENCY PURCHASE OR REPAIR

This Certification must be completed, signed, and presented to the Mayor and Board of Aldermen at the Board Meeting next following the emergency purchase or repair set out herein.

On or about the 11th day of April 2022, I determined that an emergency existed in regard to the purchase and/or repair set out below so that the delay incident to giving opportunity for competitive bidding would be detrimental to the Mayor and Board of Aldermen of the City of Batesville.

Describe in detail and include all information mentioned:

1. (a) Description of the commodities purchased, (b) seller, (c) when, and (d) the price:

2- 30HP Submersible pumps
Gulf State Engineering Co.
April 11th 2022
\$6,076.34

2. (a) Repairs made, (b) by whom, (c) when, and (d) the price:

Gulf State Engineering and Plant Removal
April 12, 2022 0

3. I have approved the bill for the commodities and/or repair and a copy of the bill is attached to this Certification.

4. The nature of the emergency was as follows (describe in full and why you believe it was an emergency):

Failure on (2) of the (3) Submersible influent
pumps to wastewater treatment plant. Without immediate
repair, sewage would back up into homes in lower
lying areas.

Circle the number of the appropriate items in the list below that you believe are most

applicable to the situation as you assessed it:

1. Any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection.
2. Any circumstances caused by an inherent defect due to defective construction.
- ☒ 3. The immediate preservation of order and public health was necessary by reason of an unforeseen emergency.
- ☒ 4. The immediate restoration of a condition of usefulness of a public building, equipment, a road or a bridge appeared advisable.
- ☒ 5. There was a failure of equipment used and useful in the distribution of water or natural gas or in the transportation or treatment of sewage.
- ☒ 6. The delay incident to obtaining competitive bids would cause adverse impact upon the Mayor and Board of Aldermen of the City, City employees, or the citizens of the City.

I certify that the above and foregoing is true and correct.

Date: 9/8/22

David Karr
 SIGNATURE

David Karr
 (PRINT NAME OF THE PERSON SIGNING)

POSITION: Director of Public Works

SEPTEMBER 20, 2022

17961 PAINTERS ROW COVINGTON, LA 70435 Phone: 985-893-3631		Gulf States Engineering Engineered Products for Process and Power Co., Inc.		INVOICE				
P.O. BOX 52511 LAFAYETTE, LA 70505-2511		WWTP		Number 109822 Date 08/09/2022 Page 1				
BQ-to: 1509 CITY OF BATESVILLE ATTN: ACCOUNTS PAYABLES POST OFFICE BOX 689 BATESVILLE, MS 38606		Ship-to: 01 CITY OF BATESVILLE WASTEWATER TREATMENT PLANT 341 PANOLA AVENUE BATESVILLE, MS 38606						
Reference #	Shipped	Salesperson	Terms	Tax Code	Doc #	un	Freight	Ship Via
4713	04/12/2022	62 PAUL GAVIN	NET 30 DAYS	484	089351	07	PREPAID	AAA COOPER
Item	Description	Ordered	Shipped	Backorder	un	Price	un	Extension
Ordered By DAVID KARR								
3171-185-0253	NP434-6 30/460/3 50' FLS FV +SB3 - FLYGT S/N 2180030 S/N 2180051	2	2	0	BA			
1400000407129	MINI-CAS 120V	2	2	0	BA			
<div>RECEIVED AUG 09 2022 CITY OF BATESVILLE</div> <div>AUG 22 2022</div>								
Merchandise		Misc	Discount	Tax	Freight	Total Due		
66590.00		.00	.00	.00	488.36	67076.36		
CUSTOMER ASSUMES LIABILITY FOR ALL SALES TAXES								
Do not write below this line			Original			... Last Page		



SEPTEMBER 20, 2022

IN RE: **APPROVAL OF COURT COLLECTION CONTRACT**

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the court collection contract between the City of Batesville and ADELA, Inc. be and it is hereby approved with changes made by the Legal Department. A copy of said contract along with the changes are on file in the Office of the City Clerk and copies follows:



Agreement for Collection Services

THIS AGREEMENT, made and entered into on this 25th day of July in the year 2022 between **ADELA, INC** hereinafter called **COLLECTOR**, and **the CITY OF BATESVILLE**, hereafter called **CLIENT**.
WHEREAS, **CLIENT** desires from time to time during the term of this Agreement to submit to **COLLECTOR** for collection certain claims, accounts, or other evidences of indebtedness, and
WHEREAS, **COLLECTOR** desires to provide **CLIENT** with collection services with respect to said claims, accounts, or other evidences of indebtedness.
NOW THEREFORE, for and in consideration of the mutual covenants hereinafter set forth, it is mutually agreed by and between the parties hereto that all actions taken by **CLIENT** and **COLLECTOR** pursuant to this Agreement shall be in accordance with the following Terms and Conditions

Terms and Conditions

- 1.0 All claims referred by **CLIENT** to **COLLECTOR** will be handled on a contingency fee basis with commission rates on all monies collected after claims are placed with **COLLECTOR** as follows:
- COLLECTION FEES** (as outlined in the Mississippi Code of 1972):
- | | |
|---|-----|
| Accounts with address inside the State of Mississippi | 25% |
| Accounts who live outside the State of Mississippi | 50% |
| Accounts advancing to Legal status: | 50% |
- No legal action will be taken on an account without written authorization of **CLIENT**. **CLIENT** will advance all court costs. All payments will be credited toward the court cost and remitted to **CLIENT** until paid before any payments are placed on the unpaid balance.
- 1.1 **COLLECTOR** shall remit a monthly statement, including monies collected and due to **CLIENT**. In addition, **COLLECTOR** will furnish collection activity reports to **CLIENT** at the end of each month.
- 1.2 After an account is referred to **COLLECTOR**, the **CLIENT** understands commission will be paid to **COLLECTOR** for any reduction in the balance of an account regardless of the source. **CLIENT** also agrees to report payments or balance reductions credited to the unpaid balance received in their office at least once a week. If an unreported payment is found through debtor contact, an additional fee of 15% will be added to the commission fee on that account. **CLIENT** agrees to periodically review payment reporting procedures with office personnel.
- 1.3 **COLLECTOR** agrees that all activities of service for **CLIENT** shall be carried out in compliance with all applicable federal, state, and local laws. **COLLECTOR** further agrees that all service activities shall be conducted peaceably and to only assign employees who are trained to the extent necessary to insure that all collection activities undertaken are, and will be, in full compliance with all local, state, and federal law.

Initial

SEPTEMBER 20, 2022

ADELA AGENCY
Collection Contract
Page 2

- 1.4 *CLIENT* hereby warrants that all claims forwarded to *COLLECTOR* will be **valid and legally enforceable debts** and *CLIENT* has complied with all applicable federal, state, and local laws with respect thereto prior to the referral of said claims to *COLLECTOR*. Further, *CLIENT* agrees to provide, when requested to do so by *COLLECTOR*, a written verification of a bad debt claim. *Client* warrants that none of the claims submitted by *CLIENT* to *COLLECTOR* are violative of the applicable statute of limitations.
- 1.5 Claims requiring legal action will be handled by *COLLECTOR* only with the prior authorization of *CLIENT*. *CLIENT* agrees to provide proof of claim of the debt and court cost. The first payments received on the debt shall be credited toward the *CLIENT'S* court costs to such time as the *CLIENT'S* court cost fees are reimbursed.
- 1.6 Compromise settlements will not be made on accounts without prior approval of *CLIENT*.
- 1.7 *CLIENT* agrees to discontinue the mailing of monthly statements from their office to prevent debtor confusion. *CLIENT* further agrees to notify *COLLECTOR* **immediately** upon receipt of any and all correspondence pertaining to a referred account including but not limited to **bankruptcy notices, attorney letters, dispute letters, insurance rejections, or similar matters of importance**.
- 1.8 An account cannot be recalled if an account is in legal status which includes a filing for judgment or garnishment.
- 1.9 *COLLECTOR* agrees to indemnify, defend and hold *CLIENT* harmless from any and all losses, damages, claims and/or causes of action for any kind or character arising out of or relating to any service or collection activity performed by or at the direction of *COLLECTOR*. *CLIENT* agrees to indemnify, defend and hold *COLLECTOR* harmless from any and all losses, damages, claims and/or causes of action as a result of any action or lack of action taken by the *CLIENT* pertaining to any and all claims referred to *COLLECTOR* for the purpose of recovering delinquent debts.
- 1.10 *COLLECTOR* agrees not to disclose any information on accounts referred to collection by the *CLIENT* to any third party and agrees to require all of its employees not to disclose such information, with the exception of submitting account information to a credit reporting agency in order for the past due debt to be placed on the consumer's credit file. In addition, *COLLECTOR* will not disclose information about the *CLIENT* to a third party without express permission of the *CLIENT*.
- 1.11 *COLLECTOR* agrees to provide insurance coverage for its collection activities contemplated by this Agreement. This provision shall survive any termination of this Agreement.
- 1.12 *COLLECTOR* agrees to obtain all necessary licenses or other approval from any and all agencies, boards, officials, departments, or other government or regulatory bodies in any jurisdiction, which *COLLECTOR* engages in collection activities.
- 1.13 This contract will be in force for a period of three (3) years from the date the contract was executed and shall thereafter be automatically renewed for successive three (3) year periods upon the anniversary date of the signing. This contract may be terminated after the initial 3 year period by either par

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ADELA AGENCY
Collection Contract
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- ty provided a written notification of intention to not renew the contract is received at least 60 days prior to the renewal date. All accounts withdrawn may be subject to a 4% fee for account processing and work performed in the attempt to collect the account.
- 1.14 It is understood and agreed that *COLLECTOR'S* services are made available and provided as an "independent contractor" only, and that *CLIENT* does not engage or appoint *COLLECTOR* as its employee in connection with such services.
- 1.15 By signing this agreement, *CLIENT* also consents to *COLLECTOR* communicating with *CLIENT* by fax, email, or any other form of delivery of written communications. *COLLECTOR* hereby consents to the same from *CLIENT*.
- 1.16 This Agreement shall be governed by the laws of the State of Mississippi and the forum for any contest or enforcement hereof shall be Forrest County, Mississippi.
- 1.17 Should the *CLIENT* elect to terminate this agreement, then the *COLLECTOR* shall be entitled to recover any and all funds expended by it for the postage, fees, or any other expense incurred by *COLLECTOR* in the collection of any and all claims, accounts, or other evidences of indebtedness.

THIS AGREEMENT, Consists of 3 pages including the **TERMS AND CONDITIONS**, and constitutes the entire Agreement between the parties hereto and cannot be amended, modified or canceled in any respect except by an amendment in writing signed by both parties.

CITY OF BATESVILLE

By: _____
Mayor Hal Ferrell

By: _____
Susan Berryhill, City Clerk

By: _____
Alli E. Payne, Court Clerk

Address: P O Box 689, Batesville, MS 38606

Telephone: 662-563-4576

Contact Person: Alli Payne, Court Clerk

Telephone: 662-563-6645

Email: courtclerk@batesville.ms

Phys Add: 103 College Street, Batesville, MS 38606

ADELA, INC

By: _____

Print: Karan R. McGee

Title: President

P.O. Box 1745, Hattiesburg, MS 39403 - 1745

601-583-5445 Lacy Young, operations

601-583-5494. Fax

601-606-7940 Karan McGee

Emails:

Billing, listing, or account questions: operations@adelainc.com

Other questions: karan@adelainc.com

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Guidelines for **Municipal Utility** Account Referral

Thank you for choosing the Adela Agency as your partner in account recovery. In order to serve you effectively and efficiently, we submit the following information regarding account referral procedures and your responsibilities in the collection process. By following these guidelines, you will enhance the recovery of your delinquent accounts.

Referral Procedures and Policies

When referring your accounts, please furnish as much of the information listed below as possible. The more information we have, the greater the chance of collecting the past due amount. Many clients furnish a copy of the customer registration form or credit application, unless they are automated and this information is on a printout. You may create an Excel spreadsheet which includes the needed information and email this file to our office for listing. We are always here to help you. You may call Lacy, our Operations Manager at 601-583-5445 for assistance.

FILE INFORMATION NEEDED FOR REFERRAL	
1. Starting Account Balance at last date of service	13. Name of any co-signer
2. Full Name of Customer	14. Co-signer Social Security Number
3. Current Address of Customer	15. Co-signer Date of Birth
4. Indicate if Mail has Returned	16. Your Account Number
5. Service Address of Customer	17. Cut off date
6. Employment of Customer	18. Final billing date
7. Social Security Number of Customer	19. Was Utility Deposit credited before referral?
8. Date of Birth of Customer	20. Dates and amounts of any payments or balance adjustments since cut off date.
9. Home Phone Number	21. Dates and amounts of any charges or fees added to the balance since cut off date. This includes collection fees if added
10. Work Phone Number	22. Current account balance to be listed for collection.
11. Cell Phone Number	23. Do you have permission to email this customer? If so, provide email address.
12. Do you have permission to call the customer's cell phone?	24. Do you have permission to text this customer? If so, provide authorized cell phone number.

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Guidelines for Municipal Fine Account Referral

Thank you for choosing the Adela Agency as your partner in account recovery. In order to serve you effectively and efficiently, we submit the following information regarding account referral procedures and your responsibilities in the collection process. By following these guidelines, you will enhance the recovery of your delinquent accounts.

Referral Procedures and Policies

When referring your accounts, please furnish as much of the information listed below as possible. The more information we have, the greater the chance of collecting the past due amount. Many clients furnish a copy of the customer registration form or credit application, unless they are automated and this information is on a printout. You may create an Excel spreadsheet which includes the needed information and email this file to our office for listing. We are always here to help you. You may call Lacy, our Operations Manager at 601-583-5445 for assistance.

FILE INFORMATION NEEDED FOR REFERRAL	
1. Full Name of Consumer	12. Court date or date fine was levied
2. Street Address of Consumer	13. Citation Number
3. City, State, Zip of address	14. Warrant issued? Yes or No
4. Cell Phone Number	15. State Assessment Fee(s)
5. Indicate if permission to call was given	16. Amount of City Fine(s)
6. Home Telephone Number	17. Total Collection fees added and date added
7. Employment of Consumer	18. Total of all fees and assessments
8. Phone Number at Employment	19. Dates and amounts of any payments or balance adjustments since fine was levied
9. Date of Birth	20. Current Balance to be listed for collection
10. Social Security Number	21. Do you have permission to email this customer? If so, provide email address.
11. Email address	22. Do you have permission to text this customer? If so, provide authorized cell phone number.

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COMMENTS ON PROPOSED COLLECTION CONTRACT
WITH ADELA

September 9, 2022

Parties to the Contract: Adela, Inc. ["Collector"] and the City of Batesville ["Client"]

This Comments on Proposed Collection Contract with Adela will refer to the Contract by paragraph numbers in the Contract.

- 1.0 Strike "all monies collected" and replace it with "delinquent municipal court fines and assessments" (exclusive of the amounts due in addition to the delinquent fine and assessments due", referred to in Attorney General's Opinions as surcharge).
- 1.0 Delete "accounts advancing to legal status: 50%". There is no legal authority for this (21-17-1(6)).
- 1.0 Delete "all payments will be credited . . . unpaid balance." and replace with the entire amount of all delinquent payments collected shall be delivered to the Client and shall not be reduced by any collection cost or fees.
- 1.1 Collector shall remit a monthly itemized statement . . .
- 1.2 Client agrees to report payments or balance reductions . . . " Is this burdensome to the City?
- 1.2 Delete the sentence that contains a 15% commission (no legal authority for the 15% added commission fee).
- 1.5 Delete the second sentence "The first payments received on the debt . . ." (See 1.0)
- 1.8 Delete this.
- 1.9 Delete "client agrees to indemnify defendant and hold Collector harmless . . ." or if it must be in there then make it subject to the extent allowed by Mississippi law.
- 1.10 Add this to 1.10: The Collector will hold all information and documents in confidence and will not disclose such information or produce such documents without the written

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consent of the Client. Under no circumstances shall Social Security numbers be disclosed.

- 1.12 Change "or" to "and". State "in Mississippi" and in any other jurisdiction, in which Collector engages in collection activities under this Contract. Add this: The Collector represents and warrants to the Client that it is registered with the Mississippi Secretary of State and is in good standing with the Mississippi Secretary of State.
- 1.13 The Mayor and the Board should discuss this and address the duration of the Contract, renewals, if any, and termination of the Contract. Whatever the Mayor and Board decide. The last sentence providing for a 4% processing fee must be deleted. (No statutory authority.)
- 1.14 Perhaps to make it stronger say in the sentence that the Collector is not the employee of the Client. The Collector and the Client are not partners, they are not in an employee/employer relationship, they are not engaged in a joint venture, they are not in a principal/agent relationship. There is no relationship between the Collector and the Client. The Collector is an independent contractor.
- 1.16 Replace what is written with the following: This Agreement shall be governed by and interpreted by the laws of the State of Mississippi excluding the conflict of laws provisions, and the jurisdiction and venue for any litigation pertaining to this Contract shall be in the appropriate state court in the Second Judicial District of Panola County, Mississippi.
- 1.17 Delete this paragraph.

In the closing unnumbered statement delete "including the terms and conditions". Also delete from that same paragraph "or canceled".

Add to the paragraph the following:

1. The Collector shall enter into a good and sufficient bond payable to the Client in the following amount. The bond shall be issued by a company authorized to do business in the State of Mississippi and listed in the United States Treasury Department's list of acceptable sureties.
2. Neither the Client nor any officer or employee of the Client shall be liable, civilly or criminally, for any wrongful or unlawful act or omission of the Collector or the Collector's employees and agents. Add this at Paragraph 1.9.
3. Delinquent payments collected shall be settled to the Client.

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IN OPEN SESSION

Alderman Harrison moved that the meeting be closed to determine whether or not the Mayor and Board of Aldermen should declare an executive session. Thereafter, upon the affirmative votes of Aldermen Walton, Land, Dugger, Morrow and Harrison it was ordered that the meeting be closed in order to determine whether or not the Board should declare an executive session.

IN THE CLOSED MEETING

Mayor Ferrell announced that the meeting is closed to determine whether or not the Mayor and Board of Aldermen should declare an executive session. Present in the closed meeting were: Mayor Hal Ferrell; Aldermen Land, Harrison, Dugger, Morrow and Walton; City Attorney Colmon Mitchell; Assistant City Attorney Ryan Revere; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

On motion made by Alderman Dugger, seconded by Alderman Morrow, and unanimously carried upon the affirmative votes of Aldermen Land, Walton, Dugger, Morrow and Harrison it was ordered that the Mayor and Board of Aldermen go into executive session in order to discuss personnel matters in the Street Department and Fire Department; Covenant Logistics Appeal; litigation and utility billing problem.

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IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen will go into executive session for the purpose of discussing personnel matters in the Street Department and Fire Department; Covenant Logistics Appeal; litigation and a utility billing problem and that the total vote on the motion to go into executive session was five (5) aldermen in favor and no aldermen opposed. Those present in the open meeting were Mayor Ferrell; Aldermen Harrison, Land, Dugger, Morrow and Walton; City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Assistant City Attorney Ryan Revere; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

IN EXECUTIVE SESSION

Mayor Ferrell announced that the Mayor and Board are in executive session. Those present in executive session were Mayor Ferrell; Aldermen Harrison, Walton, Dugger, Morrow and Land; City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Assistant City Attorney Ryan Revere; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

There came on for discussion the personnel matters in the Street Department. (Public Works Director David Karr was present by phone for this part of discussion.)

There next came on for discussion the personnel matter in the Fire Department. (Fire Chief Tim Taylor and Deputy Fire Chief David Tarver were present for this part of discussion.)

There next came on for discussion the Covenant Logistics Appeal.

There next came on for discussion the litigation matter.

There next came on for discussion the utility billing problem.

The executive session was concluded and the Mayor and Board went into open meeting.

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IN OPEN MEETING

The Mayor announced that the Mayor and Board are now in open meeting. Those present were Mayor Ferrell; Aldermen Land, Harrison, Dugger, Morrow and Walton; City Attorney Colmon Mitchell; Assistant City Attorney Ryan Revere; City Clerk Susan Berryhill; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

IN RE: APPROVAL TO OFFER EMPLOYMENT –STREET DEPARTMENT

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that Victor Ellis be and he is hereby offered full-time employment in the Street Department at a rate of \$12.00 per hour, contingent upon him accepting the offer and undergoing a medical exam and a drug and alcohol test and being free of drugs and cleared for employment pursuant thereto, and that said offer of employment expires on October 3, 2022, at midnight if not accepted.

IN RE: APPROVAL TO TERMINATE EMPLOYMENT – STREET DEPARTMENT

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that Street Department employee Brandon Taylor be and he is hereby terminated for cause, effective immediately for the reasons discussed in Executive Session and set out in the written notice and as set out in his personnel file.

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IN RE: APPROVAL OF PROMOTION - FIRE DEPARTMENT

Upon motion of Alderman Dugger and second of Alderman Walton and upon unanimous vote taken, it was ordered that Jordan Inman be and he is hereby promoted to Driver/Operator, with an increase in salary of from \$12.91 per hour to \$14.49 per hour, effective September 22, 2022.

IN RE: UTILITY BILLING

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that, due to a utility software billing issue, the east side utility bills due date is hereby extended until September 30, 2022, and further ordered that the west side utility bills, due October 10, 2022, will be estimated.

*No action was taken on the Covenant Logistics appeal and the litigation matter.

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OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Chief of Police Kerry Pittman provided a copy of the monthly police report to the Mayor and Board of Aldermen.
2. Mayor Hal Ferrell stated that speed limits need to be adjusted within the new city limits on Highway 6 east and west. Chief of Police Kerry Pittman to contract Mitch Turner of the Mississippi Department of Transportation.

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 2:00 o'clock a.m., Tuesday, October 4, 2022, at the City Hall at 103 College Street, Batesville, Mississippi.

In accordance with Section 25-41-7, Mississippi Code of 1972, as amended, a notice of said regular meeting has been posted in the City Hall and a copy of said notice follows these minutes.

Mayor

Clerk of the Mayor and Board of Aldermen
Of the City of Batesville, Mississippi

SEPTEMBER 20, 2022

NOTICE OF PLACE, DATE, HOUR AND SUBJECT MATTER
OF A REGULAR MEETING OF THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, MISSISSIPPI

The regular meeting of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, shall be held on the following subject matter at the following place, date, and hour, to-wit:

Place: City Hall, 103 College Street, Batesville, MS 38606

Date: On the 4th day of October, 2022

Hour: 2:00 p.m.

Subject Matter: To transact any and all business that may be transacted at the regular meeting of the Mayor and Board of Aldermen on the first and third Tuesdays of each month.

The meeting may be conducted through teleconference or video means. Participation is available to the general public at said location.