

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

April 7, 2008

A. CALL TO ORDER

The April 7, 2008 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2
- Supervisor Bill Russell-----District 3
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MARCH MINUTES

The official minutes of the Board of Supervisors were read for the month of March, 2008 pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the minutes with clarifications of the Board of Supervisors, for the month of March, 2008. The motion passed by a unanimous vote.

E. CONSENT

The Board of Supervisors considered the items presented on the Consent Agenda.

Supervisor Jessie Medlin asked about the E911 audit report. He asked for an explanation for the telephone equipment lease. County Administrator Michael Garriga explained that the lease is for dispatch equipment.

Supervisor Medlin asked for an explanation of the rejected bids. Vanessa Lynchard explained that these bids were originally requested by the Road Department and they have decided not to approve the bids and purchase the equipment. Supervisor Medlin said bidders may lose interest if we bid items that we do not plan to buy.

Supervisor Tommy Lewis asked about the interlocal agreement for the firing range. He asked for clarification when the Consent refers to budgets of the city and the county. Board Attorney

Tony Nowak said the city does not charge but the budget language is required for an interlocal agreement.

Supervisor Bill Russell asked about the Gale Center lease. Mr. Garriga said this is the lease for the Adult Drug Court. It is administered through Circuit Court. He said they are currently using office space in a room off of the Circuit Court Room.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda as follows:

1. Accounting

a. Ratification of Monthly Health Claims

Funding Request	Date Paid	Amount	Claim Type
Date			
3/1/08	3/3/08	\$75,731.87	Administration Fees
3/3/08	3/4/08	\$56,073.97	Medical
3/3/08	3/4/08	\$3,542.55	Dental
3/10/08	3/10/08	\$31,628.04	Medical
3/10/08	3/10/08	\$5,252.30	Dental
3/10/08	3/10/08	\$15,276.36	Pharmacy
3/17/08	3/18/08	\$49,268.20	Medical
3/17/08	3/18/08	\$4,550.70	Dental
3/17/08	3/18/08	\$17,263.98	Pharmacy
3/24/08	3/25/08	\$30,607.39	Medical
3/24/08	3/25/08	\$5,313.00	Dental
3/24/08	3/25/08	\$14,873.19	Pharmacy
3/31/08	3/31/08	\$68,273.57	Medical
3/31/08	3/31/08	\$5,467.30	Dental
3/31/08	03/312008	\$12,290.11	Pharmacy
	TOTAL	\$395,412.53	

March Book Balance	\$3,322,779.02	
February Book Balance	\$3,514,468.32	
January Book Balance	\$3,432,760.64	
December Book Balance	\$3,363,859.90	
November Book Balance	\$3,486,168.38	
October Book Balance	\$3,495,975.17	

b. Ratification of Bond Payment

\$18,000,000 MS Development Bank Special Obligation Bonds
 Trustmark Bank Ck# 034674 issued 3-29-08 Total \$ 64,625.00

c. Interfund Transfer

From: General County Fund 001-900-951 \$4,806.48
 To: Stormwater Advisory Board Fund 166-000-387 \$4,806.48

d. Quarterly Budget Allocations

April 7, 2008

QUARTERLY BUDGET ALLOCATIONS

For Quarter Ending June 30, 2008

TAX ASSESSOR:

Department 103.....\$340,327.92

TAX COLLECTOR:

Department 104.....\$321,122.34

SHERIFF:

Department 200 (Sheriff Administration).....\$ 204,161.25
Department 201 (Aviation).....\$ 14,045.00
Department 202 (Patrol/Law Enforcement).....\$ 1,853,641.17
Department 220 (Custody of Prisoners).....\$ 858,087.09
Department 222 (Prisoners' Medical Expense) \$ 296,345.75
Department 223 (Juvenile Detention).....\$ 196,976.67
Department 225 (Rescue Unit).....\$ 4,200.25
Department 227 (Metro Narcotics).....\$ 29,437.25

TOTAL.....\$3,456,894.43

e. Make E911 Audit Report Part of the Minutes

Emergency Communications District for DeSoto County, Mississippi
Financial Statements, September 30, 2007

2. Justice Court Report

Criminal Cases Filed – 120	State Assessments - \$57,064.00
Civil Cases Filed – 403	County General Fund - \$93,668.66
Traffic Tickets Filed – 1,138	Total Collections - \$150,732.66
Total Cases Filed – 1,661	

3. Bailiff Pay

Liz Medlin - \$120.00 Joe Holmes - \$160.00 Lee Hodge - \$120.00 Jason Motz -\$160.00

4. Approval to Expend the Avails of the One (1) Mill Levy

The State Tax Commission certifies expending the avails of the one mill levy collected for the 2006 roll year and any precious years under Mississippi Code Section 27-39-329 (2) (b).

