

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

Jessie Medlin, PRESIDENT 2006 PRESIDING

August 7, 2006

A. CALL TO ORDER

The August 7, 2006, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Chief Deputy Charlie Brown 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
James Albert Riley-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF JULY MINUTES

The official minutes of the Board of Supervisors were read for the month of July 2006, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors for the month of July, 2006. The motion passed by a unanimous vote.

E. TAX ROLLS - PUBLIC HEARING - 9:00 a.m.

1. Public Hearing – 2006 Tax Rolls

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to open the Public Hearing on the 2006 Tax Roll as properly published and noticed to the public. The motion passed by a unanimous vote.

Chancery Clerk, W. E. Sluggo Davis said he has received two requests covering several properties in protest on the 2006 land roll.

Bill Hardin appeared before the Board of Supervisors to protest the taxes on Regency Park Apartments. Mr. Hardin noted that the taxes for Regency Park Apartments and some other properties are already in litigation for previous tax years. Mr. Hardin said the DeSoto County Tax Assessor has placed a value of \$6 million plus but his company believes the value on the Regency Park Apartments to be \$3 million plus. Mr. Hardin said it is their belief that the income

approach should be used to value apartments. Mr. Hardin said this is an income producing property and the income approach should be used to value the property.

Chancery Clerk Sluggo Davis reminded the Board of Supervisors that this is one of the properties that has been in a lawsuit for the past 3 or 4 years.

Mr. Hardin clarified to the Board of Supervisors that this not Section 42 housing.

Board Attorney Tony Nowak agreed that this property has been in litigation for previous tax years and this protest will allow the litigation to be filed for this tax year.

Supervisor Allen Latimer said he had a hard time understanding why the taxes should be based on income rather than land value. He said if someone opens a business they would be taxed on the value of the property not on the income the property produces.

Mr. Hardin said that Senate Bill 3100 instructed Tax Assessors statewide to the use the income approach to value apartments.

Bill Bryant of the Tax Assessor's Offices and a DeSoto County Appraiser said that the Tax Assessor's Office used the approach on the Regency Park Apartments as prescribed by the National Association of Tax Assessors. He said Senate Bill 3100 did not address the valuation of income producing apartments such as the Regency Park Apartments.

Supervisor Latimer said that if an apartment owner does not keep up their property and therefore is forced to reduce rent and reduce income to get a tax break, he feels the affect of the Senate Bill would be to encourage property owners to not keep up their property.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to deny the tax appeal on the Regency Park Apartments in DeSoto County, Mississippi for the 2006 land roll. The motion passed by a unanimous vote.

Lisa Little of Property Tax Associates, addressed the Board of Supervisors regarding the following properties:

Avondale Apartments	Parcel #3086-1300.0-00005.00
Horn Lake Villas, Ltd.	Parcel #1088-3300.0-00001.01
S. Horn Lake//Countryside Apts.	Parcel #1088-3300.0-00001.04
Dorchester Place	Parcel #1087-2600.0-00021.00
Crestview Apts. (Olive Branch Family)	Parcel #1068-3376.4-00006.00
	Parcel #1068-3376.4-00007.00
Shadow Oaks Apartments, Ltd.	Parcel #1088-3300.0-00001.02

Ms. Little said these properties substantiate the inclusion of income credits and part of the income on the property. County Tax Appraiser Bill Bryant said a Supreme Court case says that any payment should be used as income when using the income value.

Supervisor Jessie Medlin asked how far we are off on the agreed value. Mr. Bryant said that the issue is whether the value will be \$100,000 or \$400,000. Mr. Bryant said that he talked to the State Tax Commission to verify the accuracy of the County's tax assessment. He said they have taken off some value. He explained the income credit is a reduction in interest that the apartments are allowed that count directly as income on their tax statement.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to deny the appeal and uphold the Tax Assessor's valuation of the following properties:

Avondale Apartments	Parcel #3086-1300.0-00005.00
Horn Lake Villas, Ltd.	Parcel #1088-3300.0-00001.01
S. Horn Lake//Countryside Apts.	Parcel #1088-3300.0-00001.04
Dorchester Place	Parcel #1087-2600.0-00021.00
Crestview Apts. (Olive Branch Family)	Parcel #1068-3376.4-00006.00
	Parcel #1068-3376.4-00007.00
Shadow Oaks Apartments, Ltd.	Parcel #1088-3300.0-00001.02

The motion passed by a unanimous vote.

Chancery Clerk Sluggo Davis asked if there are any other objectors present that wish to address the Board of Supervisors on their 2006 Land Roll Tax Valuation. No one came forward.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to close the Public Hearing on the 2006 Land Roll. The motion passed by a unanimous vote.

See Exhibit E.1

2. Tax Assessor Approval of Application for Certification

DeSoto County Appraiser Bill Bryant reminded the Board of Supervisors that the County has to be certified each year with the State Tax Commission. Mr. Bryant said that this basically covers his contract which the Board of Supervisors approved for a two year period last year.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the application for certification for Desoto County requesting authority from the State Tax Commission for DeSoto County to expend the one mill levy for the 2005-2006 tax year. The motion passed by a unanimous vote. **See Exhibit E.2**

3. Approval of 2006 Tax Rolls

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the 2006 Land Roll. This Board finds that said notice was posted and published as by it ordered and as required by law with said hearing to be held in the Administration Building. That this Board of Supervisors met, for the purpose of hearing objections to the said assessments, at the courthouse, in the Board of Supervisors Mtg. Room of Hernando, said County and State, on the 7th day of August, 2006.

This Board of Supervisors continued in session from day to day hearing objections to the said assessments, taking testimony of witnesses, and examining books, records and papers with reference to the assessment of property. It has made such changes in the assessments (as fixed by it on the said rolls at its July 3rd, 2006 meeting) that it was satisfied should be made in order to fix the assessment of property, real and personal, at its actual value so as to establish equality and uniformity of taxation according to value among the taxpayers of said county, and that all objections to said assessments rolls, and the assessments therein contained, have been heard and disposed of; that this Board of Supervisors had added to the said rolls all property and persons found to be omitted therefrom, and has given notice to such persons and has heard and determined all objections filed; that this Board has changed and corrected all erroneous assessments; that all things required by law have been done; that the Tax Assessor of said County attended this meeting of the Board of Supervisors, from day to day, while it was considering the assessments of the persons and property, and hearing objections to the said assessments, and that he rendered all assistance which this knowledge and information enabled him to give; and now being of the opinion that the said assessment rolls contain assessments, fair, equal, uniform and just, according to the value of the real and personal property therein described.

IT IS THEREFORE, ORDERED AND ADJUDGED, that the said assessment rolls, and the assessments therein contained, be and they are hereby accepted, approved and made final, and that the final recapitulation of said assessment rolls, be certified to the State Tax Commission, on blanks furnished by it, within ten days after the adjournment of this meeting as provided by Section 9799, Mississippi Code of 1942, and is required by law.

Ordered and adjudged this the 7th day of August, 2006, the motion passed by a unanimous vote.

See Exhibit E.3

F. CONSENT AGENDA

After considering the items presented on the Consent Agenda Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda items as follows:

1. Accounting

a. Approval to Ratify Bond Payments

Mississippi Development Bank Promissory Notes

Hancock Bank, Check #019698, issued 7/25/06, Note #05648-049, \$58,207.65

\$18,000,000 MS Development Bank Special Obligation Bonds

Trustmark Bank, Check #019711, issued 7/28/06, \$46,885.40

b. Approval to Ratify Monthly Health Claims - Total \$257,351.75

c. Request to Pay Interfund Loans

The funds are now available for repayment of the loans as follows:

From: EMA Grant Funds	\$ 402,090.20	(044-000-149)
To: General County Fund	\$ 402,090.20	(001-000-054)

2. Approval of Bailiff Pay

Floyd Medlin \$80.00 Chris Sing \$120.00 Lee Hodge \$80.00 Joe Holmes \$160.00

3. Justice Court Report

Criminal Cases Filed – 48	State Assessments - \$44,290.33
Civil Cases Filed – 309	County General Fund - \$82,248.25
Traffic Tickets Filed – 653	Total Collections - \$126,538.58
Total Cases Filed – 1,010	

4. Approval of Chancery Clerk Allowance

- a. July 21, 2006 - \$1,600
- b. July 26, 2006 - \$1,100

5. Approval of Circuit Clerk Allowance - \$3,500

6. Sheriff’s Employee Report

7. Approval of Publication of Board Proceedings

8. Approval to Make the Certificate of Coverage from the TORT Claims Board Part of the Minutes

9. NRCS Projects - Make the Corp of Engineers Approval of 404 Permit Part of the Minutes

10. Accepting the Secretary of State’s Allocation of Voting Equipment and Adding the Equipment to Inventory

11. Approval for the Adult Drug Court Coordinator Craig Sheley to Sign Purchase Requisitions

12. Approval to Add to Metro Inventory from Forfeiture –

Joshua M. Maine Serial #RR00491 Colt Blue Steel Pistol 380 Auto

13. **Chancery Clerk – Making the Vehicle Audit Report Part of the Minutes**
Nineteen vehicles were sighted and all were properly marked.
14. **Purchasing - Approval to Bid Jail Food for Six Months**

The motion passed by a unanimous vote. See Exhibit E.

G. OLD BUSINESS

1. Report – Litter Clean-up Procedures

Jim Bearden, Director of Operations and Transportation, and Steve Powell, Code Enforcement Officer, and Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department, appeared before the Board of Supervisors to discuss clean up procedures for litter throughout the county.

Mr. Bearden said that litter is a problem throughout the County. He said construction and construction debris is the biggest litter producing factor throughout the county. He said construction debris blows out of trucks and litters the roadways. Mr. Bearden said when he drives through the county and notices litter on the roadways, he calls Chief Atkinson at the Sheriff's Department. Chief Atkinson has the Trustees pick up the litter on the roads and Mr. Bearden said they do a great job and are very responsive when he calls the Sheriff's Department.

Mr. Bearden said that when the road crews in Road Management notice litter or an illegal dump they will often notify him. Mr. Bearden said that he investigates those complaints and often finds a name in the trash that he can trace to the offenders. He said often those cases are when a sack has blown off of the truck.

Mr. Bearden reminded the Board of Supervisors that the County pays for the disposal of garbage and the homeowner pays for the pickup. He said all of the cities except Walls use their own service. He said the City of Hernando is the only city who does not provide garbage cans.

Mr. Bearden said the Sheriff's Office takes calls regarding garbage issues directly from county officials or citizens.

Supervisor Allen Latimer said that the people who call him think that Allied Waste does not compact the garbage often enough and that causes garbage to blow out of the truck onto other County property. Supervisor Medlin said that garbage is supposed to be placed in a container rather than thrown loosely into the receptacle.

Supervisor Latimer said that MDOT says that if anyone sees garbage being thrown from a vehicle to call MDOT with a license number and they will contact the individual.

Chief Deputy Charlie Brown said that the Sheriff's Department tries to write tickets for litter offenses if they witness it being thrown out of car windows.

Supervisor Bill Russell said, under our new contract, isn't Allied Waste required to do some education in the schools. Mr. Bearden said that storm water will tie into the litter issue because garbage floats down stream and gets hung in waterways.

Supervisor Jessie Medlin suggested the County sponsor a litter pickup week for people who adopt a road and for other individuals. He suggested it be held when the weather is cooler a little later in the year.

Mr. Bearden said the penalty for littering is only \$50 in the litter ordinance. Mr. Bearden said that he and Code Enforcement Officer Steve Powell suggest that the Board of Supervisors increase the fine.

Mr. Powell said that he goes to construction worksites and he can stop the work until those sites are cleaned up. Supervisor Russell notified the Board of Supervisors that there have been some of those problems in the last couple of weeks. He said that there is no requirement for a dumpster at the construction site. Supervisor Lewis said one of the worst problems occurs when the sub-contractors have lunch on the site and throw the debris on the ground.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to schedule a Public Hearing to discuss the addition to the litter ordinance and/or zoning ordinance to require dumpsters at construction sites and to increase the fine for littering. The motion passed by a unanimous vote.

Supervisor Bill Russell said that he would like for the Board of Supervisors to consider adopting a road in the County. **See Exhibit G.1**

2. Personnel Manual Proposed Update

County Administrator Michael Garriga reminded the Board of Supervisors that the Personnel Manual was reviewed and five chapters were recommended to be updated. He said these are not significant procedural changes. Mr. Garriga said the company that is reviewing the Personnel Manual thought it was well written. He said there were however areas that needed to be updated in order to comply with state and federal laws.

Supervisor Bill Russell said that he is aware that the Road Manager Russell Dorris has some questions about the wording of the Personnel Manual. He asked if those issues have been resolved. Mr. Garriga said that, according to state law elected offices are allowed to adopt their own personnel manuals.

Road Manager Russell Dorris said there are several sections of the Personnel Manual that refer to the County Administrator and he feels they should say County Administrator or Road Manager. Supervisor Russell said that the department heads should look at the manual and say if they approve of the wording. He said that the other departments should look at the manual as well.

Supervisor Eugene Thach suggested the departments look at the manual and come before the Board later. He requested that the pages be numbered at that time

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to hold the adoption of changes to the Personnel Manual over to September 18, 2006 to allow the County Administrator to talk to the county departments and others affected by the personnel manual. The motion passed by a unanimous vote.

H. NEW BUSINESS

1. Fire Department - Approval to Extend Rural Fire Protection Agreements

Director of Emergency Service Bobby Storey said EMS has all of the Rural Fire Protection Agreements back from the Volunteer Fire Departments.

Supervisor Tommy Lewis asked if there were any changes in these documents. Mr. Storey said there are some small changes. Board Attorney Tony Nowak said that are no significant changes in the expiring documents.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the extension of the Rural Fire Protection Agreements for the following Fire Departments and as detailed in Exhibit H.1:

ACI Volunteer Fire Department
Fairhaven Volunteer Fire Department
Nesbit Volunteer Fire Department

Bridgetown Volunteer Fire Department
Eudora Volunteer Fire Department
Lewisburg Volunteer Fire Department
Love Volunteer Fire Department
Walls Volunteer Fire Department
Summershill Volunteer Fire Department

The motion passed by a unanimous vote. **See Exhibit H.1**

2. Advertising County Resources – Request for Funding DCRUA Ribbon Cutting

County Administrator Michael Garriga said that DCRUA is putting together a ribbon cutting for the sewer system that is about to go online. He said they want to have a nice ceremony. He said the formal ribbon cutting is scheduled for August 25. Mr. Garriga said among the plans are to provide transportation to take people on a tour as well as a luncheon at the Lewisburg Middle School.

Supervisor Eugene Thach made the motion to donate \$1,000 to DCRUA for the ribbon cutting ceremony. The motion died for lack of second.

The Board of Supervisors discussed that many people would be at the ribbon cutting to participate in the ceremony. They agreed that this would be a perfect opportunity to advertise DeSoto County.

After having determined that the request to advertise county resources met the guidelines of the policy adopted by the Board of Supervisors, Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to advertise DeSoto County resources by contributing \$2,000 to the DeSoto County Regional Utility Authority for the ribbon cutting ceremony on August 25, in accordance with Section 17-3-3 of the Mississippi Code of 1972. The Board of Supervisors did make a determination that the above request would advertise resources and possibilities in DeSoto County and thereby advance the moral, financial and other interest of DeSoto County. The Board of Supervisors noted that this expenditure was according to the approved policy by the Board of Supervisors. The motion passed by a unanimous vote.

