

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2001, PRESIDING**

**September 5, 2001**

**A. CALL TO ORDER**

The September 5, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President 2001.

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 Gerald Clifton-----District 3  
Supervisor John Caldwell-----District 4  
Supervisor Tommy Lewis-----District 5  
W. E. ASluggo@ Davis-----Chancery Clerk  
Sheriff James Albert Riley-----Sheriff  
David Armstrong-----County Administrator  
William H. Austin, Jr.-----Board Attorney

**B. INVOCATION**

Supervisor John Caldwell presented the invocation.

**C. PLANNING COMMISSION**

The Planning Commission brought several items before the Board of Supervisors as evidenced by the portion of the minutes submitted by the Planning Commission. **\*\*See Exhibit C\*\***

**D. OLD BUSINESS**

**E. NEW BUSINESS**

**1. Jail Inspection**

In accordance with Section 19-5-1 of the Mississippi Code Annotated of 1972, which states that at least annually, and as often as it may think proper, the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine into the state and condition of the jail, in regard to its safety, sufficiency and accommodation of the prisoners, and from time to time take such legal measures as may best tend to secure the prisoners against escape, sickness and infection, and have the jail cleansed.

Having completed such inspection, Supervisor Tommy Lewis made a motion and Supervisor

**ITEM E.1, CONTINUED,**

Eugene Thach seconded the motion to acknowledge no discrepancies were found in the inspection of the DeSoto County Jail by the Board of Supervisors as outlined in Section 19-5-1 of the Mississippi Code Annotated. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**2. Approval to Bid Election Equipment**

County Administrator David Armstrong said the attached letter from the Justice Department states since the selection of a specific optical scan voting system has not been finally determined, it is not ripe for review by the Attorney General. David Armstrong said he had been advised that some things in the specs have changed that need to be reviewed. The Board of Supervisors, could make the motion to go out for bid, subject to approval of the changes made.

Supervisor Eugene Thach asked if the State would help with the cost. David Armstrong said not at this time. David Armstrong said he had changed the budget expense to be \$62,500 and the revenue from the Cities to be \$31,250 for their share. This will be under lease purchase for five (5) years.

Supervisor John Caldwell asked if all of the Cities have made a commitment. David Armstrong said Hernando and Horn Lake have not committed in writing. Supervisor Caldwell said we should delay until all of the Cities have committed. Supervisor Jessie Medlin asked Board Attorney Bobby Chamberlin what recommendations he had. Bobby Chamberlin said the State wouldn't likely come up with a proposal to make the optical scan equipment mandatory. Supervisor Caldwell asked the County Administrator to talk with the Cities to get a written commitment.

Supervisor Tommy Lewis asked when the Secretary of State's report would be due. Bobby Chamberlin said it would be December probably. Supervisor Eugene Thach asked what elections the County would have in 2002. Chancery Clerk Sluggo Davis said the Judicial and Congressional elections would be in 2002. Supervisor Lewis asked to check with the Secretary of State to see about the report and said if they recommended the type of equipment to be used the expense would go up on the price of the equipment.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to carry this item over. The motion passed by a unanimous vote. **\*\*See Exhibit E.2\*\***

**3. Approval to pay Expenses for Victims of Crime**

As authorized by Section 99-37-25 of the Mississippi Code and as recommended by Sherry Franks, Victim=s Assistance Coordinator in the District Attorney=s Office, County Administrator David Armstrong presented a Request for Payment of Medical Expense for Victims of Crimes to the Board of Supervisor for approval. Supervisor Eugene Thach made a motion and Supervisor Tommy Lewis seconded the motion to pay directly to the South E/R Assoc. P.C., for a victim=s expense for medical treatment in the amount of \$154.00. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT

**ITEM E.3, CONTINUED,**

Supervisor John Caldwell YES  
Supervisor Tommy Lewis YES

**\*\*See Exhibit E.3\*\***

**4. Approval to Replace Old Doors in Phase III Courthouse Renovation**

County Administrator David Armstrong said he has received a request from Judge Mills Barbee, Judge George Ready and Circuit Clerk Dale Thompson, who have requested to have four old doors changed in the Courthouse courtroom area. They would like to have all wood solid doors to replace these four doors. The price of each door would be \$1,461, which would make the cost for all four doors would be \$5,844 and this includes the necessary hardware for the door. The Board of Supervisor must approve a change order to the Courthouse Renovation for the purchase and installation of the doors.

Supervisor Jessie Medlin said it does look bad in the Courthouse to have the old and new doors. David Armstrong said that a committee had met with a State Historic representative earlier in the year and they were advised that there would be no problem to replace the doors. Supervisor Tommy Lewis asked what would happen to the old doors. Jim Bearden, Director of Operations and Maintenance said they store the doors and use them where they can at other County locations. Vanessa Lynchard said there was bond money to handle the expense of the doors.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve a change order to the Courthouse Renovation for the purchase and installation of the four doors at a cost of \$5,844. The motion passed by a vote as follows:

Supervisor Jessie Medlin YES  
Supervisor Eugene Thach YES  
Supervisor Gerald Clifton ABSENT  
Supervisor John Caldwell YES  
Supervisor Tommy Lewis YES

**5. Metro Narcotics – Approval to Declare Weapons Surplus Property & Destroy**

County Administrator David Armstrong said an itemized list of deadly weapons has cleared all court proceedings and the Metro Narcotics Department has requested that all the items be deemed surplus property. Once they are deemed surplus property, these items will be destroyed. Each weapon will be photographed and video taped during the destruction process as required by the State Auditors office of the State of Mississippi.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to declare the Metro Narcotics listing of deadly weapons as surplus property and the approval to destroy each weapon and videotape during the destruction process. The approved list to be destroyed as follows:

<u>Gun description</u>	<u>Serial Number</u>
1. Winchester – Defender 12 Gauge shotgun	DC ID# 22011 / L2122791
2. Ithaca – Deer slayer 12 gauge shotgun	371308964
3. Comeanhia 12 gauge shotgun	806145
4. Stevens Arms – Mod. 151 22 Long Rifle	none
5. Glenfield Arms – Mod. 15A 12 gauge shotgun	none
6. Volunteer Commando –MK45 45 caliber machinegun	37535
7. Brazil made shotgun 20 gauge shotgun	altered (none)
8. F.I.E 22 Long Rifle	GR10626

**ITEM E.5, CONTINUED,**

9. Harrington & Richardson 12 gauge shotgun	AZ491613	
10. No Make/Brand 7.62 rifle	LP1799	
11. Arminius – Mod. HW7 22 revolver	1277049	
12. High Standard – Mod. W 22 revolver	597621	
13. Rossi 22 revolver	700087	
14. Rossi 38 revolver	D244110	
15. High Standard 22 revolver	783567	
16. Rossi 38 revolver	D368099	
17. R.G. – Mod. 23 22 revolver	255915	
18. P I C 22 revolver	252731	
19. F.I.E – Mod. E15 22 revolver	TC40852	
20. Intratec – Mod AB-10 9MM semi-auto	altered(none)	
21. Haskell – Mod. JS 45 .45 semi-auto	028276	
22. Lorcin – Mod. L380 380 semi-auto	537014	
23. U. S. Army – Mod. 1911 .45 semi-auto	M-1911A1-67	
24. Lorcin – Mod. L9MM 9MM semi-auto	L121162	
25. Ravin Arms – Mod. MP25 25 semi-auto	1487517	
26. Bryco – Mod. 38 380 semi-auto	1225034	
27. F.I.E. – Mod. Titan 25 semi-auto	D702027	
28. Bowie Knife 9 ½ blade	none	
29. Bowie Knife 11 ½ blade	none	
30. Butterfly Knife 5” blade	none	
31. Cheetah Knife 4 ½” folding blade	none	
32. Parker Palm Knife 4” palm blade	none	
33. Pakistan Palm Knife 4 ½” palm blade	none	none
34. Home Made PVC Gun no caliber	none	

The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.5\*\***

**6. Approval to Contract with Aim Health Care**

County Administrator David Armstrong said the Board of Supervisors had asked him to check with various businesses that use AIM HealthCare Services. David Armstrong said he had spoken with four (4) different companies and they all stated they had no complaint. David Armstrong said the County would receive 70% of all the money that AIM HealthCare Services retrieves from the hospital claims. Supervisor Tommy Lewis asked the Board Attorney Bobby Chamberlin if he had looked over the contract. Bobby Chamberlin stated yes and everything looks fine. Supervisor Eugene Thach asked what the discount was that the County receives from the hospital. Vanessa Lynchard, Administrative Assistant, said it was 10% and this discount is given to everybody who pays timely, they do not give the County any extra discount.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the contract with AIM HealthCare Services for the County to receive 70% return on all claims submitted to the hospital that have resulted in overpayment to the hospital. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
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**ITEM E.6, CONTINUED,**

Supervisor Eugene Thach	NO
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.6\*\***

**7. Request to Abandon Brattonwood Cove**

Supervisor John Caldwell said the letter received from Beverly Phillips, resident of Brattonwood Cove Road, is petitioning the County to abandon the road so that she may obtain legal ownership that allows her to make repairs to the road. Supervisor Caldwell said Ms. Phillips states she owns the land on both sides of the road, which will have to be verified, and she is the only house on the road.

Supervisor Eugene Thach made the motion to send a committee to inspect the road. Supervisor John Caldwell seconded the motion. Board President Tommy Lewis nominated Supervisor Clifton and Supervisor Thach as the committee to look at the road. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	NO
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.7\*\***

**8. Appointment – Eudora Fire Protection District**

In accordance with Section 19-5-307 of the Mississippi Code Annotated, Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to reappoint Ernie Bowien, 10935 Loch Venarchor, Hernando, MS 38632 to the Eudora Fire Protection District for a term of five years and set to expire January 3, 2006. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.8\*\***

**9. Approval of Cellular Telephone Contract – Youth Court Victims Witness**

County Administrator David Armstrong said Judge Mill Barbee has requested a cellular phone for the Youth Court Victims Witness Coordinator, Kim Chamberlin. David Armstrong said this program operates on grant money and they will pay for the services, but will not pay for the initial purchase of the phone, which cost \$29.99.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the contract with Cellular Telephone for the purchase of a mobile phone in the amount of \$29.99 for the Youth Court Victims Witness Coordinator, and a budget amendment to move \$29.99 to purchase the phone and to approve a cellular service contract with a 250 minute package for a contract term to expire September 5,

**ITEM E.9, CONTINUED,**

2002. The motion passed by a vote as follows:

Supervisor Jessie Medlin	NO
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.9\*\***

**10. Approval of Late Bill – Cingular Wireless**

County Administrator David Armstrong said the County has received a late bill from Cingular Wireless for Judge Mill Barbee in the amount of \$266.76. Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve payment of the late bill from Cingular Wireless for Judge Barbee and to authorize the clerk to write the check for \$266.76. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.10\*\***

**F. Budget**

County Administrator David Armstrong said that last year the Board of Supervisors approved the budget by September 15, 2000. The Board of Supervisors set the levy at 85.78 and approved the budget as a whole. David Armstrong asked if the Board wanted to vote on each department's budget or vote on the budget as a whole. David Armstrong said the total budget for FY02 stands at \$82,377,983 with the general fund account at \$31,388,849.

David Armstrong said the millage for the surrounding Counties for FY01 was Marshall County at 132.20, Tunica at 39.30 and DeSoto County at 85.78. David Armstrong said DeSoto County passed on a 2 mill increase from the School Board last year.

Supervisor Eugene Thach said the school board millage of 1.09 would come off and this would allow a \$600,000 increase in funds by the growth of the County. David Armstrong said the County has increased money on the new growth in the past, but speculated we shouldn't still count on this. Supervisor Thach said the County's ending cash balance is estimated to be \$8 million and he could remember when the County only had an ending cash balance of \$3 million. Supervisor Thach said he would like for the County to take the budget without a millage increase and take any shortfall out of the contingency, if necessary. Supervisor Thach said the general fund should keep around \$7 million balance.

Civic Center – Regional Utility Authority

Supervisor John Caldwell you can't blame any one item in the budget. Supervisor Caldwell said the Civic Center and the Regional Utility Authority are not debts, they are loans at a 5% interest rate and the County will be receiving revenue back from these. Supervisor Tommy Lewis said there are no due dates on these two loans. Joyce Riales, Comptroller, said the County funds to the Civic Center for 1998 through 2001 has been \$1,847,039 and the State Development Bond fund loan this past year in the amount of \$3.8 million for a total of \$5,647,039 in loans to the Civic Center. The loan to the Regional Utility Authority is at \$1.1 million. Supervisor Tommy Lewis said the Civic Center hopes to pay back the County

when  
**ITEM F, CONTINUED,**

they get the naming rights sold. They are taking the cash in to operate for now.

Joyce Riales said the general fund has an \$8,230,499 balance at this time, but there are two payrolls and one more supplemental docket to come out of these funds.

#### Jail

David Armstrong reminded the Board the prisoner housing for next year would run approximately \$676,000. David Armstrong said the Sheriff's budget cut of \$639,000 due to the jail not be completed in 2002, helped balance the budget. Supervisor Jessie Medlin asked when the completion date for the jail was expected. David Armstrong said the office section would be completed in December 2001, but the rest of the renovation would not be completed until July 2002.

#### Tax Assessments

David Armstrong said he had worked with Bill Bryant on the tax assessment for 2002 and he put a 5% loss, which is conservative in the budget. They are estimating the assessment to be \$73 million for 2002.

Chancery Clerk Sluggo Davis reported to the Board of Supervisors that if the reassessments were not done by the mandated date of July 2002, the County would have to send one mill back to Jackson by October 2002. Supervisor Eugene Thach said the \$660,000 plus the homestead reimbursements to the County will be held by the State. The Board agreed that Parker Pickle has been frank in the last months that he will not finish the reappraisal until after the 2003 election.

#### Road & Bridge Budget

Supervisor Jessie Medlin said if we leave money in the Road Budget, we can't balance the budget without taking out in other areas. We can't keep the contingency at what we want to. Supervisor Eugene Thach said to take from the bridge budget, since there are more funds than what is committed. Supervisor Jessie Medlin said they need to use these funds on the Church Road Bridge. If the plans are done we can do the roadwork. Supervisor John Caldwell said the bridge funds should go on purchase orders and this would show committed funds. When we have to wait on the engineering and the right of ways, this does not allow us to spend on the roads when we plan to. Joyce Riales said the claims for this months docket for roads was \$514,000 and this does not include any funds that are obligated.

#### Millage

David Armstrong said if the County increases to 2 mills this year, then maybe it could be lowered by 1 mill next year. Supervisor Eugene Thach asked what would the millage be spent on next year. David Armstrong said the \$676,000 for prisoners and the salary increase of 2.5%. Supervisor Tommy Lewis said we can't seem to plan for what needs to be done. David Armstrong said the Board knows that most of the money is in the Sheriff's Department and the Road and Bridge Department.

Supervisor John Caldwell said to begin the year with \$7 million, and take out the risk manager. David Armstrong said the property and casualty insurance will increase without the risk manager. Supervisor Caldwell said a risk manager would have no influence in the Sheriff's Department and this is where all the claims come from. David Armstrong said that most of the insurance claims were from the Sheriff's Department and the Road Department.

Supervisor John Caldwell said the contingency of \$8.1 million was too high and that the County needs to show the \$14.8 million loans to the Civic Center and the Regional Utility Authority as an investment. If the budget is tight next year the County could take the Central Dispatchers to E-911 and take them out of the Sheriff's budget.

**ITEM F, CONTINUED,**

**1. Approval of Budget FY02**

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to adopt the budget with the same millage of 85.78 and make adjustments through the contingency fund. David Armstrong asked if they approve to put the .4 mill in the budget for Northwest Community College building commitment, since it is not part of the budget. The motion fail be a vote as follows:

Supervisor Jessie Medlin	NO
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	NO
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	NO

**2. Setting the Tax Levy for FY02**

No actions were taken on this item.

**G. EXECUTIVE SESSION**

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

**H. OTHER ISSUES**

**1. Approval of Contract with Farm Services**

Supervisor Tommy Lewis said the contract with the Farm Service Agency would expire on October 1,2001. Supervisor Lewis said the County can extend the contract from 1 to 5 years. The paperwork needs to go to the State for approval. The Farm Services has been paying \$7.94 a sq. ft. for a 30,285 sq. ft. building. Supervisor Lewis asked if the County could increase the rate. David Armstrong said that if it were a high increase the County would have to show a reason for the increase. Supervisor Eugene Thach asked what the DHS paid. David Armstrong said \$1,400 a month. David Armstrong asked if he could talk with Farm Services to negotiate the fee. Supervisor Jessie Medlin said this needs to be settled before September 24, 2001 for this years budget.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the County Administrator to negotiate the fee for the contract with the Farm Service Agency. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to recess until Tuesday September 11, 2001 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 5<sup>TH</sup>. Day of September 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President  
DeSoto County Board of Supervisors