5. Approval of Publication of Board Proceedings

6. Chancery Clerk Allowance (3) - \$1,350.00 \$1,550.00 \$2,016.66

7. Circuit Clerk Allowance - \$3,725.00

8. Appoint Colleen Magee Assistant Receiving Clerk

9. Make Agreements Part of the Minutes

a. Sheriff's Department - Lease Agreement with Tiger Commissary

Resolution of the DeSoto County Board of Supervisors Authorizing the Sheriff of DeSoto County to Contract with a Private Company for Commissary Services to Inmates-Tiger Commissary Services, Inc. Service Agreement

b. Adult Drug Court - City of Hernando for use of Gale Center

c. AG Approval of Interlocal Agreement for Olive Branch Firing Range

10. Home Grant Resolution

11. Reject Bids:

- Bid File No. 08-156-005 Large Motor Grader
- Bid File No. 08-156-006 Backhoe/Loader
- Bid File No. 08-156-007 Large Track Excavator
- Bid File No. 08-156-008 Track Excavator
- Bid File No. 08-156-010 One or more Wheel Loader/Tool Carrier

12. Department of Road Management

- a. Road Report and Work Schedule**
- b. Road Bond Report**
- c. Loss Control Service Visit Report**
- d. Additions to Official DeSoto County Road Map and Register**

Road	Location	Length
Braybourne Place North	Braybourne "T" S/D	.03
Bridgforth Loop	College Road – Colledge Road	.2
Chappell Cove	Lanesborough Estates	.32
Delta Bluffs Parkway	Lakes of Delta Bluffs "1" S/D	.57
Grazeland Cove	Estates of Center Hill	.14
Grazeland Cove	Estates of Center Hill	.28
Green Pasture Drive	Estates of Center Hill	.34
Hedge Row Cove	Estates of Center Hill	.08
Old Polk Lane	Pleasant Grove S/D	.4
Oxbourne Cross	Braybourne "T" S/D	.06
Sandbourne East	Braybourne "T" S/D	.17
Stockade Drive	Estates of Center Hill	.18
Tree Line Drive	Estates of Center Hill	.05
White Hawk Cove	Braybourne "T" S/D	.07
White Hawk Lane	Braybourne "T" S/D	.08

13. Sheriff’s Dept. – Accept Restricted Donations of 8 Laptops from Terex Construction

14. Acceptance of Homestead Deletion List

NAME	PARCEL No.	REASON FOR ADJUSTMENT
Metcalf, Danny R.	1078-2810.0 00083.00	Delete from States List
Hornsby, James H. etux	3079-3200.0 00024.01	Delete from States List
Entrikin, James A. etux	2066-2400.0 00006.00	Delete from States List
Carter, Vincent, etal	1097-2501.0 00388.00	Delete from States List
Hawkins, Gerald W., etal	1065-2222.0 00098.00	Delete from States List
Hobbs, Marvin L., etal	1086-2310.0 00660.00	Delete from States List
Keel, Willima H. etal	2062-0904.0 00098.00	Delete from States List
Kirby, Monica Phillips etal	1088-3305.0 02192.00	Delete from States List
Moore, Lori D. etal	1087-2607-0 00006.00	Delete from States List
Nicholson, Jennifer S.	2062-0312.0 00200.00	Delete from States List
Murphree, John Jr. etal	2083-0604.0 00708.00	Delete from States List
Scott, Robert	1067-3257.0 00104.00	Delete from States List
Wilson. William D. etux	1088-3402.0 00531.00	Delete from States List
Zummach, Lawanna L. etux	3086-2302.0 00032.00	Delete from States List

The motion passed by a unanimous vote.

See Exhibit E

F. OLD BUSINESS

1. 2008 Capital Improvements Campaign

County Administrator Michael Garriga presented the Board of Supervisors with a list of Capital Projects ranked by priority and an estimated cost for funding the projects. He said some of the projects will not make the cut for the bond and there a couple of items that have been added to the list in the last week. He said the last capital projects approved in the bond experienced cost increases that were beyond the county’s control. He said, to try and identify

cost of construction so far in advance, is not a perfect science but we obtained solid estimates and a cost for each project.

Mr. Garriga said he met with the county financial advisor Demery Grubbs last week and they talked about the possibility of paying off some existing debt to free up debt service. He said they are trying to come up with a solid figure for the debt. He said, as we move toward the budget cycle, we can look at our revenue to determine the amount of available bond funds.

Mr. Garriga said he is hoping the Board can issue a resolution of intent for a bond today. He said any bond will have to be advertised for 30 days and advertising does not obligate the Board to issue debt. He said the resolution of intent is good for two years. Mr. Garriga said the county can issue the bonds in a series or all at one time. He said the resolution can be issued for the full \$50 million and the Board would not be obligated to issue that much debt.

Supervisor Bill Russell asked if the \$1.4 million for DeSoto Road includes the developer's money. Mr. Garriga said he does not think so.

Supervisor Eugene Thach said that Getwell Road to the state line is in the budget. Mr. Garriga said that \$750,000 is local match.

Supervisor Russell suggested moving the projects that are already budgeted and pass the resolution on Wednesday. Supervisor Lewis asked if a dollar amount has to be on the resolution of intent. Board Attorney Tony Nowak said yes, but it is an amount not to be exceeded.

Supervisor Thach asked if this would mean an increase in taxes.

Mr. Garriga said that is an issue the Board of Supervisors will need to decide. He said we do not have good revenue numbers until June or July. With the information that we have already received, we think we can issue \$15 to \$20 million in debt without a millage increase. He said reassessment of property will occur this year and property values will probably increase.

Supervisor Russell said the Board of Supervisors has no control over reassessment. It is mandated by law for the Tax Assessor to reassess property. He said the Board has no authority to control the value of a home. He said the guidelines for the tax assessors to follow are set by the state. He said, if a home increases in value, it requires more taxes to be paid. Supervisor Russell said the tax assessment must follow rules set by the state to assess property.

Supervisor Allen Latimer said he has no problem with the approval of the resolution of intent but he does not want to vote on it without a good grasp on what the income will be. He said this could be a different year for our budget.