3. Grants

a. Approval for Board President to Sign Metro Grant Modification

At the recommendation of the Grants Administrator Joyce Herring Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Board President to sign the Metro Narcotics Grant Modification Request to move money from operating expenses into equipment for Subgrant number #05NM1171 for the year ending September 30, 2006. The motion passed by a unanimous vote. **See Exhibit H.3.a**

b. Approval to Accept DHS Citizen Corps Maintenance Grant

Grants Administrator Joyce Herring notified the Board of Supervisors that the County was granted \$500 to be used for computer equipment from the Homeland Security Citizen Corps Program FY 2005 fund. Ms. Herring said that this grant award was volunteered by the State without the County actually applying for the funding.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to accept the \$500 grant from the FY 2005 Citizen Corps Maintenance Grant. The motion passed by a unanimous vote. **See Exhibit H.3.b**

c. Approval to Accept DHS Grant No. 04CC017

At the recommendation of the Grants Administrator Joyce Herring Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin made the motion to accept the Homeland Security Grant No. 04CC017 in the amount of \$25,000. The motion passed by a unanimous vote. **See Exhibit H.3.c**

4. Accounting - Claims Docket

a. Claims Docket

The claims docket was presented by Tom Arnold and Stephanie Hanks of the Accounting Department. Ms. Hanks read the items on the claims docket individually and the Board discussed these items.

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 H.4**

b. Approval to Correct Minutes of April 17th from “Henry Banks” to “Henry Burks”

At the recommendation of the Comptroller Tom Arnold Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to correct the minutes of April 17, 2006, by changing the spelling of the name “Henry Banks” and correctly entering the name as “Henry Burks” in regard to right of way acquisition on Poplar Corner Road. 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

5. District 4 Park Fund – Approval to Expend Funds to Improve the Walking Path at the Eudora Park

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize expending \$8,622.96 from the District 4 Park Fund to hire North Mississippi Driveways who wrote the lowest quote to furnish equipment, labor and materials to complete the resurfacing of the walking trail at Eudora Park. The motion passed by a unanimous vote. **See Exhibit H.5**

6. Metro Narcotics

a. Approval of Metro Contract with Crenshaw Auction for Vehicles

At the recommendation of the Grants Administrator Joyce Herring and under the advice of the Board Attorney, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the contract for Crenshaw Auction to sell surplus property for Metro Narcotics at a 7% auction fee but striking the sentence in the agreement regarding the “hold harmless” clause which is illegal under State law. The motion passed by a unanimous vote. **See Exhibit H.6.a**

b. Approval to Declare Inventory as Surplus

At the recommendation of the Grants Administrator Joyce Herring Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to declare the following vehicles as surplus to be auctioned for Metro Narcotics:

1991 Honda Accord	VIN# 1HGCB7256MA045650	Asset # 34736
1997 Plymouth Breeze	VIN# 1P3EK46C8VN515642	Asset # 34735
1998 Chevrolet Silverado	VIN# 1GCEK19RXWR132114	Asset # 35439
1993 Cadillac Eldorado	VIN# 1G6EL1298PU606506	Asset # 36656

The motion passed by a unanimous vote. **See Exhibit H.6.b**

7. Board Attorney

a. Sheriff’s Department- Approval of Federal Equitable Sharing Agreements

At the recommendation of the Board Attorney Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize the Board President to sign the Federal Equitable Sharing Agreement for DeSoto County. The motion passed by a unanimous vote. **See Exhibit H.7.a**

b. Sheriff’s Department – Authorization for Board Attorney Work with the Sheriff’s Department to Revise Organizational Structure and Employee Policies

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 with the DeSoto County Sheriff’s Department to revise the organizational structure and employee policies. The motion passed by a vote as follows:

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

c. Starlanding Underpass

- (1) Approval to Pay Invoice to Jeff Carson**
- (2) Approval to Pay Invoice to Bill Sexton**

At the recommendation of the Board Attorney Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize the Clerk to write the check to pay bills associated with right of way acquisition on the Starlanding Underpass as follows:

Jeff Carson	\$750
Bill Sexton	\$850

The motion passed by a unanimous vote.

d. Poplar Corner – Approval to Pay Invoice of Taylor Realty

At the recommendation of Board Attorney, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Clerk to write the check to pay Taylor Realty for the appraisal of right of ways on Poplar Corner Road. The motion passed by a unanimous vote.

e. Resolution Establishing EMS Reimbursement Agreement

Board Attorney Tony Nowak explained that if the County sends someone to training for EMS under the proposed agreement they would be required to repay the County if they separate employment with the County before a stipulated time. He said the agreement states the employee will stay with the County for a specified time. If the employee leaves the County before that specified time the employee will pay the County the amount initially paid for the training.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to adopt the resolution approving the contract to require EMS employees to stay with the County for a specified time period if the County has paid for their training or they will be required to reimburse the County. The details are more fully described as follows:

EMPLOYEE REIMBURSEMENT AGREEMENT

This Reimbursement Agreement is made and entered into this the ____ day of _____, 200_, by and between DeSoto County, Mississippi (hereinafter referred to as County), and _____, an employee of DeSoto County, Mississippi (hereinafter referred to as Employee).

WHEREAS, the Employee is employed by the County within the DeSoto County EMS Department and, in said capacity, is required to achieve certain levels of education and training in order to perform his/her job duties; and

WHEREAS, the County desires to pay the expenses of the Employee for certain educational and training expenses which are necessarily incurred by the Employee for the performance of his or her employment with the County as part of it's EMS department; and

WHEREAS, in exchange for the benefit of the educational and training expenses being paid by the County, Employee desires to remain as an Employee with the County for a period of time not less than _____ months. Further, Employee agrees if he/she voluntarily terminates his/her employment with the County or is terminated for cause, prior to the completion of _____ months of employment, he/she will reimburse the County for such expenses paid.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and Employee agree as follows:

1. County will pay the cost of Employee's necessary educational and training expenses for the Employee's certification, or for Employee to perform his or her job duties with DeSoto County EMS.
2. Employee agrees to remain employed with the County for a period of not less than _____ months from the date which Employee completes the educational or training program being paid by the County.

3. Employee agrees that if he/she voluntarily terminates employment with the County, or is terminated for misconduct or cause, prior to completing _____ months of employment with the County, the Employee shall reimburse the County the expenses it paid for his/her education and training.

4. In the event the Employee is required to reimburse the County for educational and training expenses paid pursuant to the terms and conditions of this agreement, the Employee shall tender payment of all sums due, in full, to the County within forty-five (45) days from the date the Employee is finally terminated. For the purposes of this agreement the date to file termination shall be the date which the Employee receives notification of his/her termination of employment with the County or, if the Employee files a grievance pursuant to the County's policies and procedures for Employees, the date which the Employee has exhausted the administrative grievance procedures provided by the DeSoto County Employee handbook and personnel policies and procedures.

5. In the event the Employee breaches this contract by failing to tender the reimbursement payments provided for hereunder, and the County is forced to take procedures to collect the same from the Employee, the Employee shall be responsible to the County for all reasonable attorney fees, costs and other legal expenses and collection expenses incurred as a result thereof.

6. Nothing contained in this agreement shall be deemed to create a contract for employment between County and Employee. Further, it is specifically agreed that, at all times during Employee's employment with the County, the Employee shall remain an Employee at will and nothing herein shall change that employment relationship.

7. Neither this agreement, nor any of its terms may be changed, modified, waived or terminated (unless otherwise provided for hereunder) except by an instrument in writing signed by an authorized representative of the County and by the Employee.

8. No failure or delay by the County to insist on the strict performance of any term of this agreement, or to exercise any right or remedy consequent to a breach thereof, shall constitute a waiver of any breach or any subsequent breach of such term. No waiver of any breach hereunder shall affect or alter the remaining terms of this agreement, but each and every term of this agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof. The remedies provided in this agreement are cumulative and not exclusive for the remedies provided by law or in equity.

9. This agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This agreement supersedes any prior written or oral agreements between the parties.

IN WITNESS WHEREOF, the parties have duly executed this instrument the day and year first above written.

DESOTO COUNTY, MISSISSIPPI

BY: _____
Bobby Storey, Director of DeSoto County EMS

EMPLOYEE

BY: _____
(Employee's signature)

(Employee's typed name)

The motion passed by a unanimous vote. **See Exhibit H.7.e**

8. Safety Officers Report (1)

Supervisor Tommy Lewis said these claims are going up again. Supervisor Bill Russell said he would prefer that the report show the actual approved claims rather than all claims.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to make the Safety Officers Report for July 2006 from Tim Curtis part of the minutes. The motion passed by a unanimous vote. **See Exhibit H.8**

9. Approval of Architect's Contract for the Tax Collector's Building in Olive Branch

County Administrator Michael Garriga presented a contract for the Board to review to hire Marvin Johnson to construct a building for the Tax Collector in Olive Branch on property belonging to the City of Olive Branch. Mr. Garriga presented the standard AIA Contract quoting a fee of 6%.

Board Attorney Tony Nowak pointed out that there are other services that could incur costs on the project. Also he noted that expenses are on top of the 6% fee.

Supervisor Allen Latimer suggested that the County only pay 100% of the expenses rather than amount in excess of 100% as requested. The Board of Supervisors agreed.

Supervisor Eugene Thach asked if we have money in the budget for this project. The Board of Supervisors discussed their plans for capital projects throughout the County. Supervisor Bill Russell suggested that the Board gather a list of projects and Supervisor Lewis agreed. The Board discussed the budget and the ability for the County to assume debt to fund various projects. Supervisor Russell requested a review of the capital projects list. No motions were made nor votes taken on this issue. **See Exhibit H.9**

10. Approval of Donations – City of Horn Lake

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to donate \$2,000 to the City of Horn Lake for their parks program with the expenditure coming from the District 4 Park Fund and authorized the Clerk to write the check. The motion passed by a unanimous vote.

11. County Engineer – Approval to Advertise for Signal at DeSoto & Centerhill Roads Department of Road Management

Board Attorney Tony Nowak advised the Board of Supervisors that the Board of Education will oversee the installation of the signal at DeSoto and Centerhill Roads. Road Manager Russell Dorris said that the County will have Florence & Hutcheson, Inc., turn over their work to the School Board for approval.

Supervisor Eugene Thach asked if the Board of Education will pay for the light. Mr. Dorris said no, the County will pay for the light however the agreement seems to be that the Board of Education will oversee the work. Mr. Dorris said that the cost of the light will be \$66,646. The Board of Supervisors instructed the Road Manager to take the plans to the Board of Education as soon as possible to speed up the installation of the traffic light.

12. Bids Under Advisement – Fogg & Starlanding Roads

County Consulting Engineer Daniel Murphy presented the bids for improvements at the intersection of Fogg Road and Starlanding Road (C017(19)). The bids were received as follows:

Chancellor Brothers	\$213, 026.25
North Mississippi Driveways	\$216,403.00
BOEP Earth Movers	\$232, 057.64
Ferrell Paving Inc.	\$244,349.28
Hill Brothers Construction	\$291,087.00

Mr. Murphy recommended the low bid of Chancellor Brothers.

Supervisor Allen Latimer made the motion and Supervisor Tommy Lewis seconded the motion to approve entering into a contract with Chancellor Brothers for work at Fogg Road and Starlanding Road and authorized the Clerk to pay the bills as approved by the County Engineers. The motion passed by a unanimous vote.

Supervisor Allen Latimer notified the Board that the contractor has recommended closing the intersection for a couple of weeks while the work is being done. Road Manager Russell Dorris said that they believe, and the Road Department agrees, that it would be safer and to shut down the intersection while the work is being completed. Mr. Dorris said that the construction would be safer, the job would be done quicker, and the project will save money by shutting down the intersection until the work is completed.

Director of Emergency Services Bobby Storey said that the Fire and EMS Department could work around the closed intersection. The Board agreed to close the intersection while the work is being done. **See Exhibit H.12**

13. Department of Road Management

a. Approval of Agreement with Entergy for Starlanding Road Underpass

Road Manager Russell Dorris presented an agreement with Entergy for relocation of utility poles at the Starlanding Underpass in the amount of \$163,353.40. After discussing their options Supervisor Allen Latimer made the motion and Supervisor Tommy Lewis seconded the motion to approve to enter into a contract with Entergy to relocate utility poles along the Starlanding Underpass and to authorize the Clerk to write the checks as necessary. The motion passed by a unanimous vote. **See Exhibit H.13.a**

b. Road Report and Work Schedule

c. Road Bond Report

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, annotated, County Road Manager Russell Dorris presented the Road Report for June 26, 2006 thru July 25, 2006 and the Work Schedule for the month of August 2006.

Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to accept the County Road Report Work Schedule and the Road Bond Report dated August 7, 2006. The motion passed by a unanimous vote.

See Exhibits H.13.b and H.13.c

I. EXECUTIVE SESSION

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

J. OTHER ISSUES

1. Accounting - FY 06 – Final Meeting

Comptroller Tom Arnold said that each year the Accounting Department requests the final meeting in September be the last Monday in September and this year they request this meeting be on September 25th. The Board of Supervisors agreed.

2. Fleet Manager Tax Assessor – Tax Assessor Vehicles

Road Manager Russell Dorris notified the Board of Supervisors that the auction company has notified the County that it may be advantageous to postpone the date of the auction for the sale of vehicles from the Tax Assessor’s office until later. Mr. Dorris said that the auction company feels that a future sale that will be held in a few weeks may bring more money for the vehicles.

At the recommendation of the Road Manager Russell Dorris Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve delaying the auction of the Tax Assessor vehicles until a later date. The motion passed by a unanimous vote. **See Exhibit J.2**

3. E-911

Supervisor Eugene Thach asked the fund balance for E-911. Later in the meeting Comptroller Tom Arnold said proceeds for E-911 to date for FY06 have been \$1,119,572.40.

4. Chancery Clerk Approval to Appoint Attorney for Lunacy

At the recommendation of the Board Attorney Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to hire an attorney to act on behalf of a citizen charged with being of unsound or a feeble mind when the court remands a person to the custody of the Sheriff’s Department and requests the Chancellor to proceed according to the laws of a person of unsound mind. The motion passed by a unanimous vote.

5. Craft – Box Culvert

Road Manager Russell Dorris said there is a box culvert on Craft Road that is 10 feet by 10 feet. He said this is in connection with what the School Board is doing in the area. Mr. Dorris said in order to address the issue properly the County will need to tear out the wing walls and get quotes to extend the box culvert. Mr. Dorris cautioned that this will not take care of the future development upstream. He said this will be a band aid effect however Mr. Dorris said he hopes this work will not be lost in the future because it can be expanded later.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to authorize the Engineer and Road Manager to accomplish the work necessary on the box culvert on Craft Road according to the recommendation of the Road Manager. 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

6. Holly Springs Road

Road Manager Russell Dorris notified the Board of Supervisors that Federal Legislation has been approved to add \$1.25 million in additional money for Holly Springs Road. Mr. Dorris said that they asked if we have to have a second engineer on the project to use the additional money. Mr. Dorris said that John Harper of MDOT said probably not.

7. Subdivision – Stillwater

The Board of Supervisors was notified that the Stillwater Subdivision will file for approval again as a PUD.

8. NRCS Project – Russell Cove, Bonner Drive and Gwen Road

Board Attorney Tony Nowak notified the Board of Supervisors that the easements have been acquired according to law for the new NRCS Project on Russell Cove, Bonner Drive and Gwen Road.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded to approve the Board President to sign assurances on the NRCS Project on Russell Cove, Bonner Drive and Gwen Road as recommended by the Board Attorney. The motion passed by a unanimous vote.

9. City of Hernando – Fall Festival

County Administrator Michael Garriga notified the Board that Brian Goff has requested meeting with the County about plans for the Fall Festival. The Board of Supervisors instructed the County Administrator to meet with Mr. Goff.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until August 9, 2006 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 7th day of August 2006, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors