

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**JESSIE L. MEDLIN, PRESIDENT, PRESIDING**

**December 6, 1999**

**A. CALL TO ORDER**

The December 6, 1999, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie L. Medlin of DeSoto County.

Sheriff James Albert Riley, 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:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2
- Supervisor Jimmy James-----District 3
- Supervisor John Caldwell-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- David Armstrong-----County Administrator
- James Albert Riley-----DeSoto County Sheriff
- William Austin-----Board Attorney

**B. INVOCATION**

The invocation was presented by County Administrator David Armstrong.

**C. APPROVAL OF NOVEMBER MINUTES**

The official minutes of the Board of Supervisors were read for the month of November 1999, pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated. Supervisor Tommy Lewis made the motion and Supervisor Jimmy James seconded the motion to accept the minutes of the Board of Supervisors for November 1999. The **motion passed** by a unanimous vote.

**D. DR. ROB MEACHAM - REPORT ON PRISONER MEDICAL SERVICE**

Vanessa Lynchard notified the Board of Supervisors that Dr. Meacham was unable to attend today's meeting but that he left a report on prisoner medical expenditures for the 1999 for the Board to review. Vanessa said that the report shows that ambulance trips to the hospital were down for 1999 and also prescription costs were down. Supervisor John Caldwell asked if revenue projections are in the budget. Vanessa said that revenue is projected in the budget with the State's reimbursement having been estimated by the Sheriff's Department. The cities, by agreement, will no longer reimburse the county for medical costs.

Vanessa said that the last three pages of Dr. Meacham's report outline his plans to further decrease prisoner medical costs. Vanessa said that Dr. Meacham is working with Board Attorney Bill Austin to see if the county can set a limit on what the county will pay for prisoner medical services like insurance companies do. Supervisor Eugene Thach asked how many

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prisoners have insurance. Vanessa said that Dr. Meacham would like to check to see which prisoners have insurance at the time they are first processed into jail and make a copy of their insurance cards for their jail files, and then file insurance for them if they need medical services.

Supervisor Jessie Medlin asked what the amount of Dr. Meacham's contract is and when it has to be renewed. Vanessa said his current contract is \$78,750.00 and that he would like to extend his contract with a 5% cost of living adjustment. Vanessa said that the contract has to be renewed after the officials are sworn in. Supervisor Thach asked if Dr. Meacham receives county insurance. Board Attorney Bill Austin said that Dr. Meacham does not receive insurance and benefits because he is a contract employee. **\*\*See Exhibit D\*\***

## **A. OLD BUSINESS**

### **1. Roads - Request to Take in Road North of Goodman Road**

This item was held over until December 8, 1999.

### **2. Petition to Abandon Stacey Drive**

This item was held over until December 8, 1999.

### **3. Mileage for Supervisors**

Supervisor John Caldwell said that he asked Road Manager Kenny Gunn to come to be present when this item was discussed. Supervisor Caldwell asked Mr. Gunn if there is a vehicle currently available for use. Mr. Gunn said that all are currently in service but that with notice he would make one available. Supervisor Eugene Thach said that the law is clear and if one supervisor wants mileage it is okay. Board Attorney Bill Austin said that a determination has to be made that a vehicle is not available and that it is in the best interest of county business to get mileage. Vanessa Lynchard asked whose budget will cover the mileage. Supervisor Thach said that the mileage would come out of Central Maintenance's budget. The Board instructed the Road Manager to work out the line item with the Comptroller. Supervisor Tommy Lewis said to put in the minutes the letter from Mr. Gunn stating that no vehicles are available unless one is taken out of service and presented a letter to the Board to that effect. After the Board of Supervisors determined a vehicle is not available and it is in the best interest of DeSoto County, Supervisor Eugene Thach made a motion and Supervisor Jimmy James seconded the motion to authorize any Supervisor who chooses to collect mileage rather than using a county vehicle and to handle the process in accordance with the State law. The **motion passed** by a unanimous vote. **\*\*See Exhibit E.3\*\***

### **4. Central Maintenance Equipment**

Road Manager Kenny Gunn said that the City of Southaven is willing to sell the engine for the blower to the county. Chancery Clerk Sluggo Davis said he had spoken to Mayor Greg Davis about the engine for the blower and Mayor Davis told him the same thing. Mr. Gunn said that the Board of Aldermen for Southaven will meet tomorrow night to declare the engine as surplus and approve it to be sold to the county for \$1.00. Sluggo Davis said that he told Mayor Davis to contact the county when they need work done with the blower and the county will do the work.

### **5. Library Expansion Grant Update**

County Administrator David Armstrong said that he and Jim Anderson, Director of the First **ITEM E.5, CONTINUED,**

Regional Library, met with Architect Marvin Johnson regarding the library expansion project.

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Mr. Armstrong said that Mr. Johnson volunteered to do a total assessment of need for the library at no cost to the county. Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to accept the offer of Architect Marvin Johnson to do a total assessment of need for the library at no charge. The **motion passed** by a unanimous vote.

## **6. Setting the Date of Swearing in of County Officials**

The Board of Supervisors discussed reconsidering the date of the swearing in of elected officials at the request of Supervisor Eugene Thach. Supervisor Medlin suggested that the date remain the same but to change the meeting to 9:00 a.m. and the swearing in to 10:00 a.m. so that more people will stay for the Christmas luncheon. Supervisor Jimmy James made the motion and Supervisor John Caldwell seconded the motion to set the date for the swearing in of elected officials for December 23, 1999 at 10:00 a.m. and to have the Board meeting on December 23, 1999 at 9:00 a.m. The **motion passed** by a unanimous vote.

Supervisor Jessie Medlin asked who will swear in the officials. Chancery Clerk Sluggo Davis said that he would take care of it.

Supervisor Tommy Lewis asked if renewal bonds will be accepted. Board Attorney Bill Austin said that renewal bonds are fine as long as they cover each term of office. Sluggo Davis said that they will accept the renewal bonds from county officials.

## **B. NEW BUSINESS**

### **1. Dale Thompson, Comptroller**

#### **a. Claims Docket**

Comptroller Dale Thompson notified the Board of Supervisors that the actual claims docket should be listed by vendor and not by the departments. She said that a copy of the claims docket should be given to each Supervisor by Wednesday of the week prior to the first meeting of the month for their review so that the claims docket can be approved without going over the budgets of each department.

Stephanie Hanks of the Accounting Department presented the claims docket to the Board of Supervisors for approval. The claims docket included various county bills including the following:

#### **(1) Allen Hoshall - Administration Building (October and November)**

Bills in connection with the DeSoto County Administration Building were presented by copy to each Supervisor. **\*\*See Exhibit F.1.a.(1)\*\***

#### **(2) Allen Hoshall - DeSoto County Jail (October)**

Bills in connection with the DeSoto County Jail Renovations were presented by copy to each Supervisor. **\*\*See Exhibit F.1.a.(2)\*\***

#### **(3) Civic Center**

Bills in connection with the Civic Center were presented by copy to each Supervisor. **\*\*See Exhibit F.1.a.(3)\*\***

### **ITEM F.1.a, CONTINUED,**

#### **(4) Waggoner Engineering, Inc.**

Bills in connection with the EPA Grant Application were presented by copy to each

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Supervisor. **\*\*See Exhibit F.1.a.(4)\*\***

The Board of Supervisors discussed the invoices from Allen and Hoshall and agreed to hold these invoices until December 8, 1999 until after the Board discussed the bills with Dave Nichols of Allen and Hoshall.

In accordance with Section 19-13-31 of the Mississippi Code, Supervisor Jimmy James made the motion, and Supervisor John Caldwell seconded the motion to hold the invoices from Allen and Hoshall, Sanitation and Waste, and Central Maintenance Road and Bridge, and to approve the claims docket for claim #1317 - #1716 and authorized the clerk to write the checks. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.1.a.(1).(2).(3).(4)\*\***

Later in the meeting, Supervisor Jessie Medlin asked Road Manager Kenny Gunn to explain about the invoice to Mid America. Mr. Gunn explained that the warranty will not pay for the damages to the rear end of one of the trucks because the damages were not the fault of the truck. Mr. Gunn said that this same thing happened to another truck and it was covered in the warranty. However, this is not covered by the warranty because the workers continued to drive the vehicle after the positive slip axle broke. The problem was caused due to the truck being specified to have positive traction. Mr. Gunn said he does not think there is a bill for this on the claims docket.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the bills for Central Maintenance Road and Bridge except to Mid America if it is included and authorized the clerk to write the checks. The **motion passed** by a unanimous vote.

Comptroller Dale Thompson thanked the Board of Supervisors for their support and said that she will help Joyce Riales and her staff as much as possible after she takes office in January 2000.

**b. Budget Amendment**

**(1) Wastewater**

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1999, and ending September 30, 2000. Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the budget amendment for Wastewater under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

Decrease	001-901-999	General County Fund	\$13,613.00
Increase	001-107-596	GIS Study	\$13,613.00

The **motion passed** by a unanimous vote. **\*\*See Exhibit F.1.b.(1)\*\***

**(2) Sanitation and Waste**

County Administrator David Armstrong said that this budget amendment is to cover Chip **ITEM F.1.b.(2), CONTINUED,**

Barton's consultation services. The Board held this item until December 8, 1999. **\*\*See Exhibit F.1.b.(2)\*\***

**(3) Election Expense**

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning

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October 1, 1999, and ending September 30, 2000. At the recommendation of Circuit Clerk Jeanette Martin, Supervisor Tommy Lewis made the motion and Supervisor Jimmy James seconded the motion to approve the budget amendment for the Election Expense under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

Decrease	001-901-999	General County Fund	\$1,732.00
Increase	001-180-544	Service & Maintenance Contract	\$1,732.00

The **motion passed** by a unanimous vote. **\*\*See Exhibit F.1.b.(3)\*\***

## **2. Kenny Gunn - Road Report and Work Schedule**

Kenny Gunn presented the Road Report and Work Schedule to the Board of Supervisors for approval.

Supervisor Jessie Medlin asked if there are any road counts in the report. Mr. Gunn said that there are none but to let him know if there are any requests for road counts.

Supervisor Medlin asked if the chipper is taken with the road crew when they go to cut bushes and trees. Mr. Gunn said that the chipper is not taken to the site to keep from having to take workers to flag cars. Mr. Gunn said that they grind the debris after each job.

Supervisor Medlin reminded the Board that the Road Condition Report is due soon and asked Mr. Gunn to start checking the roads, too so that the Board will have an idea of what work has been done since the last inspection. Supervisor Lewis asked when the Road Report is due. Board Attorney Bill Austin said he would check and let the Board know.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to accept the Road Report for November 1999 and the Work Schedule for December 1999, pursuant to Section 65-17-7 of the Mississippi Code of 1972, annotated. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.2.\*\***

## **3. Bailiff Pay**

Pursuant to Section 25-7-27, Section 1, paragraph (e) which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, of Mississippi Code of 1973, Annotated, Supervisor Tommy Lewis made the motion and Supervisor Jimmy James seconded the motion to pay Tommy Carr the amount of \$ 280.00 for the month of November, 1999, and to pay Jerry Easley the amount of \$ 440.00 for the month of November, 1999. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.3.\*\***

## **4. Justice Court Report**

Linda Aldridge presented the Justice Court Report for the month of November to the Board of Supervisors. Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Justice Court Report for the month of November, 1999. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.4\*\***

### **ITEM F.4, CONTINUED,**

Ms. Aldridge asked what specific information the Board of Supervisors want with the number of tickets that the Sheriff's Department Deputies had written. Sheriff Riley suggested checking how many had been dismissed. Ms. Aldridge said that the software is now available to provide this information if the Board wanted it. The Board said to include this information in her monthly report.

Sheriff Riley said that he will work with the Board but that he is an elected official and does not have to answer to the County Administrator or to the Board regarding the Sheriff's Department. Supervisor Eugene Thach said that Board would like statistics to use during

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budget time. Sheriff Riley said that it is the Board's responsibility to budget money for the Sheriff's Department. Supervisor Thach said that the Board and the public would like to know how many tickets are written and dismissed. Sheriff Riley said that he will not use law enforcement to support the Sheriff's Department or to build County roads.

#### **5. Publication of Board Proceedings**

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the publication of Board Proceedings in connection with Section 19-3-33 of the Mississippi Code which states that the Board of Supervisors may have its proceedings published in some newspaper in the county, and cause the same to be paid for out of the county treasury. The **motion passed** by a unanimous vote.

#### **6. Approval of Travel**

In accordance with Section 25-3-41 Mississippi Code of 1972, as amended, any official or employee of DeSoto County, Mississippi, is hereby authorized to travel during the period of December 6, 1999 to January 4, 2000, as necessary and incur travel expenses in the performance of their official duties for DeSoto County. That all such travel is hereby authorized contingent on funds being available in the departmental budget of the individual traveling.

Supervisor Eugene Thach made the motion and Supervisor Jimmy James seconded the motion to authorize travel for all officials and employees of DeSoto County for the period of December 6, 1999 to January 4, 2000. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.6\*\***

#### **7. Sheriff's Employee Report**

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to accept the Sheriff's Department Employee Report for the months of September 24, 1999 through October 31, 1999 into the minutes. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.7\*\***

#### **8. Tax Exemption - Alcoa Extrusions, Inc.**

Jim Flanagan of the DeSoto Council Tax Advisory Committee recommended a ten (10) year tax exemption on personal property in the amount of \$ 925,124.68 for Alcoa Extrusions, Inc. Tom Ziegler of Alcoa informed the Board that since Alcoa bought out Alumax last year, the company has made changes in management and has been able to retain over 350 employees and has plans to hire more employees. Mr. Ziegler reported that Alcoa is now financially stable with a surplus of \$1.8 million as compared to last year's deficit of \$1.8 million. The Board commended Mr. Ziegler for work done to save the plant and jobs.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the ten (10) year tax exemption for Alcoa Extrusions, Inc. on personal property in the amount of \$ 925,124.68 as recommended by the Tax Advisory Committee. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.8\*\***

#### **ITEM F.9, CONTINUED,**

#### **9. Workforce Investment Act**

Supervisor Eugene Thach informed the Board that DeSoto County is in the Three Rivers service delivery area and that the Governor did not grant DeSoto County's request to be in placed in the South Delta region. Supervisor Thach said that the Board should leave things as they are now and appoint a representative from DeSoto County to the Workforce Investment Act Board. Supervisor Thach said that Jim Flanagan, Director of the DeSoto Council agreed to be the economic development representative for DeSoto County. Supervisor Thach said that both Board Attorney Bill Austin and County Administrator David Armstrong had reviewed the

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Workforce Investment Act contract and said that DeSoto County has the option of getting out of the Three Rivers District at any time if the County is not satisfied with the way things are progressing. Jim Flanagan of the DeSoto Council said that the contract is acceptable to him as long as there is an escape clause in it.

Supervisor John Caldwell said that he would rather be in the South Delta Region but that since they have no choice, the Board needs to make sure the County is represented in the Three Rivers District.

Supervisor Jessie Medlin said that he will vote to get out of the Three Rivers District if the Employment Services is closed. Supervisor Eugene Thach said that Bobbie Oliver of the Employment Services had met with South Delta and Three Rivers Planning and Development Districts and neither could guarantee that the Employment Services will remain open because it is a State agency.

Supervisor Eugene Thach made a motion and Supervisor Jimmy James seconded the motion to join the Three Rivers Service Delivery Area and to authorize the Board President to sign the resolution and interlocal agreement. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES  
Supervisor Eugene Thach-----YES  
Supervisor Jimmy James-----YES  
Supervisor John Caldwell-----YES  
Supervisor Tommy Lewis-----NO

**\*\*See Exhibit F.9\*\***

Supervisor Jimmy James made a motion and Supervisor John Caldwell seconded the motion to appoint Supervisor Eugene Thach as the representative for DeSoto County on the Workforce Investment Act Board. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made a motion and Supervisor Jimmy James seconded the motion to appoint Jim Flanagan, Director of the DeSoto Council, to serve as the economic development appointee for DeSoto County on the Workforce Investment Act Board. The motion passed by a unanimous vote.

Vanessa Lynchard asked if these appointees should be added to the Directory of Appointments and if the appointments are indefinite. The Board instructed Vanessa to add the appointees to the Directory and said that the appointments are indefinite.

**10. Making Final Disposal of Property a Part of Minutes**

- a. Accounting**
- b. County Judge**

**ITEM F.10, CONTINUED,**

Supervisor John Caldwell made a motion and Supervisor Tommy Lewis seconded the motion to make the final disposal of property for the Accounting Department, Property Number 274, a Victor Calculator, Serial Number 12557975 and the final disposal of property for the County Judge, Property Number 06015, Serial Number 1071G15, an IBM monitor, Property Number 06013, Serial Number AN095A5160, an IBM computer, and Property Number 6289, Serial Number 2686A, a Hewlett Packard printer a part of the minutes. The motion passed by a unanimous vote. **\*\*See Exhibit F.10.a and F.10.b\*\***

**11. Y2K IS Update**

Larry Wood, Director of Data Processing, informed the Board of Supervisors that the Y2K

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check is complete except for the Accounting Office and the Planning Commission. Mr. Wood said he is doing the finishing touches on those departments. He said all departments will be ready and that he will have extra programmers available the first week of January 2000 in case there are any problems. Mr. Wood said they will be doing a test run during the last part of the month. Supervisor Tommy Lewis asked if Mr. Wood anticipated any problems. Mr. Wood said that he does not expect any major problems but there may be minor problems with things such as departmental forms having the wrong year on them.

## **12. Metro Narcotics Vehicle Bids**

Vanessa Lynchard notified the Board of Supervisors that the Board approved to advertise for bids for two used vehicles for Metro Narcotics and that no bids were received. Supervisor Jimmy James made a motion and Supervisor John Caldwell seconded the motion to put into the minutes that bids for used vehicles for Metro Narcotics were advertised on November 10, 1999 and November 17, 1999 and that no bids were received by December 3, 1999. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.12\*\***

## **13. Approval of Family and Youth Center Coordinator for Extension Service**

County Administrator David Armstrong said that Art Smith, Director of the Extension Service requested permission to house a Family and Youth Center Coordinator at the Extension Service. Mr. Armstrong said that the position will be funded by the Mississippi State University Extension Service. Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion to approve a Family and Youth Center Coordinator for the Extension Service. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.13\*\***

## **14. Accepting State Tax Commission Approval of Tax Exemptions**

### **a. Golf Course Irrigation Services, Inc.**

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve a Resolution to accept the State Tax Commission's approval of the Ad Valorem Exemption for Golf Course Irrigation Services, Inc., for a term of 10 years beginning October 15, 1998. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.14.a\*\***

### **b. Milwaukee Electric Tool Corporation**

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve a Resolution to accept the State Tax Commission's approval of the Ad Valorem Exemption for Milwaukee Electric Tool Corporation for a term of 10 years beginning December 31, 1998. The **motion passed** by a unanimous vote. **\*\*See Exhibit F.14.b\*\***

## **ITEM F.15, CONTINUED,**

### **15. Approval of Comptroller Joyce Riales to Sign Purchase Requisitions**

Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion to authorize Comptroller Joyce Riales to sign purchase requisitions for the Accounting Department. The **motion passed** by a unanimous vote.

## **G. EXECUTIVE SESSION**

The "Executive Session" portion of this meeting is presented under the portion of minutes called "Executive Session."

## **H. OTHER ISSUES**

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## **1. Walls Fire Department**

EMS Director Bobby Storey informed the Board of Supervisors that on Friday, December 3, 1999 an ambulance that was inside the Walls Fire Department caught on fire and burned. Mr. Storey said that the fire also did some damage to the Walls Fire Department. Mr. Storey said that the insurance department had been notified and he will let the Board know if the ambulance and damages to Walls Fire Department is covered.

## **2. Getwell Road**

Road Manager Kenny Gunn notified the Board that the right of ways on Getwell Road between Grays Creek Bridge and Bolin Road needed to be obtained so that they can proceed with work on that road. Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion to hire the Austin Law Firm to acquire the right of way parcels on Getwell Road between Grays Creek Bridge and Bolin Road. The **motion passed** by a unanimous vote.

## **3. Central Maintenance Trucks**

Road Manager Kenny Gunn notified the Board of Supervisors that he wants to purchase two trucks off of State Contract for his foremen and that funds are in the budget for the trucks. Mr. Gunn gave a copy of the State Contract prices to the Board of Supervisors for their review. Mr. Gunn said that the trucks currently being used by the foremen will be passed down to the road crew. Supervisor Eugene Thach asked if four wheel drive trucks are necessary. Mr. Gunn said that they are not a necessity but are nice to have when needed. Supervisor Thach asked how many trucks he will be purchasing. Mr. Gunn said that two will be purchased for Central Maintenance and three for the Supervisors. Supervisor Tommy Lewis made a motion and Supervisor Jimmy James seconded the motion to authorize the Road Manager to purchase two trucks off of State Contract for Central Maintenance with the options listed on Exhibit H.3. The **motion passed** by a unanimous vote. **\*\*See Exhibit H.3\*\***

## **4. Sandidge Road Bridge**

Board Attorney Bill Austin informed the Board of Supervisors that he checked with County Engineer Daniel Murphey to see if the County is still responsible for the Sandidge Road Bridge. Mr. Austin said that the County is still obligated to the bridge although it is in Olive Branch.

## **5. Goodman Road Crossing**

Road Manager Kenny Gunn and Supervisor Jimmy James discussed abandoning the road between Old Highway 61 and the Goodman Road Railroad Crossing with the Board of Supervisors. Supervisor James said that the road goes to the railroad tracks and stops now that **ITEM H.5, CONTINUED,**

the Goodman Road Crossing is closed. Supervisor James said that Mr. Parker and Mr. Sullivan, the landowners on that area of the road told him that they will donate the right of way on their property for the new road and that they will not object to abandoning the road. Board Attorney Bill Austin said that a road can be abandoned if there is no longer a public need for the road. Mr. Austin instructed the Road Manager to request by letter that the Board of Supervisors abandon the road. Mr. Gunn said that he will draft the letter and get it to the Board.

## **6. Church Road**

Board Attorney Bill Austin informed the Board of Supervisors that County Engineer Daniel Murphey and he determined that there is one parcel that was overlooked on the north side of Church Road at the Highway 64 bypass that needs to be addressed. Mr. Austin said that it is

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owned by the Phelps' family but operated by the Brata family. Supervisor Jimmy James made a motion and Supervisor Tommy Lewis seconded the motion to hire Walker, Walker, and Brown to obtain the right of way on Church Road and authorized County Engineer Daniel Murphey to work with Walker, Brown, and Brown on the right of way acquisition. The **motion passed** by a unanimous vote.

#### **7. DeSoto County Regional Utility Authority**

Supervisor Tommy Lewis read a letter to the Board of Supervisors about establishing the DeSoto County Regional Utility Authority. Supervisor Lewis said that a resolution is requested from the Board to establish the DeSoto County Regional Utility Authority and in the resolution it says that it is not the intent to raise the tax levy at this time. Supervisor John Caldwell said that he thinks "at this time" should be removed from the resolution. Board Attorney Bill Austin said to take out the phrase "at this time" and say it is not the intent to raise the tax levy. Bill Bayne of the *Commercial Appeal* asked if there is a provision in the resolution that allows the public to protest the DeSoto County Regional Utility Authority through a referendum. Mr. Austin said that the public has 30 days after the ad runs in the paper to petition against the DeSoto County Regional Utility Authority. Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion to adopt a resolution with the intent of establishing the DeSoto County Regional Utility Authority. The **motion passed** by a unanimous vote. **\*\*See Exhibit H.7\*\***

Supervisor Jimmy James made the motion and Supervisor John Caldwell seconded the motion to recess until December 8, 1999 at 9:00 a.m. The **motion passed** by a unanimous vote.

THIS the 6<sup>th</sup> day of December, 1999, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Jessie L. Medlin, President  
DeSoto County Board of Supervisors