

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT, PRESIDING

June 29, 1998

A. CALL TO ORDER

The June 29, 1998, meeting of the DeSoto County Board of Supervisors was called to order by James Albert Riley, DeSoto County Sheriff.

James Albert Riley, the DeSoto County Sheriff 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:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- James D. Pearson-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- James Albert Riley-----Sheriff
- Clovis Reed-----County Administrator
- William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor John Caldwell.

C. OLD BUSINESS

1. Making Petition of Opposition to Improvements of Polk Lane Part of the Minutes.

Carol Hunting of 7109 Polk Lane, Olive Branch, Mississippi, appeared before the Board Of Supervisors to present a Petition of Opposition to developments to Polk Lane from Goodman Road to the proposed plant location. Ms. Hunting read the Petition of Opposition to the Board Of Supervisors as follows:

This petition is to inform the Board Of Supervisors of the following:

We the undersigned residents and registered voters of Pleasant Grove Subdivision and surrounding neighbors:

- A Oppose the development of a four lane thoroughfare on Polk Lane from Goodman Road to the proposed plant locations.

Item C.1., Continued,

- B. Ask that the County Planning Commission consider a North entrance and exit to and from the proposed plant location, so as not to include the area of Polk Lane from Goodman to the first curve just beyond Pleasant Grove Subdivision.
- C. Ask that an appropriate buffer-zone between Pleasant Grove Subdivision and the industry site to be provided.
- D. Ask that the residents of Pleasant Grove Subdivision be informed in writing of proposed plans of said construction that will affect their quality of life.

Ms. Hunting requested copies of drawings of the proposed development and the environmental reports pertaining to the development.

Supervisor Jessie Medlin said he has met with the residents of Pleasant Grove Subdivision to work to take care of these concerns. Supervisor Medlin said that he feels great progress has been made in this effort.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to make the Petition Of Opposition to the development of Polk Lane part of the minutes. The motion passed by a unanimous vote. ****See Exhibit C.1****

2. a. Appointment - Mississippi Youth Summit

Supervisor Tommy Lewis made the motion, and Supervisor Eugene Thach seconded the motion to appoint Donna Tippitt, of 106 W Commerce St, Hernando, Mississippi, 38632, for the District 5 Representative to the Mississippi Youth Summit. The motion passed by a unanimous vote. ****See Exhibit C.2.a****

B. Convention & Visitors Bureau

Supervisor Jessie Medlin made the motion and Supervisor Jake Pearson seconded the motion to re-appoint Pat Hefley of 3506 Evergreen, Olive Branch, Mississippi, 38654, as the District 1 Representative to the Convention & Visitors Bureau. The motion passed by a unanimous vote.

At the recommendation of Rex Haynes, Chairman of the Convention & Visitors Bureau, Supervisor John Caldwell made the motion, and Supervisor Tommy Lewis seconded the motion to appoint Ed Franklin as the At Large Representative for the Convention & Visitors Bureau to replace George Garvin whose appointment has expired. The motion passed by a unanimous vote.

After discussing the valuable efforts of George Garvin to the Convention & Visitors Bureau, Supervisor Jessie Medlin made the motion, and Supervisor John Caldwell seconded the motion to send a Resolution of Appreciation to George Garvin for his service as the At Large Representative to the Convention & Visitors Bureau. The motion passed unanimous vote. ****See Exhibits C.2.b****

Item C., Continued,

3. Appointment of Census Contact for State

The County Administrator, Clovis Reed, told the Board of Supervisors that the State Census Contact requested for appointment by the Office of the Governor, should be a person willing to make a concerted effort to count every citizen of DeSoto County. The Board of Supervisors discussed the time it would take for this responsibility to be carried out as DeSoto County Population is so large.

The Board of Supervisors asked the County Administrator, Clovis Reed, to see if the Governor would issue the appointment and/or if the Board of Supervisors should recommend an Appointee for the Governor, the Board of Supervisors asked the County Administrator to find out if the Appointee can be paid or if they can be an employee of DeSoto County. This item was held over. ****See Exhibit C.3****

D. NEW BUSINESS

1. Doug Thornton - Architect for E-911

Doug Thornton of Johnson, Bailey, Henderson, & McNeel, appeared before the Board Of Supervisors and reported that the E-911 Commission voted last Thursday night to allow Doug Thornton to present a contract to this Board Of Supervisors for an E-911 Building. Mr. Thornton said that although a complete needs assessment for offices in the building has not been completed, he estimates the building should be able to be completed and opened by August of next year.

Supervisor Eugene Thach clarified that this approval will allow Johnson, Bailey, Henderson, & McNeel to draw the plans for the building. Doug Thornton said that is correct.

Supervisor John Caldwell asked if the payment of the fees will come from the E-911 budget; The County Administrator said yes.

Supervisor Eugene Thach said he has always felt to build this building would be advantageous for the citizens of DeSoto County.

Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion, to hire Johnson, Bailey, Henderson, & McNeel per the recommendation of E-911 Commission to draw up architectural plans for the E-911 building, at a Price of 6% of the construction costs of the building with reimbursement only for the cost of reproduction of documents. The **motion passed** unanimous vote. ****See Exhibit D.1****

2. Bobby Storey - Volunteer Fire Department Funding Request.

Bobby Storey, Director of Fire & EMS, appeared before the Board of Supervisors on behalf of the DeSoto County Fire Service. Mr. Storey said that in October, 1997, the Fire Chiefs asked the Board of Supervisors for authorization to advertise for a New Dispatch System. The bids were taken with the low bid coming in at \$ 53,806.50, the Fire Chiefs purchased the system themselves

Item D.2, Continued,

before the funding details had been worked out, as the need was necessary and urgent. Mr. Storey said that consequently their emergency fund is down to

\$3,000.00, and they now have a bill for \$3,080.00 that will need to be paid from this fund. Bobby Storey said that the Fire Chiefs Association is asking for the Board of Supervisors to help with the cost of this system to re-establish their Emergency Funds.

Supervisor Tommy Lewis asked if there is a specific need at this time.

Supervisor Eugene Thach reminded Mr. Storey that the Fire & EMS Department gets county millage to fund these needs: The County General Fund comes from taxpayers in as well as the city. Supervisor Thach said, that to reimburse the fire fund out of the county general fund would, in essence, make the city pay part of the county fire expenditure.

Supervisor John Caldwell said that the county answers calls within the city when needed. Therefore the cities benefit from the county fire service. Supervisor Thach responded that the city does the same for the county when necessary, and county residents pay no city taxes while city residents pay county taxes.

Bobby Storey said that the dispatch system that was purchased in 1997 allows DeSoto County to more effectively meet the communication needs of the county. Mr. Storey explained that if the Sheriffs Department's 800 system goes down, they can use the Fire Chiefs Dispatch System as a back up and the Fire Department can use the Sheriffs Department for a back up if their system goes down.

Supervisor Tommy Lewis said to decide whether to reimburse this expenditure should boil down to what is best for the residents of DeSoto County. Supervisor Tommy Lewis ask how soon the Fire Department needs the money, Bobby Storey responded, because they have a bill of \$ 3,080.00 and have only \$ 3,000.00 left in the account, he has no option but to ask the Board Of Supervisors to reimburse the fund as soon as possible.

Supervisor Jessie Medlin made the motion, and Supervisor Jake Pearson seconded the motion to in amend the budget for support for Volunteer Fire Departments in the amount of \$ 53806.50 from the general county liability account #001-900-950 to account #101-000-384. This amendment is in accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----No
Supervisor James Pearson-----Yes
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

3. Insurance Distribution of Fire Funds & Tax Distribution of Fire Funds

WHEREAS, DeSoto County, Mississippi, has ten (10) Volunteer Rural Fire Departments in the unincorporated areas eligible to participate in the \$ 103,803.17 in Volunteer Fire Department Funds budgeted by DeSoto County,

Item D.3., Continued,

Mississippi, in the FY1998 budget for rural fire departments under the authority of Sections 19-5-95 and 83-1-39 Mississippi Code of 1972 amended.

WHEREAS, the annual allocation available for division among the eligible fire departments of the County is:

\$ 265,348.17	Available funds
- 544,519.00	Fire Coordinator Budgeted Expenses
382,974.00	Budget Allocation Expenses
103,803.17	Available for Distribution

WHEREAS, the following volunteer fire departments, to-wit: Bridgetown Volunteer Fire Department; Lewisburg Volunteer Fire Department; Alhaba Volunteer Fire Department; Cockrum Volunteer Fire Department; Ingrams' Mill Volunteer Fire Department; DeSoto Woods Volunteer Fire Department; Eudora Volunteer Fire Department; Fairhaven Volunteer Fire Department; Love Volunteer Fire Department; Nesbit Volunteer Fire Department; Summers Hill Volunteer Fire Department; and Walls Volunteer Fire Departments are eligible to participate in the funds and have presented their proposals and Rural Fire Protection Agreements as required by law.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF SUPERVISORS OF DESOTO COUNTY, MISSISSIPPI, AS FOLLOWS:

Section 1. That the above said Proposals and Rural Fire Protection Agreements were previously approved by the Board and are on file.

Section 2. That available funds for county volunteer fire departments under the provisions Sections 19-5-95 and 83-1-39, Mississippi Code of 1972 for the year 1998 will be divided on the following basis and formula:

1. All ten (10) volunteer fire departments shall share equally in 60% of all available funds.
2. All ten (10) volunteer fire departments shall share according to their percentage of the population serviced by said fire departments in 40% of all the remaining available funds.

Section 3. That based on the preceding formula heretofore adopted by this Board of Supervisors for the division of funds among the various volunteer fire departments, the following allocations of the funds are to be made to the following fire departments:

<u>Fire Departments</u>	<u>Fy97-98 Budget Alloc. Funds</u>
Alhaba, Cockrum	
Ingram's Mill	\$ 7,670.22
Bridgetown	\$ 7,220.59
DeSoto Woods	\$ 8,435.43

Item D.3., continued,

Eudora	\$ 8,894.56
Fairhaven	\$ 8,945.89
Lewisburg	\$ 10,714.92
Love	\$ 11,002.00
Nesbit	\$ 12,253.91

Summers Hill	\$ 13,984.91
Walls	\$ <u>14,680.73</u>

TOTAL	\$ 103,803.17
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Any fire house or permanent building constructed by any of these funds must be on county owned property. None of the funds shall be used to purchase land.

Section 4. All Departments receiving these funds shall refer to Sections 19-5-95 and Sections 83-1-39, Mississippi code of 1972, as amended regarding appropriate use of these funds. Furthermore, each department shall account for these funds separately from all other allocations and available funds. State purchase procedures as detailed in the appropriate sections of the Mississippi Code of 1972, as amended, shall be followed. All departments receiving these funds are subject to audit by the Mississippi Department of Audit, and that each department receiving these funds is directly accountable to the Mississippi State Auditor.

Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to approve the distribution of tax funds for the Fire Department in accordance with Section 19-5-95 and 83-1-39 of the Mississippi Code. The **motion passed** by unanimous vote. ****See Exhibit D.3****

WHEREAS, DeSoto County, Mississippi, has ten (10) Volunteer Rural Fire Departments in the unincorporated areas eligible to participate in the Volunteer Fire Department Funds allocated to DeSoto County, Mississippi, by the Mississippi State Insurance Commission in accordance to Section 83-1-9, Mississippi Code of 1972 as amended.

WHEREAS, the funds available for division among the eligible fire departments of the County are as follows:

\$ 163,920.54 - Mississippi State Insurance Commission Allocation

WHEREAS, the following volunteer fire departments, to-wit:

Bridgetown Volunteer Fire Department; Lewisburg Volunteer Fire Department; Alhaba Volunteer Fire Department; Cockrum Volunteer Fire Department; Ingrams' Mill Volunteer Fire Department; DeSoto Woods Volunteer Fire Department; Eudora Volunteer Fire Department; Fairhaven Volunteer Fire Department; Love Volunteer Fire Department; Nesbit Volunteer Fire Department; Summers Hill Volunteer Fire Department; and Walls Volunteer Fire Departments are eligible to participate in the funds and have presented their Proposals and Rural Fire Protection Agreements as required by law.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF SUPERVISORS OR DESOTO COUNTY, MISSISSIPPI, AS FOLLOWS:

Item D.3., continued,

Section 1. That Bobby Storey, Volunteer Fire Coordinator for the County, has advised this Board that Proposals and Rural Fire Protection Agreements between the DeSoto County

Board of Supervisors and each Fire Department have been submitted to the State Insurance Commission pursuant to Section 83-1-39, Mississippi Code of 1972, as amended, and all Agreements were approved as submitted.

Section 2. That the above said Agreements were approved by the Board and are on file.

Section 3. That available funds for county volunteer fire departments under the provisions of Section 83-1-39, Mississippi Code of 1972 as amended for the year 1997-98 will be divided on the following basis and formula:

- a. All ten (10) volunteer fire departments shall share equally in 60% of all available funds.
- b. All ten (10) volunteer fire departments shall share according to their percentage of the population serviced by said fire departments in 40% of all the remaining available funds.

Section 4. That based on the preceding formula heretofore adopted by this Board of Supervisors for the division of funds among the various volunteer fire departments, the following allocations of the funds are to be made to the following fire departments:

<u>Fire Departments</u>	<u>Insurance Funds</u>
Alphaba, Cockrum	
Ingram's Mill	\$ 12,862.50
Bridgetown	\$ 13,930.13
DeSoto Woods	\$ 14,718.38
Eudora	\$ 16,155.18
Fairhaven	\$ 15,007.73
Lewisburg	\$ 15,350.97
Love	\$ 15,895.76
Nesbit	\$ 17,514.16
Summers Hill	\$ 16,410.61
Walls	<u>\$ 26,075.12</u>
 TOTAL	 \$ 163,920.54

All of the budgets are approved, subject to final approval of the State Fire Fighters School with the limitation that the amount to be spent by each department shall not exceed the amount of money first listed above in this section.

Item D.3., continued,

Any fire house or permanent building constructed by any of these funds must be on county owned property. None of the funds shall be used to purchase land.

Section 5. All departments receiving these funds shall refer to Section 83-1-9, Mississippi Code of 1972, as amended, regarding

appropriate use of these funds. Furthermore, all department receiving funds should be aware of State Purchasing procedures and the recommendation of the State Fire Coordinator regarding purchase procedures using these funds.

Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to approve the distribution of insurance funds for the Fire Department in accordance with Section 19-5-95 and 83-1-39 of the Mississippi Code. The **motion passed** by unanimous vote. ****See Exhibit D.3****

4. Making Fully Executed Contract with DeSoto County Lawn Service Part of the Minutes

The County Administrator, Clovis Reed, presented the fully executed contract with DeSoto County Lawn and Tree Service, and said that Bryant Walker had signed an affidavit to the effect that he does not have Workman Compensation Insurance due to the fact that his company employees two (2) part time employees. Therefore Workman Compensation is not required. At the approval of the Board Attorney, Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion, to approve making the fully executed contract with DeSoto County Lawn & Tree Service part of the minutes. The motion passed by unanimous vote. ****See Exhibit D.4****

5. MDOC - Request for Additional Office Space For House Arrest Program

Willie Sumner, DeSoto County Probation/Parole Officer III of the Mississippi Department of Corrections and Clay Baker of the Mississippi Department of Corrections appeared before the Board of Supervisors to request additional office space for Parole Officers. Mr. Sumner said that the Parole Officers are experiencing continuous growth in case load in DeSoto County. Mr. Sumner said that they are currently operating an office of four (4) employees in an office for two (2). Mr. Sumner explained the growth that the Parole System has experienced in the last ten (10) years and said they have out grown their present location. Mr. Sumner appeared before the Board of Supervisors to request additional office space.

Supervisor Eugene Thach asked if this is a State Program, Mr. Sumner said that it is. Supervisor Eugene Thach asked whether the state could pay rent. Mr. Sumner said they could.

The County Administrator, Clovis Reed, suggested moving the Fire and Dispatch to the new E-911 building and allowing the Department of Corrections to use their current Fire & Dispatch facility. Mr. Reed said that Fire & EMS would not be able move for quite sometime, as this building has not been constructed. Mr. Reed said if the request from Civil Defense to use the Justice Court building is approved, the Parole Officers could use the Civil Defense building. Or possibly

Item D.5., Continued,

they could use the Farmers Home Office, if that office is relocated to Tate County. The County Administrator said that there maybe some possibilities for the County to receive rent from the State for the Parole Officers.

Supervisor Tommy Lewis asked if anyone has any idea of the time line for the Soil & Water Conservation Service to move to Tate County. The Chancery Clerk, W.E. "Sluggo" Davis said he understands that office will move by September 30, 1998.

County Administrator, Clovis Reed, asked Mr. Sumner if the Department of Corrections could use the Justice Court Building until the Farmers Home Building becomes available. Willie Sumner stated that was a possibility. No motions were made nor votes taken on this portion of the meeting. ****See Exhibit D.5****

6. Dale Thompson

a. Budget Amendments

(1) **Youth Services**

The County Administrator, Clovis Reed, notified the Board Of Supervisors that Jim Bearden, Director of Operations & Maintenance, did look at the carpet in the Youth Services portion of the Board Of Education Building and agrees that the carpet needs to be replaced.

Supervisor John Caldwell said that the Board should budget the needs in the entire building if the building will be used for County business.

Supervisor Tommy Lewis noted the office is making the improvement from their budget and made the motion, and Supervisor Eugene Thach seconded the motion to approve the budget amendment in accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for Youth Services as follows:

Lower	164-934	\$ 385.00	Increase 164-662
			\$1,536.50
Lower	164-603	\$ 1,000.00	
Lower	164-571	\$ 22.50	
Lower	164-544	\$ 4.00	
Lower	164-552	\$ 125.00	

The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
 Supervisor Eugene Thach-----Yes
 Supervisor James Pearson-----Yes
 Supervisor John Caldwell-----No
 Supervisor Tommy Lewis-----Yes

****See Exhibit D.6.a(1)****

Item D.6.a., Continued,

(2) **Sheriff's Department**

The Comptroller, Dale Thompson, presented a request for a budget amendment from the DeSoto County Sheriffs Department, Supervisor

John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the budget amendment in accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the DeSoto County Sheriff's Department as follows:

Lower	001-202-433	\$ 9,200.00
Increase	001-200-469	\$ 1,600.00
Increase	001-200-479	\$ 2,700.00
Increase	001-202-469	\$ 1,400.00
Increase	001-202-475	\$ 1,000.00
Increase	001-202-554	\$ 2,500.00

The **motion passed** by a unanimous vote. ****See Exhibit D.6.a (2)****

(3) Victims Witness

The Comptroller, Dale Thompson, presented a request for a budget amendment from the Victim Witness, Supervisor Jake Pearson made the motion and Supervisor Tommy Lewis seconded the motion to approve the budget amendment as follows:

Decrease	001-171-934	Furniture/Fixtures	\$
621.36			
Increase	001-171-543	Repair to Off Equip	\$
		621.36	

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

(3)**

b. Civic Center Accounting Structure

Dale Thompson, the Comptroller, notified the Board of Supervisors that the Convention & Visitors Bureau has submitted a request for \$ 2,474.87 for the reimbursement of expenses for the Civic Center Director to attend a conference at OgleBay in Wheeling, West Virginia, as was part of the terms of his contract. The Comptroller also notified the Board of Supervisors that she previously transferred \$ 10,611.75 to the Convention & Visitors Bureau in terms of the contract for the Civic Center Director and in accordance with legislation for the Civic Center and at the recommendation of the Board Attorney, William Austin, and the County Administrator, Clovis Reed.

The Board Attorney, William Austin notified the Board that this was the purpose of going back to the legislature to amend legislation for use of the 2% Sales Tax. The Board Attorney said this would transfer responsibility for Civic Center action to the Convention & Visitors Bureau, as well as to allow the bills for the Civic Center to be paid in a much more timely fashion. Mr. Austin said that all of these bills represent start up expenses for the Civic Center as approved in the recent legislation.

Item D.6.b., continued,

Supervisor Eugene Thach asked if the Board can legally pay moving expenses for the Civic Center Director. The Board Attorney, William Austin, said they can because they are a part of his contract.

Supervisor Jake Pearson made the motion, and Supervisor John Caldwell seconded the motion to approve the transfer of \$ 2,474.87 from the 2% Tourism Tax Funds to the DeSoto County Convention & Visitors Bureau, as requested.. The **motion passed** by unanimous vote.

Decrease	291-900-950	\$ 2,474.87
Increase	103-003-384	\$ 2,474.87

Supervisor Eugene Thach made the motion, and Supervisor Jake Pearson seconded the motion to approve the transfer of the \$ 10,611.75 by the Comptroller as a method of payment set out by Senate Bill # 3252, in paragraph #6, as an approved method of payment under these guidelines. The **motion passed** a by unanimous vote.

Decrease	291-900-950	\$ 10,611.75
Increase	103-003-384	\$ 10,611.75

The Comptroller, Dale Thompson, notified the Board of Supervisors that transfers from the 2% tax, require two (2) amendments to accomplish this effort . ****See Exhibit D.6.b****

6.c. Approval of Bill from Johnson, Bailey, Henderson, & McNeil - Civic Center

The County Administrator, Clovis Reed, presented a bill from Johnson, Bailey, Henderson, & McNeil which represents the final payment of the Administrative Services Contract for the DeSoto County Civic Center with Johnson, Bailey, Henderson, & McNeil. Mr. Reed explained no action was required by the Board of Supervisors on this item, as it will appear on the claims docket and said it is being presented for the Boards review only. ****See Exhibit D.6.c****

6.d. Approval of Invoice from Fisher & Arnold (Geotechnical Study) Park

The County Administrator, Clovis Reed, presented a bill from Fisher & Arnold in connection with the Geotechnical Study for the DeSoto County Parks. No action was required by the Board of Supervisors, as this item will appear on the claims docket in July. ****See Exhibit D.6.d****

6.e.(1) Budget Transfer - County Ambulance

That on this date, Ms. Dale Thompson, Comptroller, requested authorization to transfer \$ 300,000.00 to County Ambulance Fund (110-000-384) from General County Fund (001-900-950) per FY98 Budget. Pursuant to Section 19-11-19, Mississippi Code of 1972, Annotated, Supervisor Tommy Lewis made a motion and Supervisor John M.M. Caldwell, Sr., seconded to authorize the transfer of \$ 300,000.00 to County Ambulance Fund (110-000-384) from General County Fund (001-900-950) per FY98 Budget.

The **motion passed** a by unanimous vote. ****See Exhibit D.6.e (1)****

Item D.6.e., Continued,

6.E.(2) Budget Transfer - Metro Narcotics

At the recommendation of the Comptroller, Dale Thompson, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion. To approve, pursuant to Section 19-11-19 of the Mississippi Code of 1972, as amended, amending the Metro Narcotics operating budget as stated follows. That this portion of the minutes shall be forwarded to the Comptroller, the Sheriffs Department, and the Unit Commander of the Metro Narcotics Unit.

Decrease Metro Narcotics Seized Funds	623-900-950	\$
		2,230.00
Increase Metro Narcotics Forfeitures	105-000-384	\$
		2,230.00

The **motion passed** by a unanimous vote. ****See Exhibit D.6.e(2)****

6.f. Authorization to Write Off Outstanding Warrants

The Comptroller, Dale Thompson, notified the Board Of Supervisors that she is allowed to write off outstanding warrants after one (1) year.

The Comptroller, Dale Thompson, presented to the Board of Supervisors the following outstanding warrants from the General County and Payroll Clearing Funds and requested that she be allowed to cancel these outstanding warrants, pursuant to authority granted under Section 19-13-45 of the Mississippi code of 1972, annotated, which states that “A warrant not presented for payment within one year after date of its registration shall lose its priority.” The outstanding warrants are as follows:

<u>Check No.</u>	<u>Check Amount</u>
15260	\$ 10.00
15686	\$ 36.40
15756	\$ 42.00
16260	\$ 34.80
20343	\$ 10.00
20559	\$ 98.40
20577	\$ 32.00
20606	\$ 36.00
20615	\$ 30.00
20756	\$ 37.60
20778	\$ 34.80
20803	\$ 30.00
20812	\$ 30.00
21342	\$ 32.00
21423	\$ 97.20
22072	\$ 74.40
23355	\$ 108.00
23377	\$ 68.00
23386	\$ 72.00
23467	\$ 34.00
23756	\$ 10.00
24058	\$ 36.00
24397	\$ 50.50
GRAND TOTAL	\$1044.10

Item D.6.f., continued,

Supervisor Jessie Medlin made the motion and Supervisor John

Caldwell seconded the motion to approve the Comptroller to write off outstanding warrants in connection with Section 19-13-45 of the Mississippi Code as follows: The **motion passed** by a vote as follows:.

Supervisor Jessie Medlin-----Yes
 Supervisor Eugene Thach-----Yes
 Supervisor James Pearson-----Absent
 Supervisor John Caldwell-----Yes
 Supervisor Tommy Lewis-----Yes

****See Exhibit D.6.f****

6.g. Correction to Prior Budget Amendment

The Comptroller, Dale Thompson, presented a Budget Amendment which was approved by the Board Of Supervisors at the first (1st) meeting in April, 1998. Ms. Thompson said that the Summershill Fire Department had called her requesting clarification and it was determined that the budget transfer should have been for the ACI Fire Truck. This Budget Amendment needs to be corrected as follows:

50,000.00	From: 101-251-759 Transfer of Funds for the	\$
	Summershill Fire Truck	
		o: 101-251-759 Transfer of Funds \$ 50,000.00
	ACI Fire Truck	

The **motion passed** as follows:

Supervisor Jessie Medlin-----Yes
 Supervisor Eugene Thach-----Yes
 Supervisor James Pearson-----Absent
 Supervisor John Caldwell-----Yes
 Supervisor Tommy Lewis-----Yes

****See Exhibit 6.g****

6.h. Investment of Surplus Funds

At the recommendation of the Comptroller, Dale Thompson, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the investment of surplus funds as follows:

<u>Date of Investment</u>	<u>Bank</u>	<u>Amount</u>	<u>Date</u>	<u>Maturity # of Days</u>	<u>RATE</u>
<u>6/4/98</u>	<u>TrustMark</u>	<u>\$ 4,941,000.00</u>	<u>8/6/98</u>	<u>42</u>	5.302
<u>6/4/98</u>	<u>TrustMark</u>	<u>\$ 3,306,400.00</u>	<u>9/25/98</u>	<u>92</u>	5.328

The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

****See Exhibit D.6.h****

7. Acknowledging Receipt of Grant Funds - Solid Waste

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to accept the Grant Funds, in connection with Solid Waste Grant in the amount of \$ 1,777.33. The **motion passed** by a unanimous vote.
****See Exhibit D.7****

8. Personnel Manual - Response from County Office

Jane Heidleberg, was present at this meeting of the Board of Supervisors to discuss the DeSoto County Personnel Manual. Ms. Heidleberg said that from meetings with DeSoto County Employees, she feels the employees want the handbook to act as a contract, and legally she would not recommend that happening. Ms. Heidleberg used as an example the holiday schedule, where Saturday holidays are recognized on Friday and Sunday holidays on Monday, in the previous handbook. Ms. Heidleberg said there was opposition to taking the holiday recognized by the Secretary of State, as it violates the handbook schedule. Ms. Heidleberg said that there are some issues in the handbook that need to be addressed, but most of the objections were simply to change.

Supervisor John Caldwell asked for some specific complaints about the manual Jane Heidleberg said that the biggest complaint was that employees are not credited with leave when they cease employment with the county, and that all leave is credited in January.

Supervisor Eugene Thach said that he understood Ms. Heidleberg was meeting with Department Heads to get their issues and further understood that the Board of Supervisors had asked Jane Heidleberg to bring the changes in the manual before the Board, before it was adopted.

Jane Heidleberg said that one (1) change in the manual states that if an employee is on leave or not working a certain number days during the month, leave cannot be accumulated . Ms. Heidleberg said that this stipulation was in conjunction with the Family & Medical Leave Act and is standard to most companies. Supervisor Eugene Thach said that leave and pay effect employees more than any other changes and employees should be aware of any such

changes.

Item D.6.h., continued,

Jane Heidleberg said that she, Bill Austin, and Clovis Reed worked on every page of the manual together.

Supervisor Tommy Lewis said that on Page 75, the manual states that “key” employees can be replaced in their positions if the positions are left open for a period of time that will effect the business in a negative way. Supervisor Lewis asked why that was added to the manual.. Jane Heidleberg responded that is the law according to the Department of Labor. Supervisor Eugene Thach said, if that is the case, then Personnel Manual should state that “In Accordance With Federal Law...” Supervisor Tommy Lewis asked why the top ten (10%) are singled out as “key” employees. Jane Heidleberg responded that they are considered to be irreplaceable.

Jane Heidleberg said the purpose of the Manual was to provide a blue-print to run the business of the county. Ms. Heidleberg said that she has been asked why it takes thirteen (13) steps to hire an employee. Ms. Heidleberg said that the Manual was designed to provide an blue-print in accordance with EEOC and other requirements for open hiring.

Supervisor Tommy Lewis said that the elected officials can adopt their own policies, but the Board Of Supervisors have to defend their practices. Jane Heidleberg said that an Attorney Generals opinion is clear that the Board Of Supervisors has no authority over personnel, other than acting on the recommendation of the County Administrator or the Road Manager.

Supervisor Eugene Thach said that if each elected official decides to adopt a separate Personnel Manual, this could result in payments of more than \$ 200,000.00 for all officials to hire experts to review the individual manuals.

Supervisor Eugene Thach said that the Manual should clearly state that elected officials do not have to adopt the manual.

Supervisor John Caldwell said that he does not feel a manual could be written that would please everyone of the elected officials and the Board Of Supervisors. Supervisor Eugene Thach said that clarification should be given to state that elected officials do not have to adopt the manual.

Chancery Clerk, W.E.”Sluggo” Davis, said that the Elected Officials want to work with the County. Mr. Davis said that it took four (4) years to develop the Personnel Manual and the Board should not expect the Elected Officials to adopt the Manual in three (3) meetings with Jane Heidleberg and Clovis Reed.

Supervisor John Caldwell said that discussion on the

Personnel Manual have been in an open forum since it was brought up the first (1st) time. Supervisor Caldwell said the manual was designed to protect the County. The Board Of Supervisors discussed that all FMLA Leave must be kept in a central location. Jane Heidleberg

Item D.6.h., Continued,

responded that under the Department Of Labor Standards, the FLMLA Leave does not allow FMLA Leave to be handled separately. It must be kept in a central location. The Board of Supervisors discussed taking holidays in accordance with the Secretary of State and in accordance with the Secretary discussed and the manual amended as necessary.

Supervisor Tommy Lewis said he would like to meet with the elected officials and if any other Supervisors would like to do so, he would urge them to attend the meeting. The Board Of Supervisors asked the County Administrator to get with department heads to find other issues from which they disagree in the Manual. The County Administrator said that one (1) point brought out in the responses from department heads and elected officials was that the manual gave one (1) person too much Heidleberg agreed.

Supervisor Eugene Thach said that any employee or citizen can come before the Board Of Supervisors at any time on any issue. Jane Heidleberg agreed that is correct.

Mary Ann Schwartz, a citizen of DeSoto County, in attendance at the meeting asked if the meeting with elected officials will be open to the public. Tommy Lewis said yes. The meeting was scheduled for

Supervisor John Caldwell made the motion, and Supervisor Tommy Lewis seconded the motion to revert the leave policy in the Personnel Manual back to the original leave policy, and mirror the nepotism policy in accordance with state law, and to change "Fee Paid" to "Elected Officials" in the first (1st) paragraph of the manual and where ever else applicable, to more clearly s system of Personnel Administration. The **motion passed** by a unanimous vo

The County Administrator, Clovis Reed, reviewed responses to the Personnel Manual as included in the folders for the Board Of Supervisors, and stated that he thinks all issues have been discussed by the Board Of Supervisors. ****See Exhibit D.8****

9. Administration Building - Draw Request #1

The Board of Supervisors discussed the draw request in connection with the DeSoto County Administrative Building. The Board of Supervisors asked the County Administrators Office to get a Waiver Of Lien for this draw request and attach same to the claims docket for payment. No motions were made nor votes taken on this portion of the minutes. ****See Exhibit D.9****

Item D., continued,

10.Arkabutla Road

Supervisor John Caldwell explained to the Board of Supervisors that the Corp of Engineers took bids on improvements to Arkabutla Road. The Corp received two (2) responses, but the bids were unacceptable, as they were too high. The Corp has since been negotiating with these bidders and have requested

that

DeSoto County send a letter stating their support for the negotiations and saying that DeSoto County accepts negotiations as an acceptable process. In short Supervisor Caldwell, said the Corp of Engineers has requested DeSoto County's blessings on their efforts to accomplish the project within budget constraints. Supervisor Caldwell said he and the County Engineer had been working with the Corp of Engineers on this project.

At the recommendation of the County Engineer, Daniel Murphy, and the County Administrator, Clovis Reed, Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion to send a letter to the Corp of Engineers in support of the negotiations for the bids that came in over budget for the improvements to Arkabutla Road. The **motion passed** by a unanimous vote. ****See Exhibit D.10****

11.Chancery Clerk Allowances

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Chancery Clerk Allowances for the month of June, 1998, subject to signature by the Chancery Court Judge, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The **motion passed** by a unanimous vote. ****See Exhibit D.11****

12.Tommy Miles - Request for All Star Team Funding

Tommy Miles representing the Horn Lake 11 yr old All Stars, will be traveling to Clinton, Mississippi on July 14, 1998, to participate in a State Tournament. He requested any donations or contributions to help with expenses of this trip. Supervisor Jake Pearson made the motion, and Supervisor Jessie Medlin seconded the motion to sponsor The Horn Lake 11yr old All Stars for in state travel a cost not to exceed \$ 150.00. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors noted that a banner will have to be placed at the site, advertising the resources of DeSoto County. The **motion passed** by a unanimous vote. ****See Exhibit D.12****

13.Joel Denley - Request for State Tournament Funding

County Administrator, Clovis Reed, presented a letter from Joel Denley, Head Coach of the Hernando Cardinals, sixteen and under softball team, who will be participating in the ASA District Tournament and who have qualified for the ASA State Play-Offs, with the State Tournament being held in Ocean Springs on July 10th & 11th.

They are

Item D.13, Continued,

requesting any support to help with expenses of this trip. Supervisor exceed \$ 150.00. In accordance with Section 17-3-3, of the Mississippi unanimous vote. ****See Exhibit D.13****

Code of 1972,

14.Approval of contact with Xerox - Civic Center

The County Administrator, Clovis Reed, presented a contract with Xerox for a copy machine for DeSoto County Civic Center, for approval by the Board of Supervisors.

copy

Supervisor John Caldwell asked if establishing a county wide

contract would not be more cost effective. The County Administrator said that Hinds County is in process of contracting their copy machines and he will be watching their progress on that matter.

Supervisor John Caldwell made the motion, and Supervisor Tommy Lewis seconded the motion to approve a copy contract with Xerox, on State Contract #52561 for the DeSoto County Civic Center, at a cost of \$ 355.80 per month, for forty-eight (48) months. The **motion passed** by a unanimous vote. ****See Exhibit D.14****

15.Nesbit Water Project - Approval for Request for Cash

At the recommendation of the County Administrator, Edward T. Davis, Engineer, and Bud Gates of Nesbit Water Association, Supervisor John Caldwell made the motion, and Supervisor Jessie Medlin seconded the motion to authorize the Board President to execute the Request for Cash in connection with the Nesbit Water Project, from which DeSoto County is hosting the CDBG Grant. The **motion passed** by a vote as follows:

- Supervisor Jessie Medlin-----Yes
- Supervisor Eugene Thach-----Yes
- Supervisor James Pearson-----Yes
- Supervisor John Caldwell-----Yes
- Supervisor Tommy Lewis-----Absent

****See Exhibit D.15****

16.Approval of Certificate of Acceptance with IBM/Dynamix

At the recommendation of the County Administrator, Clovis Reed, and at the approval of the Board Attorney, Bill Austin, Supervisor Eugene Thach made the motion, and Supervisor John Caldwell seconded the motion to approve the Board President to execute the Certificate of Acceptance between ICC & Dynamix Group, Inc., to allow payment from ICC to Dynamix for the five (5) year maintenance agreement for existing equipment in connection with invoice #2140 from Dynamix. The motion passed by a vote as follows:

Item D.16., continued,

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Yes
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

****See Exhibit D.16****

17.Approval for Civil Defense to Use Justice Court Building

The County Administrator, Clovis Reed, requested authorization for DeSoto County Civil Defense to use the Justice Court Building on Rasco Road until the property is sold. Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion to approve DeSoto County Civil Defense to use the Justice Court Building temporarily pending the sale of the building. The motion passed by vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Yes
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

E. EXECUTIVE SESSION

The Executive portion of these minutes are exhibited under the portion of the minutes “Executive Session” ****See Exhibit E****

F. OTHER ISSUES

1. EMS OF FUNDS

Bobby Storey appeared before the Board of Supervisors to request the disbursement of EMSOF funds. The Comptroller, Dale Thompson, explained that the EMSOF Funds are State Funds given based on the calls outside the cities, for EMS. This year the total just over \$ 23,000.00. Supervisor John Caldwell made the motion, and Supervisor Jessie Medlin seconded the motion to approve the EMSOF Distribution as recommended by the Comptroller. The **motion passed** by a unanimous vote.

2. DeSoto County Sewer Study

Supervisor Tommy Lewis reported to the Board of Supervisors that he, the County Administrator, and representatives from Waggoner Engineering had a productive meeting in Washington, in an effort to seek funding for the DeSoto County Sewer Study. Supervisor Lewis reported that all DeSoto County Delegates in Washington are on board to help with funding of the project. However, the Board of Supervisors may not know anything until September, when the issue comes out of committee. Supervisor Lewis

Item F.2., Continued,

some funds and 25% on others. Supervisor Lewis said that the Board of Supervisors will be challenged with determining how to come up with the matching funds, and said no Federal funds can be used for the match. Rather, state or local funding is required for the funding.

Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion to approve the reimbursement of travel expenses for Supervisor Tommy Lewis, and County Administrator Clovis Reed in connection with the trip to Washington. The **motion passed** by a unanimous vote.

3. Homesteads

At the recommendation of the Chancery Clerk, W. E. "Sluggo" Davis, Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the Homestead Exemption Petition for adjustment, as presented by the Chancery Clerk. The **motion passed** by a unanimous vote.

4. Veterans Assistance

The Chancery Clerk, W.E."Sluggo" Davis, notified the Board of Supervisors that N.C.Ferguson, who is the Veterans Representative, will be out of town for one (1) week.

5. Millers Voter Precinct

Supervisor Jessie Medlin presented an executed deed in connection a donation of two (2) acres of land for a voters precinct in the Olive Branch Area. Supervisor Jessie Medlin made the motion, and Supervisor Eugene Thach seconded the motion to approve recording and making this deed part of the minutes. Sending a certified copy of the Deed to the Donator of the Land and a copy of the plat of land included in the property survey. The **motion passed** by a unanimous vote. ****See Exhibit F.5****

6. Request for Funding to Advertise County Resources

Corie Stewart representing the Hernando Girls, 7,8,9 year old All Stars, will be traveling to Clarksdale, Mississippi on July 17, 1998, to participate in a Tournament. He requested any donations or contributions to help with expenses of this trip. Supervisor Eugene Thach made the motion, and Supervisor John Caldwell seconded the motion to sponsor The Hernando Girls 7,8,9year old All Stars for in state travel a cost not to exceed \$ 150.00. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors noted that a banner will have to be placed at the site, advertising the resources of DeSoto County. The **motion passed** by a unanimous vote. ****See Exhibit F.6****

Item F., Continued,

7. Request for Funding to Advertise County Resources

Tommy Bennett representing the Hernando 9 year old All Stars, will be traveling to Hattiesburg, Mississippi on July 7th -14th, 1998, to participate in a Tournament. He requested any donations or contributions to help with expenses of this trip. Supervisor Jake Pearson made the motion, and Supervisor Jessie Medlin seconded the motion to sponsor The Hernando Girls 9year old All Stars for in state travel a cost not to exceed \$ 150.00. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors noted that a banner will have to be placed at the site, advertising the resources of DeSoto County. The **motion passed** by a unanimous vote. ****See Exhibit F.7****

8. Excess Limbs - Down in DeSoto County

Supervisor Eugene Thach said he encouraged the Road Manager to run the Limb Truck as much a possible, as the problem is becoming excessive in the county.

Supervisor Jake Pearson suggested using gravel trucks on Saturday and Sunday to alleviate the problem if necessary. The County Administrator, Clovis Reed, suggested coordinating the weekend usage with BFI. The Board Of Supervisors told the Road Manager that the removal of limbs is a priority.

Supervisor John Caldwell said as sure as the Board votes to ask the Road Manager to make limbs a priority, the current problems with potholes will be the next issue brought up as a hazard to the public.

The Road Manager, Kenny Gunn, said he could put one (1) to two (2) dump trucks with the limb truck so as not to shut down gravel hauling completely.

Supervisor Jake Pearson said that if the limbs are not removed, fires will likely become a problem due to the dry weather.

Supervisor Jessie Medlin made the motion, and Supervisor Jake Pearson seconded the motion to declare a state of emergency for the County in accordance with the provisions set forth in Section 19-11-21 of the Mississippi Code. The Board of Supervisors discussed the likely hood of excessive limbs being down in the county combining with the excessive dry weather, DeSoto County and the surrounding area is experiencing dramatically increasing the likely hood of fires especially during the July 4th holiday. The Board discussed that because much of the debris was left over from a storm that occurred during early June in which trees, and property were destroyed. The Board of Supervisors declared an emergency need to remove the debris and limbs as soon as possible. In accordance with Section 19-11-21 of the Mississippi Code which states that Upon the happening of any emergencyor when the immediate preservation of order or of public health is necessary, or when the mandatory expenditures required by law must be met, the Board of Supervisors may upon adoption by unanimous vote of all members present at any meeting, of a resolution stating the facts constituting the emergency and entering the same on its minutes, may make expenditures, borrow

Item F.8., Continued,

money, or incur the liabilities necessary to meet such emergency, without further

notice or hearing, and may revise the budget accordingly. The Board of
possibilities of fires in the County. The **motion passed** by a unanimous vote.

Supervi

9. Roads - Pot-Holes

Supervisor Tommy Lewis notified the Board Of Supervisors that DeSoto County is experiencing a problem with pot-holes and asked the Road Manager to work to alleviate these problems as quickly as possible.

10. Voters Precinct - Southaven

At the recommendation of Supervisor Jake Pearson, Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion to move the voters precinct in Southaven from Old City Hall to the Justice Court Complex. The **motion passed** by unanimous vote.

11. County Burn Policy

Bobby Storey, Director of Fire & EMS, notified the Board of Supervisors that he recently got a request from D.E.Q for the County Burn Policy. Upon review D.E.Q. has confirmed that DeSoto County is in compliance. Mr. Storey said that the problem the Fire Department is experiencing is for commercial burning.

Mr. Storey said that as an example, there is suppose to be a fan in place for certain commercial burns. Mr. Storey said because a fan is usually available, this rarely happens, because there is no enforcement of the county burn policy, the county has no option to encourage those to adhere to the policy. Mr. Storey said that the burn policy for commercial burning does not apply to farmers.

Supervisor Eugene Thach made the motion, and Supervisor Jake Pearson seconded the motion to appoint Bobby Storey, has Fire Marshall for DeSoto County for enforcement purposes of the County Burn Policy upon approval by the Board Attorney. The **motion passed** by unanimous vote.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to adjourn until Tuesday, July 7, 1998 at 9:00 a.m. The **motion passed** by unanimous vote.

THIS the 29th day of June, 1998, these minutes have been read and approved by the DeSoto County Board of Supervisors.

TOMMY LEWIS, President
DeSoto County Board of Supervisors