

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

June 13, 2008

A. CALL TO ORDER

The June 13, 2008, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Eugene Thach, Board Vice President.

Deputy Carl Hurt 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 Absent
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Jody Neyman-----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CONSENT

The Board of Supervisors considered approval of the Consent Agenda as presented. Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda as follows:

1. Accounting

- a. Debt Service Payment for 2004 Bonds – DeSoto County G/O Bonds 2004 - \$1,245,875.00**
- b. Payment of Credit Card Invoice – Credit Card Center – \$661.82**
- c. Payment to AOC – \$62,911.10**

2. Board Attorney – Make Part of the Minutes

- a. Policies and Procedures for Purchases Under \$100 and for “Walk-In” Purchases**
- b. Merchant Specific Credit Cards Policy and Procedures**
- c. Letter of Agreement with Southaven Power, LLC**
- d. Memorandum of Understanding for Subdivision Improvements**
- e. Resolution Approving Agreement with Olive Branch to Construct Library/Tax Collector drive**
- f. Resolution for Appointment to the DeSoto County Convention and Visitor’s Bureau**

g. Resolution Ratifying Agreements for the Reversionary Interest of the City of Southaven as to the M.R. Davis Public Library and Approving the Transfer for Title Thereto

3. Safety Officers Report (2)

4. Approve Receiving Clerks and Requisition Clerks

- a. Assistant Receiving Clerks – Gail Bernard and Mary Jane Norman**
- b. Requisition Clerks – Kim Northcutt and Andrea Black**

5. Acceptance of Homeland RRT Grant - \$70,000

6. Chancery Clerk Allowance - \$1,966.66

7. Bids – Helicopters – No Bids Received – Authority to Re-bid

8. Sheriff – Approval to Accept Private Treaty with Panola County for Sale of Helicopter \$150,000

The motion passed by a vote as follows:

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

See Exhibit D

E. OLD BUSINESS

1. Report from Jail Committee

County Administrator Michael Garriga presented a report from the Jail Committee outlining issues and recommendations for the Jail.

Supervisor Russell said the county has conferred with Irb Benjamin with Mississippi Correctional Management, Inc., throughout this process and he has been a big help in assisting the committee to identify issues and make recommendations.

RECOMMENDATIONS

1. Construct a new 400-500 bed facility and continue to operate the current jail in Hernando as a facility for housing pre-trial detainees, juveniles and female inmates. Expansion of existing jail would be a disservice to the County, its taxpayers as well as future leaders and decision makers. The new facility will include 100 beds minimum.

Supervisor Bill Russell said other counties are interested in housing female prisoners in the DeSoto County Jail.

2. Retain the services of Mississippi Correctional Management Consulting to guide the committee and Board through the site selection process, RFQ from architects, facility construction, transition, and operation.

3. The Board should consider additional county facilities when selecting a site for a jail. The committee agreed a sizable tract of land site should be chosen for long term facilities growth and not simply to accommodate the jail. A site of 120+ acres with reasonable access and

centrally located should be selected to accommodate a long range (20-25 years) master plan for the following county facilities and services:

- a. Future Jail Expansion
- b. Aviation Unit
- c. Motorcycle Unit
- d. E-911 Operations
- e. Law Enforcement Training Facility (i.e. driving course, gun/rifle range, repelling tower)
- f. Environmental Services (Recycling, Stormwater Management, air Quality Monitoring, Code Enforcement)
- g. Various Administrative Offices
- h. Metro Narcotics Unit
- i. Additional courtrooms
- j. National Guard Armory

4. Although the Starlanding site has been discussed among the committee and the Board, the committee finds a site selection process should be rendered. This will allow for proper due diligence, public input, and give the site selection process credibility as the committee would seek viable alternatives for the best suitable location.

Supervisor Allen Latimer said it seems the most valuable land in the county is next to highways. Also, it seems that jails are often located next to interstate highways which would seem to be a less safe and secure location.

5. Housing municipal inmates has been a sensitive and somewhat divisive issue. The Board recommends the county should continue to house municipal inmates but only in accordance with state law. No municipality in DeSoto County has paid for the housing of its inmates in recent years and no contract exists between the County and the cities. Some modest medical reimbursements have been provided, but only what has been collected by the cities from the inmate. Beginning October 1, 2008 each city should be contractually obligated for a \$20 per day rate and all medical costs associated with housing its inmates.

Supervisor Bill Russell said, about three weeks ago, the Board approved a temporary resolution to house municipal prisoners so DeSoto County is legally housing the prisoners on a temporary basis.

Irb Benjamin of Mississippi Correctional Management Consulting, Inc (MCM) briefly addressed the Board. Mr. Benjamin said he has been involved in the prison consulting business since 1996. He said the regional jails have created a way to build state jails in counties that have solved problems for the state and counties. Mr. Benjamin stated that it has been his experience that there are issues that need to be considered when building jails and, if those considerations are not made, it can lead to unnecessary operating costs later on. He said there are two options for controlling prisoners and one is through line of sight and the other is lineals. He said you can design jails that will minimize the number of staff to operate the jail. Mr. Benjamin said he thinks he can help DeSoto County build the jail facility which will minimize the operational costs.

Supervisor Russell asked if we can put prisoners in tents like the Sheriff in Arizona. Mr. Benjamin said the courts will not let the county do that. He said you have to consider the cost of maintenance, the security risks and upkeep of such an option. Mr. Garriga said there are articles that praise the sheriff in Arizona, but there are just as many articles that are critical of the sheriff housing the prisoners in tents. He said it has cost that county \$13.7 billion in lawsuit pay outs and they have had over 4,700 lawsuits against the county. Mr. Garriga said the sheriff must provide adequate housing but the total cost to the county in Arizona is terrific. Mr. Garriga explained that the self insurance retention amount for that Arizona County has increased from \$100,000 to \$5 million because of lawsuits relating to the housing of prisoners.

Sheriff Bill Rasco said he receives calls from some inmates' relatives regarding improper care of the inmate inside the jail. He said people may think differently about the benefits of housing the prisoners in tents if the jail inmate was related to them.

Supervisor Russell said the county is required to pay the prisoner's medical bills and the cost of housing them in tents would in the long run be much more than building a new jail. Supervisor Russell said he asked that question about the Sheriff in Arizona because it is frequently asked of him and the county regarding our jail.

Supervisor Medlin asked how many repeat offenders they have in the Arizona situation. Mr. Garriga said Arizona State University did a study and the sheriff's tactics did not change the rate of recidivism at all.

Mr. Benjamin said the cheapest jail is dormitory style with 40-50 beds. He said, after a prisoner has been there a while, they can be moved to that type of setting where it is more populated. He said it has proven unsuccessful to house all prisoners in a dormitory style setting. Mr. Benjamin said deaths have been associated with mixing certain prisoners. He said there are always trouble makers in the jail. He said classification of prisoners is a real issue for the sheriff and mixing males and females creates a set of guidelines that must be followed. Mr. Benjamin said that lunacy inmates require a different set of guidelines. He said that his firm works with the Department of Corrections on the front side of construction to meet guidelines and requirements. He said facilities have been built that did not allow as many prisoners to be housed after the jail was built because the DOC regulations were not followed during construction. Mr. Benjamin said it is much better to have DOC input during the construction phase.

Supervisor Medlin asked Mr. Benjamin if he manages the Grenada County Jail. Mr. Benjamin said that Grenada County leases their jail to him for \$10 per year and he houses their inmates. He said, several years ago, Grenada County got into trouble because of overcrowding. They contracted the jail service at that time in order to be in compliance with the state.

Supervisor Russell said we will be able to look at different options with the help of Sheriff Rasco and the consultant. Mr. Benjamin said he will help the county at a rate of \$3,000 per month which includes expenses. He said he is not interested in a long term contract with the county. He said the county can terminate the contract with a 30 day notice. He said, if he can help the county, he will do that and when he is finished, the county should be in a better situation.

Supervisor Latimer asked what Mr. Benjamin will be responsible for under the contract. Mr. Garriga said he will help selecting a site for the jail, assisting in hiring an engineer and architect, and the development of a master plan for building the jail.

Supervisor Eugene Thach asked how the committee found Mr. Benjamin. Supervisor Russell said Mr. Benjamin was recommended by Commissioner Epps at the state level.

Sheriff Rasco said that Mr. Benjamin has not been involved in DeSoto County jail expansions. Sheriff Rasco stated that it was his understanding that the county had contracted with an architect or engineer who knew how to build a jail but did not know how a jail is managed. Mr. Benjamin offers an option that will save the county money in the long run because he understands how to cut costs of operations during the construction phase.

Supervisor Lewis said if the county decides to build a jail that requires as much as one more employee to operate, they would save the money in one year that it would take to hire Mr. Benjamin.

Supervisor Latimer asked where the money to pay Mr. Benjamin will come from. Mr. Garriga said he would amend the budget this year and include Mr. Benjamin's services in the new budget.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Board Attorney to develop a contract with Irb Benjamin for services at the jail and to bring the contract back to the Board of Supervisors for final approval. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Medlin said this is the first he has heard of this issue.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to accept a recommendation by the committee through their report and to allow the County Administrator to start a selection process through real estate agents throughout DeSoto County. The motion passed by a unanimous vote. **See Exhibit E.1**

F. NEW BUSINESS

1. Convention and Visitors Board - Resolution of Intent for Indebtedness

Financial Consultant Demery Grubbs presented a resolution of intent in the name of DeSoto County on behalf of the Convention and Visitors Bureau. He said the CVB is restructuring debt. He said they have additional needs for land and other improvements. He said this resolution will include authority for an additional \$7 million in indebtedness. It will be paid from the 2% tourism tax. He said at present there should be no obligation from the Board for repayment of this money as it will be covered by the 2% tourism tax.

Supervisor Allen Latimer said, right now, although the national economy is slow and the two percent is currently paying the bills. He asked if the economy and other things really get bad, what the obligation will be of the county to pay these bonds. CVB Chairman Chuck Roberts said, if the two percent stops growing, the CVB can pay this debt. He said they have changed their growth estimates on the two percent tax. He said year to date for 2008, the two percent tax is up eight and one half percent from last year. He said this is a hotel, motel and restaurant tax that generates the two percent payments. He said this is the second calendar year in a row that the two percent tax will sustain the CVB's budget without additional help from the county.

Mr. Grubbs said this \$7 million is a not to exceed amount just as the county's Notice of Intent is a not to exceed amount. He said the CVB has a debt service coverage ratio built into what they do. Mr. Grubbs said that by developing a long term vision the county is more likely to expect payment sooner.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the RESOLUTION OF THE BOARD OF SUPERVISORS DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED SEVEN MILLION DOLLARS BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF PROVIDING FUNDS FOR ACQUIRING PROPERTY FOR THE ACQUISITION, CONSTRUCTION, EXPANSION AND EQUIPPING OF THE DESOTO CIVIC CENTER PURSUANT TO AUTHORITY GRANTED BY HOUSE BILL NUMBER 1741, LOCAL AND PRIVATE LAWS OF MISSISSIPPI, 2005 REGULAR SESSION ("HOUSE BILL 1741"); FOR SITE IMPROVEMENTS TO SUCH PROPERTY ACQUIRED; AND FOR OTHER AUTHORIZED PURPOSES UNDER SECTION 31-25-1 ET SEQ., OF THE MISSISSIPPI CODE OF 1972, as amended and house bill 1741 and to approve to authorize the Board President to sign the resolution and other necessary documents to complete the process. The motion passed by a unanimous vote. **See Exhibit F.1**

Supervisor Russell thanked the CVB Board for all they do for the county and reminded those present that they do not receive pay for what they do.

2. Tax Exemptions

President and CEO of DeSoto County Economic Development Council Jim Flanagan presented several companies requesting tax exemptions.

a. Wetherill Enterprise

Mr. Flanagan introduced Troy Light of Wetherill Associates, Inc. He said that Wetherill Associates/Jacobson Logistics is requesting a personal property exemption. He said they wholesale and distribute auto parts. Mr. Light said they have reduced some of their satellite warehouses and will be consolidating them into the Southaven facility. Mr. Light said he will be relocating from Orlando, Florida to DeSoto County on June 23rd.

Supervisor Bill Russell asked Mr. Light to describe the medical and dental benefits. Mr. Light said the company pays 70% medical and 50% dental for the employees in the Wetherill Enterprises. He said Jacobson Logistics provides 70% medical and 70% dental for their employees. He said that Jacobson was hired by Wetherill Enterprises to handle their products. He said they are located within the same building as Wetherill Enterprises.

Supervisor Russell asked who their medical provider is. Mr. Light said that Wetherill provides benefits through Aetna and Jacobson provides benefits through Blue Cross Blue Shield.

Mr. Flanagan said the Tax Advisory Committee recommends a personal tax exemption related to the length of the lease which is five years for Wetherill Enterprises.

At the recommendation of the Tax Advisory Committee, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve a five year personal tax exemption for Wetherill Associates/Jacobson Logistics. The motion passed by a unanimous vote. **See Exhibit F.2.a**

b. ITT Corp.-Gould Pumps

Jane Kerr of ITT Corporation appeared before the Board of Supervisors requesting a Freeport Warehouse tax exemption. Ms. Kerr said they combined two facilities when they opened the DeSoto County office and closed the office in Memphis. She explained that ITT Corporation is the parent company of five divisions. She discussed the company and related their efforts to hire employees from DeSoto County.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a Freeport Warehouse tax exemption for ITT Corporation-Goulds Pumps. The motion passed by a unanimous vote. **See Exhibit F.2.b**

c. IDI-Stateline Business Park Bldg F

Curt Nelson appeared before the Board of Supervisors requesting a real property tax exemption for Building F of the Stateline Business Park. Also attending the Board meeting were representatives of ScanSource which will occupy a substantial portion of the building.

At the recommendation of the Tax Advisory Committee, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a ten year real property tax exemption for IDI-Stateline Business Park Building F in the amount of \$26,147,725. The motion passed by a unanimous vote. **See Exhibit F.2.c**

d. ScanSource

Shelby McCloud and John Fletcher addressed the Board of Supervisors requesting a personal tax exemption for ScanSource. Ms. McCloud said that ScanSource relocated their facility from Memphis to DeSoto County in December, 2007. She said they relocated 200 employees to the area. Ms. McCloud said that ScanSource offers an attractive benefits package to their employees. She said ScanSource is excited about being located in DeSoto County and they have been able to partner with some of the local employment agencies to retain employees. She said they recently sponsored an in-house job fair and got over 800 responses and 200 interviews. She said of the total number of people attending the job fair, 55% to 60% were locals. She said that ScanSource was very pleased with the skill sets of the people.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a ten year personal tax exemption for ScanSource in the amount of \$5.0 million. The motion passed by a unanimous vote. **See Exhibit F.2.d**

e. National Tank, Inc/Vaiden LLC

Larry Mathews of National Tank Company appeared before the Board of Supervisors requesting a real, personal and Freeport tax exemption. Mr. Mathews said the company operated in Memphis for many years. The Company determined it was not in the best interest of the company to remain in that area. He said, since relocating to DeSoto County, and replenishing their work force with 81% of their employees from Mississippi, they have been able to find trainable employees. He explained the business and said they have almost outgrown their current facility. He said they have four original employees and three of those are from Mississippi. Mr. Mathews said that National Tank does not have the issues they used to have with employment. He said National Tank was located in Memphis, TN from 1938 until 2007. He said they try to run the company like a family business and they appreciate being in DeSoto County.

