

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

BILL RUSSELL, PRESIDENT 2007 PRESIDING

September 10, 2007

A. CALL TO ORDER

The September 10, 2007, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, 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
- Jody Neyman -----Board Attorney
- Chief Deputy Charlie Brown-----Sheriff’s Department

B. INVOCATION

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. OLD BUSINESS

E. NEW BUSINESS

1. Accounting – Approval to pay Election Commissioners

County Administrator Michael Garriga presented a request from Comptroller Tom Arnold to pay election workers for the August 28, 2007 election, and for one person who worked during the August 7, 2007 election and who was accidentally omitted from the original list as presented for payment.

Supervisor Jessie Medlin asked if the Board voted to change the pay for poll workers in November. Mr. Garriga said yes.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to authorize a claim in the amount of \$16,180.00 to pay election workers from the August 7, 2007 and August 28, 2007 elections. The motion passed by a unanimous vote.

See Exhibit E.1

2. I – 69 / 269

Attorney Steve Pittman, from Government Consultants, Inc., appeared before the Board of Supervisors regarding bonds for I – 69 / 269 Highway through DeSoto County. Mr. Pittman said the resolution before the Board today would approve the bond agreements, form the trust indenture and authorize the Clerk and Board President to sign the documents connected with the resolution.

Supervisor Jessie Medlin asked how many resolutions have been approved in connection with this highway. Mr. Pittman said the first resolution was an intent resolution in the amount of \$275 million. The second was a no protest resolution, and the third was approving the form of the interlocal agreement between the county and MDOT. This will be the fourth resolution approving a bond not to exceed \$31 million. Mr. Pittman said nothing in this resolution requires the Board of Supervisors to issue another series for this bond.

Supervisor Bill Russell asked what would the \$31 million cover. Mr. Pittman said the \$31 million is supposed to cover engineering, right of way, utility relocation for the design phase and get into right of way acquisition.

Supervisor Allen Latimer asked what if another Board in the future does not want to make other obligations. Would the county be held for this \$31 million or would the state still funnel the money in. Mr. Pittman said yes. He said the county will not incur any obligation for this \$31 million.

Supervisor Bill Russell said the Federal government has changed the rules on this type of loan. County Administrator Michael Garriga said this was one of the first programs in the Help Program. Under new policies there will be a local match. The 269 Project would not require a match.

Supervisor Russell asked if the committee that was established at the last meeting, met with MDOT. Supervisor Tommy Lewis said they did meet. He said that MDOT listened to the county's concerns but we did not accomplish a lot at the meeting. Supervisor Lewis said the MDOT representative committed to voicing the county's concerns on this roadway. He said that is one of the problems he has now with the project. Supervisor Lewis said the consultants for MDOT have not asked one supervisor on this Board what plans are relating to this highway and intersections for this highway. Supervisor Lewis said he will support this step in the process but he will not take another step until the consultants come to talk to the county about our plans because our plans are important to the people of DeSoto County.

Mr. Pittman said that the Board of Supervisors knows his firm acts as financial advisor to the county. He said the Board's concerns include, if the county has a two lane road and that road will be a five lane road in the future, how can you provide in the plans for I – 269 for that to happen. He said that is very important and we will continue to work with the county and MDOT on such issues. Mr. Pittman said if this project is going to move forward we must have action by this Board before the State Development Bank meeting on Wednesday.

Supervisor Jessie Medlin said we had a good meeting with Mr. Richard Allen of MDOT, but we have all heard that our needs do not always meet the criteria for MDOT. Supervisor Medlin said we have met with MDOT with other issues without support for county needs. Supervisor Medlin said we have said from the beginning we would like to have some input in the project and we have not received any so far. Supervisor Medlin said, in many cases, they are planning on taking our roads over their road. He said if the county has a two lane road the price will escalate hundreds of thousands of dollars when those county roads are widened due to the cost of the bridge.

Supervisor Bill Russell asked what would keep us from widening one lane on these roads now.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to amend the four year road plan to include Tchulahoma, Getwell, Malone, Laughter, Craft, Red Banks and Ross Roads to be improved to five lanes where they intersect with I – 269 and to improve Fairview Road East. The motion passed by a unanimous vote.

Supervisor Eugene Thach asked the cost of a five lane road one mile long. Road Manager Russell Dorris said the cost of a five lane road is \$1 million not including right of way and utility relocation and potential drainage issues and engineering.

Supervisor Allen Latimer said they will have to take our right of way into consideration even if the road is not built. County Administrator Michael Garriga said the road would have to be constructed before MDOT would consider it. Other than that, they would condemn the right of way and pay the county for it.

Supervisor Bill Russell said he has a problem with how we will find the money but he will surely have a problem finding the money to improve the road after I – 269 is built.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the \$31 million bond issue and to authorize the Board President to sign the Resolution of the Board of Supervisors of DeSoto County , Mississippi (the “County”), authorizing the negotiation for the sale by the Mississippi Development Bank (the “Bank”) of its special obligation bonds, series 2007 (DeSoto County, Mississippi Highway Construction Project), in the principal amount of not to exceed thirty-one million dollars (\$31,000,000) (the “Series 2007 Bonds”) to provide funds for a loan (the “Loan”) between the county and the Bank pursuant to a loan agreement between the county and the Bank secured by the County’s promissory note (DeSoto County, Mississippi Highway Construction Project) in the principal amount of not to exceed thirty-one million dollars (\$31,000,000) (the “Note”); approving the form of and execution of , as applicable, the loan agreement, the note, the trust indenture, the preliminary official statement, the bond purchase agreement, the continuing disclosure agreement, the intercept agreement and the assignment agreement, all in connection with the Bank’s issuance of the bonds and the loan with the County of the proceeds of the bonds from the Bank to the County. 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 Tommy Lewis suggested approving the bond issue not to exceed \$31 million for engineering and right of way with the understanding the bonds will be paid by MDOT or the state of Mississippi and this Board will not be liable for any of the funding. Mr. Pittman explained to the Board that they will not be held liable for the funding as it is written, and said changing the language could jeopardize the conclusion of the bond documents. Supervisor Russell clarified that the language as presented covers the county. Mr. Pittman said that is correct.

Mr. Garriga asked if the county should send MDOT notice that we plan to update the roadways. The Board agreed.

Supervisor Jessie Medlin asked if it would be better for them to ramp over our roads, or allow enough space in their construction for us to widen our roads. **See Exhibit E.2**

3. Approval of Burn Ban Resolution

Paul LeBlanc, Deputy EMS Director, said the Fire Marshal believes it is okay to let burning start again in DeSoto County. Therefore Emergency Services requests the Board of Supervisors lift the burn ban.

Board Attorney Jody Neyman said, at the September 4th meeting, the Board of Supervisors voted to extend the burn ban. Mr. Neyman said he needs to have the resolution approved and signed by the Board requesting to designate the Director of Emergency Services as representative in contact for the Board of Supervisors in DeSoto County for the purposes in communicating with the State Forestry Commission on future burn bans in DeSoto County. Under this action, the Director of Emergency Services would be authorized to confirm a desire for the burn ban to remain in effect should the Forestry Commission make inquiry upon the county for such confirmation. Further, the Director of Emergency Services would be authorized to submit to the State Forestry Commission a request to implement a burn ban and continue the same until he determines that it is safe and appropriate to terminate the burn ban. When it is safe to terminate the burn ban, the Director of Emergency Services would have authority to inform the State Forestry Commission that this ban has been lifted and otherwise inform or advise the Board of Supervisors and the citizens of DeSoto County of the burn ban. The motion passed by a unanimous vote.

Attorney Jody Neyman requested authority to write to the Attorney General for an official opinion on giving the Director of Emergency Services authority to issue the burn ban. He said the Forestry Commission says they get this call everyday for authority for Emergency Services Directors to implement burn bans. Supervisor Russell asked on behalf of the Board of Supervisors, for the Board Attorney to get an official Attorney General's opinion.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to ask the Smith Phillips Mitchell Scott and Nowak Law Firm to write for an official Attorney General's opinion on the authority for the Board of Supervisors to designate a DeSoto County official to implement and remove burn bans in DeSoto County. The motion passed by a unanimous vote.

Supervisor Jessie Medlin said residents still need to be careful about burning because the recent rainfall amounts have not been adequate to remove drought conditions.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to accept the recommendation of the Fire Marshal to lift the burn ban in unincorporated areas of DeSoto County. The motion passed by a unanimous vote.

See Exhibit E.3

4. Approval to Modify Cellular Phone Plan

Vanessa Lynchard recommended a more efficient Cingular cell phone plan. Ms. Lynchard said the current plan is \$99 per month for up to 2,000 minutes. She said the cell phone provider is Cellular South and they have done everything possible to improve the coverage required by the Coroner, including adding a tower near his home. She said the Coroner cannot use the Cellular South phone at night from his home. The current Cingular plan is inadequate.

Ms. Lynchard said the recommended package is 4,000 minutes which cost \$150 per month plus tax. She said there are always directory assistance fees due to the nature of the Coroner's job.

Supervisor Eugene Thach said the last bill was \$350.

Supervisor Bill Russell asked if the only issue with Cellular South is the home calls. Ms. Lynchard said, according to the Coroner, it just is not working out. She said Cellular South worked with the vehicle antenna too.

Supervisor Jessie Medlin asked if the Coroner has paid for the personal calls on the last bill. Ms. Lynchard said that Accounting works with him to resolve that issue.

Ms. Lynchard said the directory assistance calls are necessary when the Coroner is on site with a body. He must call family, the state and hospitals while he is still on site.

Supervisor Bill Russell asked if there is a free directory assistance package. Ms. Lynchard said directory assistance is always an additional charge on cell phone plans.

Road Manager Russell Dorris asked if the Coroner has a laptop. He said the numbers can be looked up on the internet.

Supervisor Tommy Lewis asked approximately how many directory assistance calls are made monthly. Ms. Lynchard said 40 to 60 calls and the charge is \$1.29 each. Supervisor Allen Latimer said it would take a long time to break even because laptops are so expensive. He said laptops also have limitations.

At the recommendation of Vanessa Lynchard, Supervisor Allen Latimer made the motion and Supervisor Tommy Lewis seconded the motion to approve increasing the cell phone package for the Desoto County Coroner to a 4,000 minute package at \$150 per month plus text messaging. 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

5. Lunacy Court – Request for Public Defender

County Administrator Michael Garriga said that a group met last week regarding lunacies in the Desoto County Jail. He said the group discussed how to more efficiently handle lunacies throughout the entire process. He said one of the conclusions was that we need a Public Defender in Chancery Court for lunacy hearings. Mr. Garriga said the request came in after the budget, so this amount has not been included in the FY 08 budget. Mr. Garriga reminded the Board that a Public Defender was added in Circuit Court and there has never been a Public Defender in Chancery Court. He said that currently Chancery Court uses Circuit Court Public Defenders and because of their workload in Circuit, they are sometimes hard to find for lunacy hearings.

Supervisor Eugene Thach asked if the Public Defenders are paid by case or by the month. Mr. Garriga said that the Public Defenders are not paid at all for their work in Chancery Court.

Special Master Melinda Meacham said Judge Lynchard recommends the case load would be similar to Youth Court Public Defenders and he recommends the salary at the lower level of Youth Court Public Defenders. Ms. Meacham said that 90% of lunacy hearings require a Public Defender.

County Administrator Michael Garriga said that Youth Court Public Defenders receive about \$37,000 per year. Joyce Sims with Chancery Court Records said that as of last week there were 212 cases filed for lunacies. Ms. Sims said she now has 225 cases. She said that Public Defenders represented 115 of those cases.

Supervisor Allen Latimer asked, of the 212 cases, how many are still in the jail. Chief Deputy Charlie Brown said 15 are in the jail at this time

Supervisor Bill Russell asked how much we currently pay Public Defenders. Ms. Sims said that we do not pay them anything in Chancery Court.

Mr. Garriga said we are going to continue to have discussions about mental health in the jail. In the next year we will bring additional solutions to the Board for this issue.

Supervisor Eugene Thach asked if there is money in the budget for this expenditure. Mr. Garriga said this was not included in the budget, but if the Board would include this, we could amend the budget to add this item.

Supervisor Bill Russell said the Public Defenders would try to make sure that these hearings happen quickly.

Supervisor Jessie Medlin asked if Ms. Meacham knows how the case load compares to the case load in Youth Court. He said it would not be fair to set the salary the same if the case loads are not equal.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to hire a Public Defender for Chancery Court to hear lunacy cases as recommended by Judge Lynchard modeling the process for Public Defenders in other courts whereby the Public Defender would be appointed by the Senior Chancellor and would serve as all Public Defenders do, at the will and pleasure of the court. Salary for the appointee would be proposed at an amount no greater than the Public Defender appointed for Youth Court. 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

See Exhibit E.5

F. EXECUTIVE SESSION

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

G. OTHER

1. Jail Inspection

The Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, periodic examinations into the state and condition of the DeSoto County Jail, in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1, the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said compliance. The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a monthly basis, and a requirement that the DeSoto County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed pursuant to Section 19-5-1 to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors:

Supervisor Jessie Medlin
County Administrator Michael Garriga

The DeSoto County Board of Supervisors does hereby find that the above named committee has reported back to the DeSoto County Board of Supervisors. They have examined the DeSoto County Jail regarding its state and condition in regard to its safety, sufficiency and accommodation of the prisoners, and do find the jail to be in compliance and requiring no further action at this time.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the observed condition of the jail and to state there was no

overcrowding of the Jail, and do find the Jail to be in compliance and requiring no further action at this time. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until September 24, 2007 at 9:00 a.m. The motion passed by a unanimous vote.

THIS is the 10th day of September 2007, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Bill Russell, President
DeSoto County Board of Supervisors