Supervisor Russell said he thinks the other Board members feel the same way. Supervisor Russell said he asked Mr. Garriga and Mr. Grubbs to use a figure based on last year's growth. He said the Board can look at last year's growth, half of last year's growth and no growth to determine the amount of revenue that may be available to fund the bond. He said the Board can budget some contingency money.

Supervisor Jessie Medlin said that is one time money. He said, if we approve a resolution today, it will probably be July before we can make a decision on the bond. Mr. Nowak said yes, but the Board has two years after the thirty days to issue the bond. Supervisor Medlin asked about Nail Road Bridge on the improvements list. Supervisor Latimer said that was brought up when Supervisor Caldwell was in office. He said they were supposed to come and inspect the bridge but they never came for the inspection so he does not know the status. Supervisor Medlin said, the Board, at that time, approved \$750,000 for Nail Road. Mr. Garriga said that was MPO money and he believes it was re-programmed to other projects. Supervisor Russell asked where the \$400,000 is that the Board voted to use to help Horn Lake. Mr. Garriga said it is in the county budget. Supervisor Russell asked if Horn Lake can have the money anytime they want it and Mr. Garriga said yes. Supervisor Medlin said he does not have a problem with the project but he wants to understand it.

Supervisor Thach said he would like to know if homes have gone up in value. Mr. Garriga explained the reassessment schedule where the Tax Assessor must reassess 25% of properties within a county each year. He said some of the appraisals may have been done three years ago and will be taking effect next year.

Supervisor Thach said, if anyone objects to their appraisal, they can have another one done by a certified appraiser at their own expense and if that shows a lesser value, the Tax Assessor may consider an adjustment.

Supervisor Medlin asked if the reassessment will be done this year. Mr. Garriga said we submitted a plan to have the reassessment done in two years but Tax Assessor Parker Pickle said everything will be done this year.

Supervisor Russell clarified that the Tax Assessor's office reassesses 25% of county property each year. He asked if that means appraisals have been in progress, but those values have not yet been added. Mr. Garriga said yes.

Supervisor Thach said someone at the state office should know if the values are going up or down. Supervisor Russell said some homes will go down, but he has doubts about that giving a negative total from current values overall.

Mr. Garriga said, if you look at the entire area to determine appraisals, values are not even near what the property is worth.

Supervisor Tommy Lewis said he does not think values will go down, but he does think there will be distress sales.

No motions were made nor votes taken on this issue.

G. NEW BUSINESS

1. Sheriff's Department

a. Donate Light Bars to Byhalia Police Dept. & Tate County Rescue Division

Sheriff Bill Rasco said he has some light bars that Marshall County and Tate County would like to have. He said they are old jet strobe lights that are no longer used in DeSoto County.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to declare eight jet strobe light bars in the DeSoto County Sheriff's Department as surplus and approve donating four of them to the Byhalia Police Department in Marshall County and four of them to the Tate County Rescue Division in Tate County and the Board finds that it is not appropriate to receive compensation because the light bars will go to protect individuals throughout the State of Mississippi. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit G.1.a

b. Sheriff/EMA – WCC Approval for Radios

Sheriff Bill Rasco said the WCC approved the purchase of radios for DeSoto County as required for the recommended purchase of radios in the DeSoto County Sheriff's Department.

2. Inventory Dispositions – Preliminary – Sheriff’s Department

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the inventory dispositions as presented by the Inventory Clerk Amy Henley. The motion passed by a vote as follows:

Asset #	Serial #	Description	Reason for Disposal	Location at Preliminary
34023	LB39	Light Bar	Donation	See Attached-A
33997	LB13	Light Bar	Donation	See Attached-A
34031	LB41	Light Bar	Donation	See Attached-A
34011	LB27	Light Bar	Donation	See Attached-A
33998	LB14	Light Bar	Donation	See Attached-B
34003	LB19	Light Bar	Donation	See Attached-B
33986	LB2	Light Bar	Donation	See Attached-B
34012	LB28	Light Bar	Donation	See Attached-B
33870	GG3JA005544	Tape Recorder	Broken	DCSO
36337	5005744	Tape Recorder	Broken	DCSO
36823	206664VGP	Tape Recorder	Broken	DCSO
38071	SCN6AACH332	HP Printer	Broken	DCSO
33565	M4392F95D4	Dell Printer	Broken	DCSO
36298	2UA5270HX8	HP Compaq	Broken	DCSO
36444	2FAFP71W53X206251	Crown Vic	Wrecked	Central Maint.

Supervisor Jessie Medlin-----YES
 Supervisor Eugene C. Thach-----YES
 Supervisor Bill Russell-----YES
 Supervisor Allen Latimer-----YES
 Supervisor Tommy Lewis-----ABSENT

See Exhibit G.2

3. Accounting - Claims Docket

Supervisor Allen Latimer asked how often the county gives money to Northwest. Comptroller Tom Arnold said we give money to them every month but the amounts for this time of year reflect larger tax collections. He said this payment is the result of millage that is assessed for Northwest.

Stephanie Hanks of the Accounting Department presented the claims docket to be paid for various departments. In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a unanimous vote. **See Exhibit G.3**

4. Park Fund – District 4

Supervisor Allen Latimer said it is getting closer to ball season and the sports arena brings a lot of tourism into DeSoto County.
 Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to donate \$15,000 from the District 4 Park Fund to the Horn Lake City Parks to cover expenses during this time. The motion passed by a unanimous vote.

5. Bids Under Advisement

a. Tourism Center

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to reject all bids for the Tourism Center in connection with Bid File number 07114 because they came in over the budget as follows:

Architect: AERC

Contractor	C & M Builders	Hasco Construction	Omega General	TDL Contractors	Venture Dev.
Certificate of Responsibility	10549	05563	6376	07246	12810
Addenda (2)	X	X	X	X	X

Acknowledged

Surety	Hanover Ins.	Fidelity	Liberty Mutual	Fidelity	Insurance Co. of West
BASE BID	\$982,000.00	\$1,013,7000.00	\$970,800.00	\$1,089,933.00	\$1,082,000.00

The motion passed by a unanimous vote. **See Exhibit G.5.a**

b. Vending Service

At the recommendation of Vanessa Lynchard and the Purchasing Department, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve AAA Vending as the successful bidder for vending services in DeSoto County buildings and to select option one which is a three percent fee on gross collections as described below .
The motion passed by a unanimous vote. **See Exhibit G.5.b**

DESOTO COUNTY BID TABULATION							
RFP: 08-120-001	DATE: APRIL 1, 2008						
FILE: Vending Machine Services for DeSoto County Building	TIME: 10:00						
Individual Item Descriptions	Vendor AAA Vending Optional 1	Vendor AAA Vending Optional 2	Vendor AAA Vending Optional 3	Vendor AAA Vending Optional 4	Vendor Memphis Snack Sales (opt 1)	Vendor Memphis Snack Sales (opt 2)	Vendor L & J Vending Inc
12 oz can beverages	\$0.50	\$0.55	\$0.60	\$0.60	.60 (no commission)	0.65	0.65
20 oz bottled beverages if available	\$1.15	\$1.15	\$1.25	\$1.25	No Bid	No Bid	1.25
Candy	\$0.60	\$0.60	\$0.60	\$0.60	0.80	0.80	0.75
Crackers	\$0.50	No Bid	No Bid	No Bid	0.60	0.60	0.50
Snacks	\$0.65	\$0.70	\$0.75	\$0.75	Mints .80	Mints .80	0.70
Pastry	\$0.85	\$0.90	\$0.95	\$1.00	0.90	0.90	.85-.95
Chips	\$0.50	\$0.50	\$0.55	\$0.55	0.60	0.60	0.50
Gum	No Bid	No Bid	No Bid	No Bid	0.60	0.60	.50-.60 gum & mints
ADDITIONAL BID ITEMS							
Chips -Large							0.75
Commission	3% gross	5% gross	7% gross	10% gross	10% on all snack sales only	10%	5% gross or 10% net
					No commission on canned drinks		
Projected total Commission based on information for Employee base and foot travel							
MONTHLY	\$94.15	\$156.91	\$219.67	\$313.82	10% all snack sales only	10%	5% gross or 10% net
QUARTERLY	\$282.44	\$470.73	\$659.02	\$941.45	10% all snack sales only	10%	5% gross or 10% net
Recommendation: AAA Vending Option 1							

RFP: 08-120-001	DATE: APRIL 1, 2008						
FILE: Vending Machine Services for DeSoto County Building	TIME: 10:00						
	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor
	AAA Vending Optional 1	AAA Vending Optional 2	AAA Vending Optional 3	AAA Vending Optional 4	Memphis Snack Sales Optional 1	Memphis Snack Sales Optional 2	L & J Vending Inc. Optional 1
Building	Machines Required	Machines Required	Machines Required	Machines Required	Machines Required	Machines Required	Machines Required
Couthouse	1 Soft Drink	1 Soft Drink	1 Soft Drink				
2535 Hwy 51 S. Hernando, MS 38632	1 Snack	1 Snack	1 Snack				
Administration Building	2 Soft Drink	2 Soft Drink	2 Soft Drink				
365 Loshier St. Hernando, MS 38632	2 Snack	2 Snack	2 Snack				
Agricultural Bldg.	1 Soft Drink	1 Soft Drink	1 Soft Drink				
3260 Hwy 51 S. Hernando, MS 38632	1 Snack	1 Snack	None				
Justice Court / Tax Collector	1 Soft Drink	1 Soft Drink	1 Soft Drink				
8525 Hwy 51 North Southaven, MS 38671	1 Snack	1 Snack	1 Snack				
Olive Branch Tax Collector	1 Soft Drink	1 Soft Drink	1 Soft Drink				
6597 B. J. Chain Dr. Olive Branch, MS 38654	1 Snack	1 Snack	1 Snack				
Animal Shelter Bldg	1 Soft Drink	1 Soft Drink	1 Soft Drink				
1251 Humane Way Nesbit, MS 38651	1 Snack	1 Snack	1 Snack	1 Snack	None	None	1 Snack
Dept. of Road Management	1 Soft Drink	1 Soft Drink	1 Soft Drink				
2339 Gwynn Rd. Nesbit, MS 38651	1 Snack	1 Snack	1 Snack				
Family and Children Service	1 Soft Drink	1 Soft Drink	1 Soft Drink				
3246 Hwy 51 S. Ste 2 Hernando, MS 38632	1 Snack	1 Snack	1 Snack				
Dept. of Youth Service	1 Soft Drink	1 Soft Drink	1 Soft Drink				
3246 Hwy 51 S. Hernando, MS 38632	1 Snack	1 Snack	1 Snack				

6. Authority to Bid Hernando Health Department and DHS Building

County Administrator Michael Garriga explained that there has been a delay in bidding the Hernando Health Department.

Supervisor Jessie Medlin said we will have to relocate the helicopters. Mr. Garriga said the Sheriff has already done that.

Supervisor Bill Russell asked the status of the health department in Southaven. Mr. Garriga said they are very close to finishing that building. It will be completed within a couple of weeks.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize bids and opening of bids for the Hernando Health Department. The motion passed by a unanimous vote.

7. Board Attorney

a. A T & T Agreement

Board Attorney Tony Nowak said that A T & T has submitted a franchise agreement to the county because they are running video through their lines. Mr. Nowak explained there is some ambiguity in the federal law on the issue of whether they are required to enter into a franchise agreement. A T & T has agreed to pay a standard fee of five percent.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to authorize the Smith Phillips Mitchell Scott and Nowak Law Firm to negotiate the necessary changes in the franchise agreement with A T & T. The motion passed by a unanimous vote.

b. Olive Branch Tax Collector's Building

Board Attorney Tony Nowak said Olive Branch submitted a suggestion for the road alignment between the Library and Tax Collector's building. Mr. Nowak said he received an email with an estimated cost of \$75,000. He said the city is proposing to share the cost of the work. He said they are moving forward with the agreement.

Supervisor Jessie Medlin said he would like for Andy Swims to look at the plans.

Mr. Nowak said he asked that we have a chance to review the documents. The end result will be more parking according to the City of Olive Branch.

Supervisor Medlin said he wants to make sure we will not have to tear this out in a couple of years when the state does work on Highway 305. Mr. Nowak said he needs to know if the Board is okay with the estimate on the project.

Supervisor Medlin said we need to turn the plans over to the Engineer and Road Manager Russell Dorris to review. Supervisor Medlin said he thought we could build a walk way across the road to benefit the public. He asked that the Road Manager Russell Dorris look at that possibility.

c. NRCS Project-letter of assurances

Board Attorney Tony Nowak said we have been working on the NRCS project which is a bank stabilization project. He said we have to provide assurances according to the NRCS guidelines.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the agreement and authorize the Board President to sign the project assurances. The motion passed by a unanimous vote. **See Exhibit F.7.c**

d. Sheriff Lease of Radios

Board Attorney Tony Nowak said he has been working on the lease agreement for the Sheriff's Department radios and there are a number of changes that need to be made.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith Phillips Mitchell Scott and Nowak Law Firm to work out the issues on the lease agreement for the radios in the Sheriff's Department.

Supervisor Bill Russell asked if the lease is the only option. County Administrator Michael Garriga said no, that is not the only option. Supervisor Lewis said the Sheriff wanted to lease the radios because of the maintenance program. Supervisor Russell asked the County Administrator if he recommends the lease purchase. Mr. Garriga said that he does not have enough information on the purchase.

Supervisor Medlin withdrew the motion and Supervisor Lewis withdrew the second. The Board of Supervisors agreed to hold this item over until Wednesday, April 9th.

e. Civic Center Agreement

Board Attorney Tony Nowak said he has an agreement to replace the interlocal agreement between DeSoto County and the DeSoto County Convention and Visitors Bureau for the funding for construction of the CVB building.

At the recommendation of the Board Attorney, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the agreement between DeSoto County and the Convention and Visitors Bureau for the construction and funding of the CVB building. The motion passed by a unanimous vote. **See Exhibit F.7.e**

f. Mitchell's Corner Subdivision MOU for Improvements

Board Attorney Tony Nowak said this is the matter the Board talked about at Mitchell's Corner for improvements on Highway 305. He said the agreement has been signed by the developer and the county's share is \$15,000. He suggested that the Board of Supervisors approve the agreement and add the scope of work to the description and authorize the Board President to sign the documents.

Supervisor Tommy Lewis asked on the west side, where we talked about coming to Southern Trails, did we determine that we have enough right of way. County Engineer Andy Swims said we do have enough right of way. He said he does not think we will have to get additional right of way.

Assistant County Engineer Scott Young said he thinks Supervisor Lewis is suggesting a continuous lane from Southern Trails to the west side of College Road.

Supervisor Jessie Medlin said it will cost more than \$5,000 for a continuous lane. Mr. Swims said that MDOT has not always been supportive of adding lanes.

The Board of Supervisors agreed to hold this item over until Wednesday, April 9th.
See Exhibit F.7.h

g. MDB Loan – No Protest Resolution

Board Attorney Tony Nowak said, a couple of meetings ago, the Board agreed to draw down money from the State Development Bank. He said that a no protest hearing has been called. Supervisor Allen Latimer asked if there was anyone here to discuss these bonds. No one came forward.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the resolution to proceed to draw down \$5 million from the State Development Bank. The motion passed by a unanimous vote.

8. Purchasing Policies

a. Procurement Card Program

Director of Administrative Services Vanessa Lynchard presented a potential procurement Card Program for the Board of Supervisors to review. She said that the county has a need to purchase items not covered on the bid that are available at Kroger and Wal Mart. She said that we have been using a merchant specific card with Kroger for several years.

Vanessa said she has been working with the Department of Finance and Administration to put together a list of guidelines. She said a person is required to sign a request to use a card to make authorized purchases other than the person making the purchase.

Board Attorney Tony Nowak said a Board order is ready for approval to implement the process.

Vanessa said a purchase order is required for purchases over \$100.

Supervisor Allen Latimer said this will help keep better control of spending.