Supervisor Tommy Lewis asked, when National Tank repairs tanks, how do they extract the propane from the tank. Mr. Mathews said they flare the propane off to dissipate any propane that is in the tank. He said they rarely, if ever, get enough propane to keep. He said, these days, with the price of gas, the customers do not leave much propane in the tanks and the price of steel is very high. He said they are starting a new process to use existing steel and elongate the tanks. Mr. Mathews said the company is working four ten hour shifts.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve National Tank Companies a real property tax exemption in the amount of \$693,302 and a personal property tax in the amount of \$366,679.24 for ten years for a total of \$1,059,981.24 and a Freeport warehouse exemption. The motion passed by a unanimous vote. **See Exhibit F.2.e**

f. Future Electronics

Attorney Mark Aquadro explained that this request is for a personal tax exemption for Future Electronics for the second part of an expansion that was previously approved on a memorandum of understanding. He said, because the company postponed the implementation of this new line, they are asking to postpone the other part of this exemption. Mr. Aquadro explained that this expansion will add an online business to Future Electronics, but their test market showed they needed additional investments. Instead of implementing the program full scale they elected to make additional investments into this expansion and launch the full program later.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve a ten year personal property tax exemption for Future Electronics in the amount of \$788,028. The motion passed by a unanimous vote. **See Exhibit F.2.f**

g. Panattoni – Southaven Distribution Center

Al Andrews explained the effects of the recent tornado that hit Southaven and damaged a warehouse owned by Panattoni. He said that it affected the business that occupied the space and other companies' efforts to keep that business in DeSoto County. He said they have now repaired the building and put the company back in with a new lease.

Supervisor Allen Latimer said he appreciates the company's efforts to keep these jobs in DeSoto County.

Supervisor Tommy Lewis asked the company occupying the building, ProSource, to explain the employee flexible spending account. The representative from ProSource said if employees have a set amount of expenses such as child care or medical expenses, they can divert that to a before tax account to be used. He said this is most often used for day care for children.

Supervisor Lewis asked what percentage of health insurance is paid by the company. Mr. Maxwell said it varies depending on the salary of the employees. He said, for lower salaries, the company pays a higher percentage of the match and for higher paid salaries it pays a lower percentage.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a ten year real property tax exemption for Panattoni in the amount of \$10,188,855. The motion passed by a unanimous vote. **See Exhibit F.2.g**

h. Pottery Barn

Attorney Mark Aquadro said this is a request for an upgrade of Pottery Barn's facility, and they are requesting a personal property tax exemption.

Supervisor Jessie Medlin said there are 280 employees for Pottery Barn alone.

Supervisor Bill Russell asked how the tuition reimbursement works. Carl Kuykendall of Pottery Barn said employees can attend college and receive reimbursement based on their grades. Supervisor Lewis asked if the company requires the employee to work after they graduate. Mr. Kuykendall said no; there are no strings attached to the reimbursement.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve a five year personal property tax exemption for Pottery Barn in the amount of \$1,159,662. The motion passed by a unanimous vote. **See Exhibit F.2.h**

3. AT & T Video Services Agreement

County Administrator Michael Garriga said the county has been working on a video service agreement with AT&T through the Council of Governments. He said AT&T is ready to get into the video services aspect of their work. He said this is an agreement to give AT&T access to right of way and to make sure they do not conflict with the existing franchise agreement with Comcast.

Gunter Goad and Mike Walker of AT&T appeared before the Board of Supervisors regarding this request. Mr. Goad said they are here to give the county money. He said this will allow competition with Comcast for DeSoto County customers. He said this is the same percentage as the current provider in DeSoto County. Mr. Goad said this will be additional revenue for the county. He said the county currently does not receive money from satellite companies. He said they are going to try to bundle services and get more customers. Mr. Goad said the agreement will cover litigation expenses for AT&T if someone sues the county because of this agreement.

Mr. Garriga said that he and Board Attorney Tony Nowak have gone through this agreement and it meets with Mr. Nowak's approval.

Supervisor Medlin verified that they will pay the same franchise agreement amount as Comcast. Mr. Garriga said that is correct.

Supervisor Lewis asked who is responsible for the Olive Branch cable service for TV in Olive Branch and how do we go about getting a TV channel for the county. Mr. Goad said a county channel is offered through this package. Supervisor Lewis asked if AT&T will carry any of the Mississippi news channels. Mike Walker of AT&T said you will be able to get educational channels in DeSoto County.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to accept the AT&T contract based on the Board Attorney's review and approval and as fully explained in Exhibit F.3 **See Exhibit F.3**

4. Starlanding Disposal Facility Host Agreement

County Administrator Michael Garriga introduced Jim Becher who is representing the Starlanding Disposal facility. Mr. Garriga said that Mr. Becher would like to provide the county with the same agreement at the site as the county has with BFI in the current facility. He said adding this facility will give the county residents an alternative rubbish pit.

Supervisor Bill Russell thanked the Starlanding facility for helping remove litter from the roads in that area. He said a lot of loads will come from Tennessee to Tunica and they will spread litter on the highway. He asked if the Starlanding facility would consider adopting the road one mile in each direction from the facility. Supervisor Russell said, to do so, would tremendously help the county. Mr. Becher said they will be glad to adopt the road.

Mr. Becher said he is authorized by the Starlanding Disposal Facility to get the agreement signed with the county.

Mr. Garriga said, if you live in the county and need to dispose of rubbish, you can now dispose of it on either side of the county. He said, by agreement, anything greater than one hundred yards will be billed to the county. He said the first one hundred yards are free. He said all loads will have a minimum charge of five yards.

Supervisor Russell asked if the facility will require identification. Mr. Becher said yes. Supervisor Russell asked if they will allow the county to put a tire recycler trailer at the facility. Mr. Becher said yes.

Supervisor Russell asked when this service will be available to the people. Mr. Becher said as soon as the agreement is signed, it will be available immediately.

Board Attorney Jody Neyman said everything looks fine with a couple of minor modifications to the contract that have been discussed with Mr. Garriga.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the agreement with the Starlanding Disposal Facility subject to the minor modifications as recommended by the Board Attorney and contingent on the facility joining the adopt a road program for one mile in each direction from the facility. The motion passed by a unanimous vote. **See Exhibit F.4**

5. Bids Under Advisement

a. Tourism Building Re-Bid

Chuck Roberts of the Convention and Visitors Bureau said the CVB recently received a second re-bid of the Tourism Building. This bid came in over budget. On behalf of the CVB, Mr. Roberts asked that the Board of Supervisors reject these bids. The bids as follows:

Omega	Hasco	Wagner	Windham & McDonald	Donald G. Austin	C&M	J.B.Beard Sr.	Chris Woods	TDL
\$895,000	\$846,700	\$832,800	\$829,500	\$860,514	\$863,000	\$780,000	\$835,930	\$816,500

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to reject the bids for the Tourism Building and authorize re-bidding the building. The motion passed by a unanimous vote. **See Exhibit F.5.a**

b. Overlay-Old Hwy 61

County Consulting Engineer Daniel Murphy presented bids for overlay on Old Highway 61 which has been designated project number SAP-17(11)M. Mr. Murphy said the bids came in within 1.4% of the State Aid estimate. The bids received are as follows:

Lehman – Roberts	APAC-TN
\$533,867.10	\$735,501.67

At the recommendation of the County Consulting Engineer, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept the low bid for the overlay of Old Highway 61 in the amount of \$533,867.10. The motion passed by a unanimous vote. **See Exhibit F.5.b**

c. Church Road

County Consulting Engineer Daniel Murphy presented the bids for overlay for Church Road from Pleasant Hill Road to Highway 305 designated as project number SAP-17(10)M as follows:

Lehman –Roberts	APAC – TN
\$1,372,747.04	\$1,967,429.50

Mr. Murphy said the low bid on the project of \$1,372,747.04 was within 10% of the State Aid estimate.

At the recommendation of the County Consulting Engineer, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept the low bid of Lehman Roberts for the overlay for Church Road from Pleasant Hill Road to Highway 305, designated as State Aid project number SAP-17(10)M in the amount of \$1,372,747.04. The motion passed by a unanimous vote. **See Exhibit F.5.c**

6. Aviation Unit Lease

Sheriff Bill Rasco said he has found a location to lease for the Aviation Unit located at 280 Laughter Road. He said, under the terms of the agreement, the first three months will be free and after that, the price for leasing the property will be \$1,000 per month. He said we can house the Aviation Unit there. He said we have to make a few minor improvements to the property, including but not limited to changing the doors, adding a concrete landing pad, and moving some trees.

County Administrator Michael Garriga said we considered this option with a one to two year lease.

Supervisor Lewis said we should handle this like a conditional use with the same expectations that we would ask of anyone else. We need to make the people in the area aware of the change.

Sheriff Rasco said that Road Manager Russell Dorris said he has people who can do the concrete work and move the trees.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Smith Phillips Mitchell Scott and Nowak Law Firm to draw up the lease agreement to move the Aviation Unit to 280 Laughter Road and to bring the lease agreement

back to the Board of Supervisors. The motion included sending notices out before the Board of Supervisors Meeting scheduled on July 7th to make the public aware of the change in the use of the property. The motion passed by a unanimous vote.

Supervisor Allen Latimer recessed the meeting for lunch until 2:00 p.m.

7. Board Attorney

a. Dane Maxwell Presentation

Board Attorney Jody Neyman said that Dane Maxwell would like to make a presentation to the Board of Supervisors regarding his qualifications as a consultant for heavy haul permits. Mr. Neyman said Mr. Maxwell wants to have the Board consider hiring him as a consultant for a new heavy haul ordinance.

Road Manager Russell Dorris said we recently changed the heavy haul ordinance but this gentleman has some ability to get federal money for the heavy haul permits and may be worth considering.

The Board of Supervisors instructed the County Administrator to add this to the July 21st Agenda.

b. Inmate Medical Agreement

Board Attorney Jody Neyman said that he and Board Attorney Tony Nowak have a final agreement for inmate medical services with Benefit Management Systems for the Board's review. He said that according to state law the county cannot indemnify Benefit Management Systems so they would need to be notified through the county's standard contract letter.

Mr. Garriga said this is an inmate medical program where we pay \$13.75 per month per inmate and the company will get a 33% discount from Baptist Memorial Hospital. He said the contract will probably cost the county \$60,000 per year but it should save \$250,000 to \$300,000 per year. He said, according to the contract, the county can get out of the agreement at any time with 30 days notice. He said they will make sure we are not getting extra medical procedures on inmates.

Mr. Garriga said there is also a plan for a jail physician to get qualified to see patients at Baptist Memorial Hospital.

Mr. Garriga notified the Board that under the new inmate medical agreement, the Board will not see the medical claims on the docket each month.

Supervisor Allen Latimer asked if the Sheriff's Office will balance their account under the agreement. Mr. Garriga said yes they will.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the inmate medical agreement contract contingent on the attorney's review and adjustment of the contract. The vote passed by a vote as follows:

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

See Exhibit F.7.b

c. Request for AG Opinion - Road Performance Bonds

Board Attorney Jody Neyman said a number of developments have been foreclosed and as a result, the county has to pull some letters of credit and/or bonds. Mr. Neyman stated that due to the increased construction costs he and Mr. Nowak anticipate that in the future the county may be faced with issues where the letters of credits and/or bonds are insufficient to cover the costs of finishing the roads they are securing. Mr. Nowak and Mr. Neyman believe it may be in the county's best interests to procure an Attorney General's opinion to see whether the county would be obligated to complete roads in those situations and how it affects putting the road on the road register

County Administrator Michael Garriga asked if the engineer can issue an actual cost to increase the bonds instead of using a flat 5% each year. He said the county may want to use the actual amount of the construction cost for the increase of the bonds depending on the condition of that road.

Supervisor Tommy Lewis said he is concerned about writing the Attorney General on whether or not the county can finish the streets. He said we may want to think about how to phrase our question. Supervisor Lewis said he thinks we owe it to the people who live in those subdivisions to finish those roads.

The Board of Supervisors discussed the possibility of requiring a bond large enough to finish the roads using a higher estimate to accommodate rising costs.

No motions were made nor votes taken on this issue.

d. Hawks Crossing

County Administrator Michael Garriga said, instead of posting a \$75,000 letter of credit, Hawks Crossing the developers would like to put up cash to the county as collateral. Mr. Garriga said the developer representative has presented a check in that amount to the county.

Supervisor Bill Russell asked if that amount is enough to cover the obligations of the developers. Mr. Garriga said that Mr. Jones has been working with the county staff and they entered into an agreement for that amount based on the county's recommendation.

Supervisor Tommy Lewis asked if they are interested in the county approving a revised phasing plan for the west side.

Robbie Jones, representative of Hawks Crossing Development, said if the Board would like to give them a nod of approval, they can bring back a formal approval next month.

Supervisor Lewis said members of the Board looked at it last week and it was his understanding that the Board was agreeable to it.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to accept the check from Hawks Crossing Development in the amount of \$75,000 and to confirm Hawks Crossing's obligation for improvements, and to approve a revised phasing plan in Hawks Crossing Subdivision. The motion passed by a unanimous vote.

8. MDOT – Starlanding Corridor MOU

County Administrator Michael Garriga said that SAFETA-LU was signed and DeSoto County got \$7.3 million toward Starlanding Road. He said this is an MOU between the county and MDOT to proceed with the Starlanding Corridor project. He reminded the Board that the county went through an RFP process for an engineer. The engineer was never selected and we may have to go through that process again.

Supervisor Bill Russell asked if we will use that money just on the leg of Starlanding Corridor between Malone Road and Tulane Road, or can we start doing the engineering across the entire county. Mr. Garriga said first you have the environmental impact study

completed. The first phase is between Tulane Road and Getwell Road. The first phase went three miles east and west of I-55 specifically. There should be enough money for engineering, right of way and some other costs associated with the Starlanding Corridor.

Supervisor Tommy Lewis said he thinks the county should set a center line on the road. The environmental impact study only lasts a certain amount of time and we may need to do a smaller portion of the construction and get it on the ground.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to adopt the MOU with the Mississippi Department of Transportation for Starlanding Corridor. The motion passed by a vote as follows:

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

See Exhibit F.8

9. Department of Road Management BCAP

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize the Clerk to write the check to BCAP for the county's portion of the program at \$4,000 and to acknowledge that Horn Lake Creek Drainage District will partner with the county for the BCAP program. The vote passed by a vote as follows:

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

See Exhibit F.9

10. Solid Waste Management Plan Amendment

County Administrator Michael Garriga said this is a recent request that we got from DCRUA to amend the Solid Waste Management Plan. He said they currently have to take sludge and dispose of it in an approved landfill. DCRUA got the idea to take the material and give it to farmers to spread upon their land. He said this is a minor modification to the Solid Waste Plan. There is no expansion or commercial aspect so the county is not required to have a public hearing on this change.

Financial Advisor Demery Grubbs said this is a very normal practice around the state. They take the waste and it is dried for the farmer's use.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a resolution to amend the 2006 Solid Waste Plan to Include Land Application of Biosolids Extracted from the DeSoto County Regional Utility Authority to Local Farms. The motion passed by a vote as follows:

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

See Exhibit F.10

11. Amendment to Maintenance/Facilities Contracts

County Administrator Michael Garriga said that Director of Building and Grounds Kenny Evans requested an amendment to the pest control contract and the lawn maintenance contract to accommodate new construction in the county.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve an amendment to the pest control contract as follows:

Pest Control:

New Justice Court Building	\$18.00 per month	New Southaven Health Dept.	\$25.00 per month
Juvenile Justice Center	\$40.00 per month	OB Tax Collector	\$25.00 per month

And to approve the lawn maintenance contract as follows:

Lawn Maintenance:

New OB Tax Collector	\$180.00 per month
National Guard Armory	\$150.00 per month

The motion passed by a vote as follows:

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

See Exhibit F.11

12. Budget/Capital Improvements Work Session

County Administrator Michael Garriga presented a work session handout for the Board of Supervisors in anticipation of the FY 09 budget. Mr. Garriga asked the Board to consider their priorities for the new budget. He said we will not be ready to proceed with the new jail for several months. He said the Board could consider issuing debt now for roads and they could wait on issuing debt for the jail until we know a more firm number for the jail. The debt for the jail will not have to be issued until much later.

Supervisor Bill Russell asked how much money will be available for roads if we do not do a bond issue. Financial Advisor Demery Grubbs said we would pay off some bonds to free up millage for debt service.

Supervisor Russell said he would like to know what the jail will cost so we can back it out of the numbers for the budget. He said our existing roads are in really good condition. The citizens are going through a lot right now with the state of the economy. He asked if there is any way to build the jail and not raise millage. Supervisor Russell said if he had to choose today between the jail and roads, he would have to choose the jail improvements.

Mr. Garriga said it will be several months before we know about the jail.

Mr. Grubbs said, just looking at the numbers, he would think we could probably issue \$10-\$12 million without impacting millage. He said, if you issue \$21 million for the jail, you will have to increase the millage. He said, if you are talking about \$22 million for the jail, you would still have to increase millage.

Supervisor Russell said he thinks the county should only look at road projects that are dangerous.

Supervisor Allen Latimer said he thought we were able to issue \$20-\$21 million without a tax increase. Mr. Garriga said that initially they thought that was possible but that assumption was based on reappraisals for this year so the figure Mr. Grubbs cited is correct.

Supervisor Russell said he wants to consider holding off on nonessential road building.

Mr. Garriga said this year we have a lot of unknowns. Everyone knows that the stewardship of this Board has been conservative throughout the years. This year, Mr. Garriga is predicting a tighter budget than before.

Mr. Grubbs said he would like to sit down and look at the numbers. He said we cannot make decisions until we look at the tax rolls in July. He said we need to look at what we can pay off in terms of debt that may give you money to put on the roll without issuing bonds. He said you can look at the numbers and determine the amount of spending. He said next year you will have a higher appraisal because the reappraisal will be added. Mr. Grubbs said we have 24 months from May to issue bonds. Mr. Grubbs said we can issue a small series of bonds or issue multiple series of bonds or you can issue one large bond. Mr. Grubbs recommended getting the numbers from the Tax Assessor's Office and back into the amount of bonds that need to be issued. He said, once we get the real numbers for revenues, we can move ahead.

Supervisor Russell said he is not sure that we can have a jail design in one month.

Mr. Grubbs said the best decision will be made when you have all of your information and budget revenues. He said the intent resolution is high enough that the county can get the necessary funding for these projects.

Mr. Garriga said he needs some direction on the county salary increases. He said, generally each additional percentage of salary increases about \$300,000 to \$400,000 in the budget.

Supervisor Russell said he has always been an advocate of using a cost of living increase. He does not think it is fair to do anything less than cost of living.

Supervisor Thach said he does not understand why we are talking about raises. Mr. Garriga said it will save a lot of work to know the Board's thoughts on the front end in terms of salary increases.

Supervisor Russell said his thought is to not let county employees lose buying power.

Mr. Garriga said we sent out directives to department heads to figure their budgets using different percentages than in the past.

Supervisor Thach asked why the County Administrator thinks the Board can make that decision now.

Supervisor Lewis said to put a cost of living increase in the budget and when we have the total budget numbers, we can decide the actual number to use. Mr. Garriga asked if Mr. Lewis wanted to base the cost of living increase on the southeast index. Supervisor Lewis said yes.

Supervisor Russell said this year we should hold the raises exactly to the cost of living increase.

Supervisor Latimer said fuel increases have impacted the southern United States more because the median income is less in the south.

County Court Judge

Mr. Garriga said that last year we met with the judges and determined how to expedite people through the court system faster. He said County Court can handle some cases assigned to Circuit Court according to statute. He said the County Court Judge is already doing some of

that. He said this new position will be incorporated into the Board's budget if that is the Board's wish.

Supervisor Lewis said he thinks we have to put it in the budget.

Supervisor Latimer said we asked for the creation of the judgeship. The Legislature did create the position and the county has a need for the position. He said it will expedite the justice system. In fairness to the budget system, he suggested the Board make a decision on funding this position.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to instruct the County Administrator to fund the second County Court Judge position including staff and offices in the FY 09 budget. The motion passed by a vote as follows:

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

Supervisor Lewis asked if the county has enough prosecutors. Mr. Garriga said the county should be okay with the current number of prosecutors.

Establish Human Resource Office and Task Manager Position

Mr. Garriga said he and the Board Attorney and the county's insurance carrier recognize that the county needs a Human Resource Manager. He said the county has more than 500 full time employees and more than 120 part time employees. Mr. Garriga said he does not have time to commit to human resource issues. He said he does not think the cost will be significant to fund the position. He said he would like to move Vickie Richmann and Dixie Lamb under that position.

Supervisor Russell asked how it works in an organization like the county. Mr. Garriga said there is very little impact on elected officials. He said their participation in human resources and risk management matters is up to them.

Supervisor Russell asked if there is a possibility that elected offices would use the human resource manager.

Road Manager Russell Dorris said he thinks the county needs job descriptions and pay classifications for the different jobs in the county.

Supervisor Latimer asked Mr. Garriga if he is asking the Board to commit to hiring a Human Resource Manager today. Mr. Garriga said no; he wants to know if the Board will consider it if it is in the budget.

Supervisor Lewis said to put the position in the budget and the Board will consider it.

Supervisor Latimer said he thinks we need input from elected offices.

Supervisor Thach said experience has taught that the elected officials will do what they want to do and adopt the parts they want to use.

Suspend Services

Mr. Garriga asked if there were any services the Board of Supervisors would like to suspend from the county government operation. The board did not discuss this issue.

See Exhibit F.12

G. EXECUTIVE SESSION

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

H. OTHER

1. Late Bill

Comptroller Tom Arnold said we have an insurance claim for damage from where a mower threw rocks and hit a motorcycle in the amount of \$4,641.97. The Board discussed the huge amount of this claim. Supervisor Russell asked if we have to pay the claim. Mr. Neyman said he has represented insurance companies in the past with their personal property claims. He said insurance companies often require that a police report be filed before they consider any claims. No motions were made nor votes taken on payment of this bill.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith Phillips Mitchell Scott and Nowak Law Firm to make recommendations to amend the county's policy for reimbursement to personal property damage. The motion passed by a vote as follows:

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

2. Forfeiture

At the recommendation of Comptroller Tom Arnold, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to transfer seized funds from the case of DCSC case number 0805050319 in the amount of \$251.94 to the forfeiture account in the DeSoto County Sheriff's Department. The motion passed by a vote as follows:

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

See Exhibit H.2

3. Resolution to Draw Money from the State Development Bank

County Financial Advisor Demery Grubbs said this resolution authorizes the county to draw down money from the State Development Bank. Mr. Garriga said this money will be used to repay construction funding for the Lewisburg Fire Department and for the DeSoto County Health Department which is going out to bid. Mr. Garriga said that debt service for this money was included in the last two budgets.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the RESOLUTION OF THE BOARD OF SUPERVISORS OF DESOTO COUNTY, MISSISSIPPI (THE "COUNTY") AUTHORIZING AND APPROVING THE FORM OF THE REQUEST FOR FIRST ADVANCE UNDER THAT CERTAIN LOAN AGREEMENT, TO BE DATED THE DATE OF CLOSING, BY AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE COUNTY.

The motion passed by a vote as follows:

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

See Exhibit H.3

4. Coldwater River

Supervisor Tommy Lewis said he met with Tommy Hinks, Engineer for the Vicksburg office of the Corps of Engineers, and they discussed the Coldwater River project. He said the bids to move debris will be opened within the next 30 days. He said this will clean out the river. He said this will be just the south end of Holly Springs Road bridge. He said this project will not remove silt but it will remove snags in the river.

5. Legislative Weekend

President and CEO of DeSoto County Economic Development Council Jim Flanagan thanked the Board of Supervisors for their help with the Legislative Weekend. Supervisor Allen Latimer thanked the Economic Development Council for their help with the Weekend. Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to adjourn the meeting until July 7, 2008 at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 13th day of June 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors