

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD AN EXECUTIVE SESSION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON APRIL 20, 2009 AT 5:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR CARL L SCOTT
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER
OTHERS	ERIC JONES

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

WHEREAS, MAYOR SCOTT REQUESTED AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO CLEAR THE ROOM IN ORDER TO DECIDE IF AN EXECUTIVE SESSION IS NEEDED. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REOPENED THE MEETING.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER MADE AMOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

NO OFFICIAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

THEREUPON, DUDLEY WAITS, 107 GREEN STREET, ADDRESSED THE MAYOR AND BOARD OF ALDERMEN DURING A PUBLIC HEARING TO TALK ABOUT HIS WATER BILL THAT WAS \$1,030.00 FOR THE MONTH OF FEBRUARY 2009. MR WAITS STATED THAT HE HAD HAD A WATER LEAK IN THE BACK YARD AND DID NOT KNOW IT. HE STATED THAT AS SOON AS HE FOUND THE LEAK HE FIXED IT AND SHOWED PICTURES TO THE BOARD. MR WAITS PRESENTED AN ATTORNEY GENERAL OPINION TO THE MAYOR AND BOARD OF ALDERMEN THAT SUPPORTED HIS CLAIM AND SHOULDN'T HAVE TO PAY THE HIGH WATER BILL.

SEE EXHIBIT "A"

ATTORNEY GENERAL OPINION

THEREUPON, ALDERMAN MOORE MADE A MOTION TO CUT THE WATER BILL TO WHAT IS AN AVERAGE MONTHLY WATER BILL, BASED ON THE PAST TWELVE MONTHS WHICH WOULD BRING HIS WATER BILL TO \$73.00 FOR THE MONTH OF FEBRUARY, 2009. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO GIVE A ONE-TIME FOREGIVENESS OF AN EXCESSIVE WATER BILL DURING THE HISTORY OF THE RESIDENT AT THE ADDRESS.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO PUT IN PLACE A POLICY TO ALLOW A ONE-TIME FOREGIVENESS OF AN EXCESSIVE WATER BILL DURING THE HISTORY OF THE RESIDENT AT THE ADDRESS. ALDERMAN STRINGER SECONDED THE MOTION.

SEE EXHIBIT "B"

POLICY

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN MOORE MADE AMOTION TO ADJOURN. ALDERMAN STRINGER SECONDED THE MOTION.

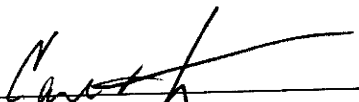
THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE


THEREBEING NO FURTHER BUSINESS, THE EXECUTIVE SESSION AND PUBLIC HEARING OF THE MAYOR AND BOARD OF ALDERMEN WAS ADJOURNED ON THIS THE 20TH DAY OF APRIL, 2009.



CARL L SCOTT
MAYOR

(SEAL)

ATTEST:



JEAN SHEE
CITY CLERK

EXHIBIT "A"

Westlaw

2007 WL 4192033 (Miss.A.G.)

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2007 WL 4192033 (Miss.A.G.)

Office of the Attorney General
State of Mississippi

Opinion No.
2007
-
00518

October 12, 2007

Re: Utility bill adjustment

Mr. Raymond M. Baum, Esq.
Attorney

Dear Mr. Baum:

Attorney General Jim Hood has received your request for an official opinion and has assigned it to me for research and response. Your letter reads and inquires, as follows:

I have been requested by the Mayor and Board of Alderman of the Town of Duck Hill, Mississippi to request an opinion from your office regarding the following matter:

1. May the Town of Duck Hill adjust a customer's bill for natural gas service when that customer has had a gas leak?

In response to your inquiry, it is clear that forgiveness of debts owed to a municipality is prohibited as such would amount to a violation of Mississippi Constitution Article 4, Section 100. MS AG Op., Kerby (December 5, 2003). We have consistently opined that while a municipality may not reduce or forgive a utility bill of a customer as a donation for the benefit of that customer, a municipality may "reduce a utility bill unreasonably increased because of unforeseen circumstances and for which the customer did not receive the benefits of the utility service." MS AG Op., Horton (August 24, 2007); MS AG Op., Rose (September 6, 2002); MS AG Op., Howell (July 16, 2001). In such an instance, the municipality may negotiate the settlement of a doubtful claim and such a reduction depends upon the facts and circumstances of the case. MS AG Op., Gay (May 9, 1994). Thus, it is the opinion of this office that in the event that the governing authority determines that a utility bill charge was due to an unforeseen circumstance and the customer did not receive the benefit of the utility service, it may adjust the utility bill accordingly. A copy of the above referenced opinions have been provided for your review.

If our office may be of further assistance, please advise.

Sincerely,
Jim Hood
Attorney General

By: Leigh Triche Janous

EXHIBIT "B"

Water Dept.
One time
forgiveness
policy.

THIS

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INTENTIONALLY