Supervisor Jessie Medlin asked who has these cards. Vanessa said the Sheriff's Department, Building and Grounds and the cards are kept in Purchasing.

Supervisor Bill Russell asked if the cards are traceable and possibly others under the new system. Vanessa responded absolutely. Supervisor Eugene Thach asked if they sign a receipt when they make a purchase. Vanessa said they sign their name and department on the receipt.

County Administrator Michael Garriga said that Vanessa has done a lot of work and this procedure is in line with the State of Mississippi Procurement and Administration and Finance. He said she had done a very good job and thanked her for all her effort in finalizing this policy.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the Procurement Card Program and Policy to satisfy the requirement to establish this system of purchasing that bypasses the traditional established purchasing system the Board of Supervisors has established and approved guidelines by Section 101.115.06 of the State of Mississippi Office of Purchasing, Travel, and Fleet Management Procurement manual and to approve County Administrator Michael Garriga to approve new procurement cards. The motion passed by a unanimous vote. **See Exhibit F.8.a**

b. Under \$100 Purchases & Walk In Procurement

Vanessa presented a Policy for Purchases Under \$100 & "Walk In" Purchases. She said that under Mississippi Code, the county can purchase up to \$100 without a purchase order by walking into a designated business. They can go in and pick up the purchase and sign for it. She said, often, there are credit card applications for stores that need to be approved by a county designee. Vanessa said this new process will allow us to track usage and will better protect the county from fraud.

County Administrator Michael Garriga said he would like to implement the policy and see how it works. He said this is a very good first step.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Policy for Purchases Under \$100 & "Walk In" Purchases to maximize efficiency in purchasing, MS Code Section 31-7-103 for purchases under \$100 to be made bypassing the traditional order system for the county government only and following all requirements as recommended by the Department of Audit and to add Fastenal to the list of approved vendors and approve County Administrator Michael Garriga to approve new vendors. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit F.8.b

9. Bids Under Advise ment – 2008 Paving Contract

County Consulting Engineer Daniel Murphy said it is time to renew the paving contract for 2008. He said the price is \$54 per ton which is the same as last year and includes a fuel adjustment charge. Supervisor Bill Russell asked how the charge works. Mr. Murphy said the state publishes a bench mark each month for the use of AC 30 which is used primarily on asphalt. Supervisor Russell asked if Mr. Murphy knows what the price is today and Mr. Murphy said no. Mr. Murphy said he didn't know because the state's monthly average is a little under the estimate and it is based on current fuel prices.

The bid tabulation for Project No. CO-17(34) is as follows:

Lehman Roberts Co.	\$2,347,380.80
Memphis, TN	
APAC Tennessee, Inc.	\$2,850,840.00
Nesbit, MS	

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the 2008 paving contract with Lehman Roberts Co. at \$2,347.380.80. The motion passed by a unanimous vote. **See Exhibit G.9**

10. Department of Road Management

a. Centerhill Road – Culvert at Forest Hill PUD

County Engineer Andy Swims presented estimates for work on Centerhill Road by the Forest Hill PUD. He said this is an issue we have had with standing water in the area. He said we were looking at ways to drain the water. Mr. Swims said that Cleveland Construction has submitted the low quote for the job. He said the developer will contribute \$7,000 toward the work.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the quote for plastic pipe and to accept the \$7,000 from the developer. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

The Board of Supervisors discussed allowing plastic pipe on the project.

Road Manager Russell Dorris said when the quality of pipe will out last the design of the roadway, different options should be considered other than concrete pipes.

Mr. Swims presented a quote from Cleveland Construction for concrete pipe in the amount of \$23,945.00, aluminized pipe in the amount of \$18,750.20 and plastic pipe in the amount of \$16,702.70. He said the county required the developer to use concrete pipe in the development. In the case of Centerhill Road, Mr. Swims said he assumed the county would be responsible for maintaining the pipe. **See Exhibit G.10.a**

b. Holly Springs Road Bridge Project - Request for Sub Consultant

County Engineer Andy Swims said we have a contract with Pickering for the new bridge on Holly Springs Road. He said they have the right to select the subcontractor for the design piece of the project and they are asking to use AQUA for the hydraulic study. He said their scope of work includes submitting the project to FEMA to change the maps. He said it will not cost the county any more money than is currently budgeted.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve AQUA as the subcontractor for the hydrology study on the Holly Springs Road bridge project which includes sending the map changes to FEMA. The motion passed by a unanimous vote.

c. Olive Branch Library - Accept offer from MDOT for “Backflow Preventer”

County Engineer Andy Swims said the county had an offer from MDOT for \$6,700 for right of way on Highway 305 at the Olive Branch Library. He said they have added an additional \$1,800 for asphalt and curb in the project area. MDOT is offering \$1,604 to relocate the backflow preventer.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the offer from MDOT for the backflow preventer in the amount of \$1,604 and to accept the offer for other aspects of the right of way on Highway 305 at the Olive Branch Library for \$6,700 property acquisition and \$1,800 for asphalt and curb damage, as fully described in Exhibit F.10.c., and authorize the signing of all documents necessary to complete this transaction. The motion passed by a unanimous vote. **See Exhibit F.10.c**

d. Starlanding Underpass Supplemental Agreement

Mr. Jamie Pittman from Pickering appeared before the Board for approval of a Supplemental Agreement No. Four in reference to State Aid Project Number STP0906(3)B for Starlanding Road Underpass.

Mr. Pittman said that the change will actually be less than the original cost with the county receiving \$4,344.14 back on the project. He said they need to change the design and replace the fabric with soil cement. The fabric costs \$77,000 and the soil cement costs \$62,000. Mr. Pittman said the fence is changing to barbed wire instead of the design of type A woven fence. In addition, they are adding steel sheet pilings. County Engineer Andy Swims said that these changes are hard to see on the front end of a project such as this one.

Supervisor Jessie Medlin asked about the high cost of the fence posts. Mr. Pittman said they have to follow federal guidelines because federal money is involved in the project.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to approve the Supplemental Agreement No. Four for State Aid Project number STP0906(3)B for Starlanding Underpass due to the unforeseen circumstances necessary for completion of the project. The motion passed by a unanimous vote. **See Exhibit F.10.d**

H. EXECUTIVE SESSION

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

I. OTHER

1. EMA Proclamation of Existence of a Local Emergency

Deputy Director of EMA Tim Curtis said DeSoto County had five homes with less than two inches of water as a result of recent rains. He said there was one in Horn Lake and four in a subdivision with water damage. He said the Mississippi River is continuing to rise. We have no structures affected by the river. The Arkabutla Reservoir is at capacity and only has a few feet before it goes over the spill way. Mr. Curtis said we are supposed to receive more rain

starting tomorrow through Saturday. He said the Governor has issued a Proclamation of Emergency for the state. They are doing damage assessments in other counties due to the flooding. Mr. Curtis said a tornado hit the Jackson area. He said that Saturday Horn Lake reported they are assessing one culvert and lost one culvert on Tulane Road. He said the City of Horn Lake is issuing a local proclamation of emergency because of flooding of property and roads. We are already working overtime to fix roads that were closed and/or flooded in the unincorporated county, and using overtime money to pay for the repairs and safety. Mr. Curtis said he would like to request our local proclamation of existence of a local emergency starting on April 3rd for seven days. He said, if we do not have a local proclamation and the state gets a Presidential Declaration, we will not be able to be reimbursed. He said, if the county does not approve the local proclamation and the state does get declared an emergency area, we are not eligible for any reimbursement.

Supervisor Jessie Medlin said we spent several hundred thousand dollars on a project several years ago and did not receive any reimbursement because there was not enough damage to qualify for the reimbursement.

Supervisor Medlin asked if we have anything about the Corps of Engineers' project in the Coldwater River to remove the silt and debris. The Board agreed that the Corps has not done anything on that project. The Board directed the Board Attorney and County Administrator to write to the Corps of Engineers for a status on that project.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a Proclamation of Emergency for DeSoto County for flash flooding and river flooding beginning on April 3, 2008 at 8:00 a.m. **See Exhibit I.1**

2. Health and Wellness Center

Supervisor Bill Russell said he attended the Health and Wellness Center on Saturday night. He said they presented an award to the Board of Supervisors. He said the event was very nice and he bragged on the Health and Wellness Center for the service they provide in DeSoto County. The other Board members expressed their appreciation to the Health and Wellness Center and agreed with Supervisor Russell.

3. DeSoto County Spring Road Cleanup

Supervisor Jessie Medlin said, if someone is cleaning up their neighborhood but has not registered to participate in the county wide cleanup, they can call Jim Bearden's office at 429-5593 for a pickup. The Board of Supervisors thanked the newspapers for their support of the project. County Administrator Michael Garriga said that all of the cities are participating in the cleanup.

Supervisor Allen Latimer asked where people sign up to pick up trash on Saturday. Amy Henley from the Operations Department said they can sign up with a particular city or call the Operations Department. Ms. Henley said she would let the Board of Supervisors know the city contacts.

Mr. Garriga said, last year, we had to cut some trees down on the court house lawn and we have been working toward planting replacement trees. He said there will be a tree planting on Saturday to replace the ones that were cut down on the courthouse lawn.

4. Election Worker's Compensation

Supervisor Jessie Medlin asked if we are paying election workers the maximum allowed for compensation. County Administrator Michael Garriga said we received a recommendation from the Election Commissioners for the amount that we are paying.

Later, the Board of Supervisors confirmed with the Circuit Court Clerk Dale Thompson, that the county is paying the maximum allowed for compensation to election workers.

5. Cemeteries

Supervisor Allen Latimer presented a letter regarding cemeteries from the Department of Archives and History. The letter informed the Board of Supervisors that the Ransom Lee Cemetery, DeSoto County, was awarded a Certificate of Historical Significance by the Board of Trustees of the Mississippi Department of Archives and History.

Supervisor Jessie Medlin said, several years ago, there was talk about putting in a cemetery for paupers. He asked if this could be done in this type of cemetery.

The Board of Supervisors agreed to hold this item over until Wednesday, April 9th.
See Exhibit I.5

6. Home Owners Associations Prohibiting Rental Property

Supervisor Allen Latimer said he received a letter from a citizen who had asked his council to check on the legality of Home Owners prohibiting or controlling rental in certain neighborhoods. The citizen listed a few concerns with the Home Owners Associations having authority to restrict rental property and said that he hopes restrictions on rentals will not be seen as a legal issue.

At the recommendation of the Board Attorney, Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to make the two letters part of the minutes regarding home owners' authority to control rental property. The motion passed by a unanimous vote. **See Exhibit I.6**

7. Walking Trail

Supervisor Tommy Lewis said that Grants Administrator Joyce Herring thought there might be grant money available for a walking trail and he authorized her to submit an application to meet the grant deadline.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to apply for a grant for a walking trail at the Cockrum Community Center. The motion passed by a unanimous vote.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting for lunch until 1:30. The motion passed by a unanimous vote.

8. Roads – Ginwood Cove

Road Manager Russell Dorris explained the deterioration of a drainage pipe that has caused settlement in the ground between two properties and has created a hazardous situation that needs to be repaired. He said the property is located at 6970 Ginwood Cove. The erosion is causing danger to the health, safety and welfare of the citizens of DeSoto County and needs to be corrected. He said, to correct the problem, it would involve excavating to see what is taking place underground and in order to accomplish this task they will need to repair the pipe and backfill with existing dirt. He said the repair will take approximately one day to repair this damage at a cost of approximately \$1,169.84 for labor, equipment and materials. He said that Mississippi Code 19-5-92.1 authorizes this work.

At the recommendation of the Road Manager, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to acknowledge a finding of fact that the situation at 6970 Ginwood Cove is jeopardizing the health, safety and welfare of the public and to authorize correcting this issue at a cost of \$1,169.84. The motion passed by a unanimous vote. **See Exhibit I.8**

9. Open Container Law

Supervisor Bill Russell said the Board has been put on notice by the Board Attorney that we do not have an open container law in DeSoto County. He asked if the Board members would review the Board Attorney's letter regarding the open container law to discuss the matter on Wednesday, April 9th.

No motions were made nor votes taken on this issue.

10. Discharge of Firearms

Supervisor Bill Russell said the county is well within its rights to establish an ordinance to regulate discharging firearms in DeSoto County. Supervisor Russell said his concern is that hunters would shoot from a stand so that their shots would be fired into the ground. He said he would like to ask the Board to approve a Public Hearing for the discharge of firearms.

Board Attorney Tony Nowak said the Board asked him to write to the Attorney General regarding whether the Board can regulate the discharge of firearms. The Attorney General said this Board is well within its rights to regulate the discharge of firearms. He said if the Board wants to regulate shooting in DeSoto County, it would require a Public Hearing.

Supervisor Bill Russell made a motion to set a Public Hearing to require people to shoot from stands when hunting in DeSoto County. The motion failed for the lack of a second.

11. Health and Wellness Center

The Health and Wellness Center has had space donated by the City of Southaven in the old Southaven Library. The plumbing repairs have been donated and they want the county to construct the walls.

County Administrator Michael Garriga asked the Board Attorney Tony Nowak to update the Board on the ownership of the old Southaven Library building. He said he understands there has been confusion regarding the ownership of the building. Mr. Nowak said the title of the building is still in the county's name. He said the county has never made a decision to revert title to the City of Southaven. To do so, the city would have to make a request to the county. He said the Board of Supervisors can decide if they want to honor the past agreement.

The Board of Supervisors instructed the County Administrator to contact the City of Southaven to start the process. He said that should not stop Kenny Evans from meeting with the Health and Wellness Center to determine the cost of the repairs requested.

Supervisor Eugene Thach said he is concerned about Building and Grounds doing work on construction on projects instead of maintenance work on county buildings.

Mr. Garriga asked if the county can work on the building if we do not own it. Mr. Nowak said probably through an interlocal agreement.

12. NRCS Assistance for Storm Events

Road Manager Russell Dorris said he has spoken to engineers about NRCS projects as a result of the recent storm damage. He said if the Board of Supervisors knows of any projects to let him know and he will attempt to make sure we include all possible projects in the NRCS review and assessment. He said, to qualify for NRCS help, it must be on public property such as bridges, county buildings etc.

13. Roads

a. DeSoto Road

Supervisor Bill Russell asked the status of DeSoto Road. Board Attorney Tony Nowak said he would check on the status of DeSoto Road and report back to the Board.

b. Malone Road- Bridgetown to Church Road

County Consulting Engineer Daniel Murphy said that we are running into environmental and floodway problems on Malone Road, from Bridgetown to Church Road.

Supervisor Allen Latimer said the Board has not voted yet to fund that project. Supervisor Jessie Medlin said it is not in his elected area but he feels we would be ahead of the game to go forward with the engineering so we can build the road when the money is available.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve environmental and all aspects of engineering for the section of Malone Road, from Bridgetown to Church Road. The motion passed by a unanimous vote.

14. Cockrum Walking Trail

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve a survey of the property and to approve the Road Department to clear the trail and put in a walking trail at Cockrum Community Center whether the grant is approved or not and use the proceeds from the District 5 Park Fund to help pay the costs. The motion passed by a unanimous vote.

15. Board of Supervisors Travel

Supervisor Tommy Lewis said that if the county is going to do anything to Holly Springs Road we need to go to Washington to state our case. He said we have used federal money for engineering and right of way. He said we also need to discuss the Starlanding Corridor and additional funding for DCRUA. Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize travel expenses for Supervisor Tommy Lewis, Supervisor Bill Russell and County Administrator Michael Garriga to travel to Washington on April 23rd and returning April 24th and include meals, travel, commuting and all other expenses associated with travel. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

16. Railroad – Nail Road

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to authorize the County Administrator to contact MDOT Rails Division to get them to look at the situation at Nail Road. The motion passed by a unanimous vote.

17. Application for Waiver of Permit Fees for Hernando Civic Center

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to waive the permit fees for the Hernando Civic Center to make improvements at the ball park during the spring and summer of 2008, due to the finding of economic hardship. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES

Supervisor Allen Latimer-----YES

Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until April 9, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 7th day April 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors