

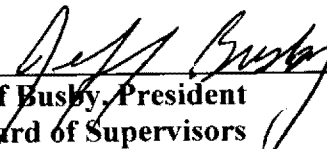
**ORDER: ACCEPT INTERLOCAL AGREEMENT BETWEEN LAFAYETTE
COUNTY, MISSISSIPPI AND THE TOWN OF ABBEVILLE**

Motion was made by David Rikard, duly seconded by Kevin Frye, to accept Interlocal Agreement between Lafayette County, MS and the town of Abbeville, MS.

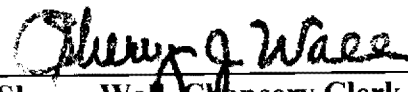
The vote on the motion was as follows:

Supervisor Kevin Frye, voted yes
Supervisor Jeff Busby, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Busby, declared the motion carried, this the 1st day of May, 2017.



Jeff Busby, President
Board of Supervisors



Sherry Wallace, Chancery Clerk

**INTERLOCAL AGREEMENT BETWEEN LAFAYETTE COUNTY, MISSISSIPPI
AND THE
TOWN OF ABBEVILLE, MISSISSIPPI**

This Agreement is made on the 6 day of April, 2017 by the Board of Supervisors of Lafayette County, Mississippi (the "County") and by the Town of Abbeville, Mississippi ("Abbeville"), and is set forth as follows:

WHEREAS, the Board of Supervisors of Lafayette County, Mississippi, as the duly elected governing body of said County, has the authority and obligation to adequately promote the health, safety and welfare of the citizens of Lafayette County, Mississippi pursuant to Sections 19-3-41 of the Mississippi Code of 1972, Annotated, as amended; and

WHEREAS, the Town of Abbeville has the duty to adequately promote the health, safety and welfare of the citizens of Abbeville and thus intends to adopt building codes in aid of the public welfare and the benefit of its citizens, pursuant to Section 17-2-1 et seq. of the Mississippi Code of 1972, Annotated, as amended; and

WHEREAS, the Abbeville has made written request, duly approved, to the Lafayette County Board of Supervisors for assistance in administering and making inspections for conformance to such building codes by individuals duly trained and licensed to perform said inspections within Abbeville in accordance and pursuant to the authority granted under Section 17-2-5 of the Mississippi Code of 1972, and the County has entered an order approving said request by order duly entered on its minutes, subject to the terms of an interlocal agreement; and

WHEREAS, the County and Abbeville have agreed to enter into this interlocal agreement in order to further define the scope and mutual duties and obligations between them with regard to the proposed building code inspection services to be provided by the County in the event Abbeville duly adopts a building code.

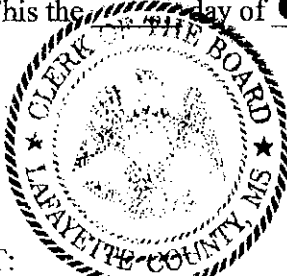
NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and pursuant to the authority of Section 17-13-1, et seq. of the Mississippi Code of 1972, Annotated, as amended, the Board of Supervisors of Lafayette County, Mississippi and the Board of Aldermen of the Town of Abbeville, Mississippi, do hereby agree as follows:

1. **EFFECTIVE DATE:** That this agreement shall take effect upon the day of approval by the Attorney General of the State of Mississippi. That this agreement may be modified only by mutual agreement of the parties hereto; however, any modification of this agreement must be approved by the Attorney General prior to the implementation of any such modifications.
2. **PURPOSE:** That the Board of Supervisors of Lafayette County, Mississippi does hereby agree to provide building code inspection services for Abbeville in the event Abbeville adopts a building code.
3. **FINANCING, STAFFING and SUPPLYING:** That Abbeville agrees to defray the County's costs of the building permit and code inspection services described

above by adopting a building permit and inspection fee schedule with the understanding that all such fees shall be paid to the County.

4. **DURATION:** This agreement shall be in force and effect upon the approval of the Attorney General of the State of Mississippi and shall terminate upon ninety (90) days written notice by either party to this agreement.
5. **ORGANIZATION: STATUTORY AUTHORITY:** It is further agreed and understood that this Interlocal Agreement does not establish a separate organizational structure or entity and that the purpose of this Interlocal Agreement is to establish the agreement of the Board of Supervisors of Lafayette County, Mississippi to provide a system of building permit processing and building code inspections for and on behalf of the Town of Abbeville whereby the County will provide duly qualified inspectors familiar with the building codes as adopted by the Town of Abbeville pursuant to the authority granted under Section 17-2-5 of the Mississippi Code of 1972. The County and Abbeville are authorized by Miss. Code Ann. § 17-2-5 to carry out the agreed duties and responsibilities set forth herein.
6. **SUBMISSION OF AGREEMENT:** This agreement shall be submitted to the Attorney General of the State of Mississippi for approval and shall thereafter be filed for record with the Chancery Clerk of Lafayette County, Mississippi, a copy of which shall be filed with the Secretary of State and the State Department of Audit within sixty (60) days after it takes effect.

This the 1 day of May 2017.



ATTEST:

Sherry J. Wall
SHERRY J. WALL, CLERK
LAFAYETTE COUNTY BOARD OF SUPERVISORS

APPROVED:

Jeff Busby
PRESIDENT, BOARD OF SUPERVISORS
LAFAYETTE COUNTY, MISSISSIPPI

APPROVED:

Scott L. [Signature]
MAYOR, TOWN OF ABBEVILLE, MS.

ATTEST:

Leah Blanks
CLERK

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July 19, 2017

Mr. Delbert Hosemann
MS Secretary of State
P.O. Box 136
Jackson, MS 39205-0136

Re: **Filing of Interlocal Agreement**

Dear Secretary Hosemann:

This is to advise that the Interlocal Agreement between Lafayette County and the Town of Abbeville, Mississippi executed on May 1, 2017 regarding the provision of building code inspection services to be provided by Lafayette County personnel for the benefit of the Town of Abbeville was approved by the Attorney General on July 14, 2017.

A copy of the Interlocal Agreement, together with the Attorney General approval, is attached hereto. Accordingly, pursuant to Miss. Code Ann. §17-13-1, et seq., (the Interlocal Cooperation Act of 1974), I request that the attached Interlocal Agreement be filed with your office.

I appreciate your attention to this matter.

Regards,



David D. O'Donnell
DDO:mep
Enclosures

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

July 14, 2017

David O'Donnell, Esquire
Lafayette County Board of Supervisors
Post Office Box 676
Oxford, Mississippi 38655

Re: Approval of Interlocal Cooperation Agreement between the Town of Abbeville,
Mississippi and Lafayette County, Mississippi

Dear Mr. O'Donnell:

Attorney General Jim Hood has received your request to review and approve the above-referenced Interlocal Agreement and has referred it to me for research and reply. As required by Miss. Code Ann. Section 17-13-11(1972), all interlocal agreements must be approved by the Attorney General before they may go into effect. This agreement involves Lafayette County providing administration and inspection of the building codes of the Town of Abbeville.

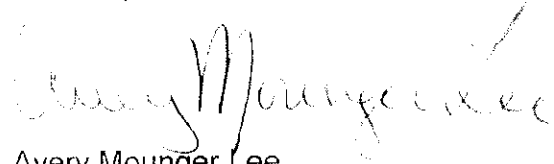
We have examined the agreement pursuant to the Interlocal Cooperation Act of 1974, Miss. Code Ann. Sections 17-13-1 *et seq.* (1972) and find that the agreement is in proper form and is in compliance with the laws of the State of Mississippi and is hereby approved. We should note the Agreement must have been approved by resolution on the minutes of the governing authorities who are parties to the agreement. With respect to the effect of the agreement on successor boards as it relates to the duration of the agreement, this office has consistently opined that contracts or agreements extending beyond the term of the current governing body are voidable by the succeeding board.

Prior to becoming effective, the agreement must, in addition to receiving the approval of this office, be filed with the chancery clerk of Lafayette County and with the Secretary of State. Please note that any amendments to the agreement must also be approved by this office.

David O'Donnell, Esq.
July 14, 2017
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If our office may be of further assistance, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Avery Mounger Lee".

Avery Mounger Lee
Special Assistant Attorney General

Enclosure