

INTERLOCAL AGREEMENT BETWEEN
JONES COUNTY, MISSISSIPPI, THE CITY OF LAUREL,
AND
THE CITY OF ELLISVILLE, MISSISSIPPI,
CREATING AN ORGANIZATION AND ITS GOVERNING BODY TO
PROVIDE ESSENTIAL EMERGENCY MANAGEMENT AND OTHER SERVICES
AND FACILITIES WITHIN JONES COUNTY, MISSISSIPPI,
THE CITIES OF LAUREL AND ELLISVILLE, MISSISSIPPI

WHEREAS, pursuant to the authority of Section 33-15-1, et seq., Mississippi Code of 1972 Annotated, as amended, Jones County and the City of Laurel originally entered into an Interlocal Agreement, referred to as the Emergency Management (Civil Defense) Agreement of Jones County and the City of Laurel on December 15, 1986, as reflected by Minute Book 53, page 525, of the Jones County Board of Supervisors, and Minute Book 54, pages 55-61 of the City of Laurel, which agreement was amended on August 7, 2000, by the Jones County Board of Supervisors (MB 126, pages 671-682) and on August 8, 2000, by the City of Laurel (MB 77, pages 636-638); and

WHEREAS, pursuant to the provisions of the aforesaid agreements, the Emergency Management Council was organized and continues to operate as the coordinating agency for all activity in connection with disaster planning and operations in Jones County, and the City of Laurel, Mississippi, performing emergency management services in

accordance with the State Emergency Management Plan and Program; and

WHEREAS, pursuant to the authority of Sections 19-5-303, et seq., Jones County Board of Supervisors created and established the Jones County Emergency Communications District on August 3, 1987, by order in Minute Book 59, page 9. Thereafter, the voters of Jones County approved the E-911 surcharge in the general election on November 3, 1987, and, there is now in place and operation an Enhanced 911 Emergency Telephone System in Jones County, Mississippi, including radio transmission towers, with each governing unit, "County", "Laurel" and "Ellisville", operating and maintaining separate and individual systems; and

WHEREAS, by order on the 18th day of April, 2001, (MB 132, page 58), the Jones County Board of Supervisors abolished the Board of Commissioners for Emergency Communications for the Emergency Communications District for Jones County (E 911 Service), and pursuant to Section 19-5-307, Mississippi Code of 1972, Annotated, as amended, Jones County Board of Supervisors serves as the Board of Commissioners, with all duties and powers; and

WHEREAS, Jones County has the authority to own real property for the purpose hereof pursuant to Sections 19-7-

1, 19-5-313, 33-15-1, et seq. of the Mississippi Code of 1972, Annotated, as amended. Through the joint efforts of Jones County Board of Supervisors, the City of Laurel, Mississippi, and the Jones County Emergency Communications District, a building has been constructed upon "County" property for facilities for the emergency management agency, commonly known as civil defense, and Enhanced Emergency Communications (commonly known as E911), including emergency radio and telephone dispatching services incident to fire and police departments, designated as The Andy Dial Emergency Operations Center; and

WHEREAS, one of the statutory purposes of E911 Commission is to reduce the time required for a citizen to request and receive emergency aid and for the development of county or district communications and paging systems used primarily for the alerting and dispatching of public safety entities and for other administrative costs such as management personnel, maintenance personnel and related building and operational requirements; and

WHEREAS, the Jones County Board of Supervisors and the City of Laurel have considered the terms of the aforesaid Amended Interlocal Agreement, and after careful consideration, desire to amend the aforesaid Amended

Interlocal Agreement as to Emergency Management (Civil Defense) of Jones County and the City of Laurel, by adopting this Amended Interlocal Agreement in order to

(1) Include the City of Ellisville as a party to this Interlocal Agreement, and

(2) Include emergency communications (E-911) services, including radio and telephone dispatching services incident to public safety entities, such as fire and police departments, and NCIC services,

to make the most efficient use of available resources for mutual advantage of all parties by (1) the joint creation of an organization to provide emergency management and communications services and facilities (E-911), including emergency radio and telephone dispatching service, in a manner which will best fill the needs of all of the local communities and by (2) the joint creation of a governing body to provide policy guidance and direction for said organization.

NOW, THEREFORE, this Amended Interlocal Agreement is entered into on this the 4th day of September, 2001, between JONES COUNTY, MISSISSIPPI, by and through the JONES COUNTY BOARD OF SUPERVISORS, (hereinafter referred to "COUNTY"), the Council of THE CITY OF LAUREL (hereinafter referred to as "LAUREL"), and the Board of Alderman of THE CITY OF

ELLISVILLE, MISSISSIPPI (hereinafter referred to as "ELLISVILLE"), as follows:

1. PURPOSE:

It is the purpose of this agreement for the local governmental units of Jones County, the City of Laurel, and the City of Ellisville, Mississippi, to make the most efficient use of available resources on a basis of mutual advantage by (1) the joint creation of an organization to provide emergency management and communications services and facilities (E-911), including emergency radio and telephone dispatching service, in a manner which will best fill the needs of all of the local communities and by (2) the joint creation of a governing body to provide policy guidance and direction for said organization.

2. LOCAL AUTHORITIES:

(a) Mississippi Emergency Management Law (Section 33-15-17 et seq., Mississippi Code 1972, Annotated), authorizes and allows Jones County, the City of Laurel, Mississippi, and the City of Ellisville, Mississippi, acting jointly, to establish a local organization for emergency management.

(b) Section 19-5-301, et seq., Mississippi Code of 1972, Annotated, as amended, authorizes the establishment of the Jones County Emergency Communications District, and

prescribes that the affairs of such district shall be governed by the Jones County Emergency Communications District, whose members are the Jones County Board of Supervisors.

(c) Sections 21-21-3, and Section 21-25-3, Mississippi Code of 1972, Annotated, as amended, authorizes municipalities, City of Laurel, Mississippi, and City of Ellisville, Mississippi, to provide police and fire protection, and as incident hereto, emergency radio and telephone dispatching service.

(d) Section 17-13-7, Mississippi Code of 1972, Annotated, as amended (Interlocal Cooperation Act of 1974), provides that any power, authority or responsibility exercised or capable of being exercised by a local governmental authority may be exercised and carried out jointly with any other local governmental unit.

3. AGREEMENT BY GOVERNING AUTHORITIES:

The undersigned governing authorities hereby agree to the terms specified herein. As used in this agreement, the term "governing authorities" means the Board of Supervisors of Jones County, the Mayor and City Council of the City of Laurel, Mississippi, and the Mayor and the Board of Aldermen of the City of Ellisville, Mississippi. By joint resolution of these governing authorities and any other

governing authority of any other adjacent county, that county may become a party to this agreement and participate in the Emergency Management District under the terms of Section 33-1-17, et seq, Mississippi Code of 1972, Annotated, as amended.

4. ORGANIZATION CREATED:

As a matter of mutual advantage, the governing authorities of Jones County, the Cities of Laurel and Ellisville, Mississippi, acting jointly, hereby create a local organization for emergency management and emergency communications (E911) services, including emergency radio and telephone dispatching services, under the provisions of Sections 33-15-17, 21-21-3, 17-13-7, et seq., Mississippi Code of 1972, Annotated, as amended.

5. TITLE:

The title of the organization herein created shall be "The Emergency Management District of Jones County", hereinafter referred to as "The Emergency District". "The Emergency District" shall be governed by The Emergency Management Council, hereinafter referred to as "Council".

All rights, obligations and property of the existing Emergency Management Council (Civil Defense) of Jones County and the City of Laurel are transferred to The Emergency Management District of Jones County.

All rights, obligations and property of the existing Jones County Emergency Communications District (E911), including all rights and obligations under that certain Interlocal Agreement with the Jones County Volunteer Fire Council, are transferred to **The Emergency Management District of Jones County.**

6. **INTENT, PURPOSE AND FUNCTIONS:**

It is the intent and purpose of this agreement to establish, consolidate and coordinate a department and office that will insure the complete and efficient utilization of all of the County, Laurel and Ellisville facilities to prepare for and combat emergencies and disasters, including, but not limited to, emergency management and emergency communications (E911), and to consolidate and coordinate radio and telephone dispatching service for the Enhanced 911 Emergency Telephone Service, incident to public safety entities, such as fire and police departments, including a consolidated NCIC system, operating in the Jones County Emergency Communications District, composed of all of the territory of Jones County, Mississippi, including the City of Laurel and the City of Ellisville. "The Emergency District" will be the coordinating agency in connection with disaster planning and operations and Enhanced 911 Emergency Telephone Service

(E911). "The Emergency District" will be the instrument through which the County, Laurel and Ellisville and other political sub-divisions may exercise the authority and discharge the responsibilities vested in them by the Mississippi Emergency Management Act.

This agreement will not relieve any County or City Department of the moral responsibilities or authority given to it by the State statutes, City Resolutions, Local Ordinances, nor will it adversely affect the work by any Volunteer Agency organized for relief in disaster emergencies.

The functions of The Emergency District shall be to perform emergency management services in accordance with the State Emergency Plan and Program, to implement and maintain an county-wide enhanced emergency communications system (E911), and to fulfill other responsibilities as assigned by competent authority, all within the territorial limits of Jones County, Mississippi, to include all municipalities within Jones County. The Jones County Emergency Communications District, and the Emergency Communications Departments of the Cities of Laurel and Ellisville, Mississippi, are specifically designated as falling within the purview of The Emergency District, which, through the Council, shall also perform all duties

and responsibilities pursuant to Section 19-5-301, et seq., Mississippi Code of 1972, Annotated, as amended.

7. GOVERNING BODY CREATED:

The governing board of The District shall be the "Emergency Management Council", hereinafter referred to as the "Council". Members of the Council shall be appointed by the governing authorities of Jones County, the City of Laurel, Mississippi, and the City of Ellisville, Mississippi, as provided herein. The power of management, direction and control of The Emergency District is hereby vested in the Council whose domicile shall be the offices of The Andy Dial Emergency Operations Center in Laurel, Mississippi, or any other location within the territorial limits of The District as may be designated by joint resolution of the governing authorities.

8. COMPOSITION OF THE COUNCIL:

Members of the Council shall serve without compensation. The provisions of Mississippi Code 1972, Annotated, as amended, Section 33-15-21, pertaining to immunity, and any other statutes or case law which provide immunity, shall apply to members of the Council in the performance of their duties. The composition of the Council shall be as follows:

(a) Nine (9) individuals specified below are hereby designated as voting members of the Council. Appointees and representatives shall be identified as such in writing to the Council President and shall serve in that capacity for the term of the appointing official.

- (1) One (1) appointee of Jones County Board of Supervisors, who shall be the President of the Jones County Board of Supervisors.
- (2) One (1) appointee of Jones County Board of Supervisors, who shall be the Vice-President of the Jones County Board of Supervisors.
- (3) One (1) appointee of the Council of the City of Laurel, Mississippi, who shall be the Mayor of the City of Laurel, Mississippi.
- (4) One (1) appointee of the Council of the City of Laurel, Mississippi, who shall be the President of the Council of the City of Laurel, Mississippi.
- (5) One (1) appointee of the Board of Aldermen of the City of Ellisville, Mississippi, who shall be the Mayor of the City of Ellisville, Mississippi.
- (6) Sheriff, Jones County, Mississippi.
- (7) Chief of Police, City of Laurel, Mississippi.
- (8) County Administrator, Jones County, Mississippi.
- (9) One (1) appointee, who shall be appointed by the Jones County Board of Supervisors from the county at large.

(b) In addition, there shall be an Advisory Board composed of eight (8) members, who shall serve in an advisory capacity with no voting rights. Individuals specified below are hereby designated as members of

the Advisory Board of the Council. Appointees and representatives shall be identified as such in writing to the Council President and shall serve in that capacity as to needs and concerns of the community for the term of the appointing official.

- (1) One (1) appointee from the City of Sandersville, Mississippi, to be appointed by the Board of Aldermen of the City of Sandersville.
- (2) One (1) appointee from the City of Soso, Mississippi, to be appointed by the Board of Aldermen of the City of Soso, Mississippi.
- (3) Three (3) appointees from Jones County, at large, to be appointed by the Jones County Board of Supervisors.
- (4) Two (2) appointees from the City of Laurel, at large, to be appointed by the Council of the City of Laurel.
- (5) One (1) appointee from the City of Ellisville, at large, to be appointed by the Board of Aldermen of the City of Ellisville.

(c) Additional Members: In the event an additional county or municipality joins with The Emergency District, each such county or municipality shall be represented on the Council by an appointee of the Board of Supervisors and the Sheriff of that county or by an appointee of the Board of Aldermen of the municipality, who shall serve in that capacity for the term of the appointing official.

9. QUORUM AND VOTING RIGHTS:

A majority of the Council membership shall constitute a quorum and all official action of the Council shall require a quorum. Each of the nine (9) members of the Council shall have one vote each.

Members of the Advisory Board shall have no voting rights. A majority of the members of the Advisory Board shall constitute a quorum.

10. MEETINGS:

The Council shall hold regular monthly meetings on the third Thursday of each month, at 2:00 o'clock p.m. in the Executive Boardroom of The Andy Dial Emergency Operations Center in Laurel, Mississippi. The Chairman or Vice-Chairman may call a special meeting at any time.

The Advisory Board may hold regular monthly meetings prior to the Council's regular monthly meetings.

Membership of the Advisory Board shall elect a Chairman from its membership. The Chairman may call a special meeting of the Advisory Board at any time.

11. DUTIES AND RESPONSIBILITIES:

The Council shall have the following duties and responsibilities:

- (a) The President of the Jones County Board of Supervisors shall be the Chairman of the Council, and the Mayor of the City of Laurel shall be the Vice-Chairman of the Council. The Council shall have the complete and sole authority to elect such other officers it may deem necessary from among the membership of the Council.

(b) Within the power and authority herein vested, the Council shall adopt By-Laws to govern its proceedings. All official actions of the Council shall be recorded in a Minute Book, which shall become a permanent record maintained in the principal offices of The Emergency District.

(c) The Council shall have the authority and responsibility to establish policies and procedures governing the activities and functions of The Emergency District as to emergency management and emergency communications (E911). Specific responsibilities include, but are not limited to:

(1) Implementing and maintaining the Mississippi Emergency Management Law as referenced above within the prescribed territorial limits of The Emergency District so as to provide the means to coordinate the effective, orderly and efficient response to any major emergency or disaster affecting the local area.

(2) The Emergency District will provide equipment and manpower to implement E911 services in County, Laurel and Ellisville, including, but not limited to, emergency radio and dispatching services incident to public safety entities, fire departments, police and law enforcement departments, including NCIC

services.

(3) In accordance with applicable state laws and as prescribed by the State Auditor, establish proper accounting books and records of all funds received by The Emergency District from any source. Insure accounting methods provide for the establishment of separate accountability of funds designated for special or restricted purposes. Review and approve expenditures of the Emergency District in accordance with applicable fiscal management laws and regulations and in accordance with properly approved budgets. All monies and funds shall be deposited in a Jones County depository, and claims shall be approved and paid in accordance with policies adopted by Council. All expenditures of monies and funds shall be subject to regular audit by the Department of Audit of the State of Mississippi and such other audit or audits as the Council may deem necessary or convenient. Require an annual audit of the financial books and records of The Emergency District be conducted following the end of each fiscal year and a copy of each audit report to be filed with each of the governing authorities.

(4) Establish policies and procedures for the procurement and use of supplies and equipment. Comply

with and operate under all applicable State laws governing purchases, bids and procurement, including, but not limited to, developing specifications, advertising for bids and awarding contracts, and entering into purchase or lease-purchase agreements for equipment for the use by The District or placed for use with any authorized person within its jurisdiction. This provision shall not authorize the Council to levy taxes, issue bonds of any kind or use any public funds, equipment, supplies or materials for any private purpose.

(5) Except as provided for hereinafter in the appointment of the Emergency Management Director, adopt the personnel policies in accordance with applicable Federal and State statutes to be applied to all employees of The Emergency District, including hiring and firing, compensation, benefits and grievances. Benefits available to employees of The Emergency District shall not be less than those benefits available to the employees of "County".

(6) Establish a property accountability and inventory control system for personal property acquired by and under the control of The District

which is in compliance with County and State laws and audit control procedures.

(d) The Council shall advise and recommend to the governing authorities those policies and actions which will enhance accomplishment of the general purposes of the Council. Specific activities include, but are not limited to:

(1) Develop and recommend to the governing authorities for approval an annual budget for The Emergency District, to include amounts for personal services, supplies, services and capital expenditures. Recommend the pro-rata share of the annual budget for each participating political subdivision and indicate other anticipated sources of revenue. Recommend to the governing authorities budget revisions which from time to time may be deemed necessary.

(2) Recommend plans and procedures governing official actions and the use of local government resources in time of major emergency or disaster.

(3) When requested, recommend the design, configuration, operation and maintenance of radio, telephone or other communications networks for local governmental entities.

12. ORGANIZATION AND STAFFING:

The Council shall appoint an Emergency Management Director in accordance with the provisions hereinafter set forth. The Emergency District shall be organized and staffed by the Emergency Management Director as approved by the Council. The employees of The Emergency District, to include the Emergency Management Director, Assistant Emergency Management Director, Administrative Assistant E911, and all other personnel relating to E911 and dispatching services, shall be considered employees of "COUNTY" for purposes of payroll administration only. Benefits applicable to employees of County will also be applicable to employees of The District, to include, but not be limited to group health and hospitalization insurance, retirement, workmen's compensation and social security (FICA) taxes. The Emergency District will make reimbursement to COUNTY at least quarterly for The Emergency District's share of any personal services costs borne by County. It is understood that this agreement to provide payroll administration will not affect the Emergency Management Council's ability to ascertain and determine salary adjustments for the Emergency District employees.

(a) EMERGENCY MANAGEMENT DIRECTOR:

The Council shall appoint an Emergency Management Director of The Emergency District.

(1) The Emergency Management Director shall have direct responsibility for the organization, personnel, administration and operation of The Emergency District in accordance with applicable Federal, State and local laws, and subject to the approval, direction, control and policies established by the Council. No person shall serve in such position as Emergency Management Director whose legal residence is not within the geographical boundaries of The Emergency District.

Having been properly appointed, the Emergency Management Director shall serve at the pleasure of Council and shall be compensated as determined by the Council, subject to its budget as approved by the governing authorities.

(2) The Director shall be responsible, but not necessarily limited to, the following duties:

a. For the organization, personnel, administration and operation of The Emergency District in accordance with applicable Federal, State and local laws, and subject to the direction, control and policies of the Council.

b. For the planning, coordination and operation of the emergency preparedness and operations activity of The Emergency District, including a comprehensive emergency management plan. Under the direction and supervision of the Council, he shall maintain liaison

with the State and Federal authorities and the authorities of other nearby political subdivision to insure the most effective implementation of the local disaster plan.

c. The recruitment of volunteer personnel and agencies to augment those of the political subdivision.

d. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings for sheltering the public during disaster conditions and to designate these buildings as public shelters, subject to the approval of the Council.

e. Establish a public information program which will inform the people of the actions required for the protection of their persons and property in case of disaster.

f. Conducting public practice alerts and tests to insure the efficient operations of the disaster forces and to familiarize residents with disaster regulations, procedures and operations.

g. Coordinating the activity of all other public and private agencies engaged in any disaster preparedness or operation activity.

h. Assuming such authority and conducting such activity as the Emergency Management Council may direct to promote and execute the local disaster plan and emergency communications.

i. Establish and maintain a reporting system to keep the Council informed on the emergency preparedness level in the political subdivisions at all times.

j. Maintain accurate records of all activities within his responsibility to be reviewed at the request of the Council.

k. Manage and assume all duties and responsibility with regard to management of the

functions of the enhanced emergency communications office and system.

(b) CHIEF ADMINISTRATIVE OFFICER:

The County Administrator for Jones County shall be the Chief Administrative Officer of the Council. All financial records, including, expenditures, employee leave time and payroll data shall be reviewed by The Chief Administrative Officer, who shall have the right to reject or approve same, prior to submission to the Council.

(c) Such other duties and responsibilities as may assigned by the Council.

13. DEFINITIONS:

In addition to Section 33-15-5, Mississippi Code of 1972, Annotated, as amended, the following definitions shall apply in the interpretation of this agreement:

(a) Emergency Management ("Civil Defense"), in its broad meaning, is to carry out governmental functions of maintaining the public peace, health and safety during an emergency. This shall include plans and preparations for mitigation, response, and recovery from the effects of an attack on the County, Laurel, or Ellisville by the forces of any enemy nation or the agents thereof, and it shall include such activity in connection with other disaster as

define herein. It shall not, however, include any activity that is the primary responsibility of the Military Forces of the United States.

(b) **"Attack"** shall mean a direct or indirect assault against the County, Laurel or Ellisville, Mississippi, its Government, its environs of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.

(c) **"Disaster"** includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, civil disorders, epidemic or other impending or actual calamity endangering health, life or property of constituted government.

(d) **"Emergency Forces"** shall mean the employees' equipment and facilities of all County, Laurel and Ellisville departments, boards, institutions and personnel, equipment and facilities distributed by or obtained from volunteer persons or agencies.

(e) **"Volunteer"** shall mean contributing a service, equipment or facilities to the emergency preparedness organization without remuneration.

(f) **"Disaster Volunteer"** shall mean any person duly registered, identified and appointed by the Emergency

Management Director and assigned to participate in the disaster preparedness or operational activity.

(g) **"Chief Administrative Officer"** shall mean the County Administrator of Jones County.

(h) **"Emergency Management Director"** shall mean the head of the Emergency Operations Office under the direction and control of The Emergency District.

(i) **"Regulations"** shall include plans, programs, and other emergency procedures deemed essential to disaster preparedness and operations.

14. **FINANCING:**

To meet its financial obligations, The Emergency District may receive funds from any legal source as provided for under appropriate legislation and all funds received shall be budgeted and accounted for as specified herein.

(a) After application of State and Federal funds received through participation in approved programs, grants and other activities and after application of approved portion of E-911 funds, the annual operating budget attributable to the Emergency Management Program and District (Civil Defense and Emergency Communications E911) shall be prorated among the governing jurisdictions as follows:

authorities. Specifically all prior ordinances and/or agreements pertaining to Civil Defense between the City of Laurel and Jones County are hereby terminated.

16. TERMINATION OR AMENDMENT:

This agreement maybe terminated or amended by official decision of the governing authorities of the participating political subdivisions. Upon partial termination, property assets of The Emergency District shall be maintained by The Emergency District for the benefit of the remaining participating jurisdictions. Upon complete termination, such assets shall be apportioned to the participating jurisdictions in an equitable manner as recommended by the Council and approved by the participating governing authorities.

This agreement may be cancelled at any time by either party giving ninety (90) days written notice to the other parties. Said notice of cancellation shall be given by certified mail, return receipt requested, to the following addresses:

County Administrator
Jones County Board of Supervisors
P. O. Box 1468
415 Fifth Avenue
Laurel, Ms. 39441-1468

authority to enter into and perform this agreement.

JONES COUNTY, MISSISSIPPI,
BOARD OF SUPERVISORS
(herein referred to as
"COUNTY")

Date: September 4, 2001

By: Andy Duff
President

ATTEST: Wayne Myrick
By: Jan Hughes, s.c.
Clerk

APPROVED: September 4, 2001
Minute Book 135, page ____

CITY OF LAUREL, MISSISSIPPI
(Herein referred to as
"LAUREL")

Date: Sept. 13, 2001

By: Susan Boone Vincent
Mayor

ATTEST: Mary Ann Hess
CITY CLERK

APPROVED: September 12th, 2001
Minute Book 79, page ____

CITY OF ELLISVILLE, MISSISSIPPI
BOARD OF ALDERMAN
(Herein referred to as
"ELLISVILLE")

Date: September 5, 2001

By: [Signature]
Mayor

ATTEST: Kathy Brewer
CITY CLERK

APPROVED: September 4, 2001
Minute Book 16, page ____