

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

Tommy Lewis, PRESIDENT 2005 PRESIDING

February 7, 2005

A. CALL TO ORDER

The February 7, 2005, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Captain Johnny Combes 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-----Absent
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Michael Garriga-----County Administrator
Tony Nowak-----Board Attorney

B. INVOCATION

Captain Johnny Combes of the DeSoto County Sheriff's Department presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MINUTES

The official minutes of the Board of Supervisors were read for the month of January 2005, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors, for the month of January 2005. The motion passed by a unanimous vote.

E. CONSENT AGENDA

- 1. Approval of Travel**
- 2. Approval of Publication of Board Proceedings**
- 3. Approval of Bailiff Pay**
- 4. Sheriff's Employee Report**
- 5. Purchasing –**

- a. Approvals to Bid
 - (1) Publication of Board Proceedings
 - (2) Food Bids for Jail
- b. Approval to Open Bids for Uniforms and Dust Mops – February 15, 2005 10:00 a.m.
- 6. Inventory Control Disposition –
 - a. Building Maintenance
 - b. County Engineer
 - c. Extension Service
 - d. Planning Commission
- 7. Accounting
 - a. Approval to Ratify Bond Payment
 - b. Approval to Ratify Insurance Claims
 - c. Approval of Repayment of Interfund Loan
 - d. Approval of Interfund Transfer of Metro Seized Funds
- 8. Chancery Clerk - Approval of Chancery Clerk Allowance
- 9. Circuit Clerk – Approval of Circuit Clerk Allowance

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the following consent agenda items:

- 1. Travel
- 2. Publication of Board Proceedings
- 3. Bailiff Pay
- 4. Sheriff's Employee Report
- 5. Purchasing –
 - a. Bids
 - (1) Publication of Board Proceedings
 - (2) Food Bids for Jail
 - b. Open Bids for Uniforms and Dust Mops – February 15, 2005 10:00 a.m.
- 6. Inventory Control Disposition –
 - a. Building Maintenance
 - b. County Engineer
 - c. Extension Service
 - d. Planning Commission
- 7. Accounting
 - a. Ratify Bond Payment
 - b. Ratify Insurance Claims
 - c. Repayment of Interfund Loan
 - d. Interfund Transfer of Metro Seized Funds
- 8. Chancery Clerk - Chancery Clerk Allowance
- 9. Circuit Clerk –Circuit Clerk Allowance

The motion passed by a unanimous vote.

See Exhibit E

F. OLD BUSINESS

1. Tax Collector – Approval of Budget Amendment for Mobile Home Taxation

Tax Collector Joey Treadway appeared before the Board of Supervisors regarding the budget amendment for mobile home taxations. Mr. Treadway said that he met with the Sheriff and the Sheriff's Department does not have the staff and personnel to get the VIN numbers from mobile homes needed for the tax roll.

Mr. Treadway said that the Tax Collector would need a part-time contract position without mileage to complete the mobile home taxation requirements.

Supervisor Jessie Medlin asked the length of time to compete the job. Mr. Treadway said that he would divide out the pay and the position all year. Supervisor Medlin asked if the money can be transferred quarterly. Mr. Treadway said yes.

Supervisor Tommy Lewis asked how much extra revenue this change will bring in. Mr. Treadway said there is not any extra, but only a transfer from the Tax Assessor to the Tax

Collector.

Supervisor Bill Russell said he has a problem with putting money in the Tax Assessor's budget and now having to amend the Tax Collector's budget for the same expenditure. Mr. Treadway said that there are 1323 mobile homes and the Tax Collector's office does not have the staff to complete the roll without this additional person.

Supervisor Allen Latimer asked if these are rental properties. Mr. Treadway said no, there are trailer parks and mobile homes where the land owner is not living in the trailer or the person does not qualify for homestead.

Supervisor Eugene Thach said he thinks this is a check and balance list. Supervisor Thach said there could be some liability with the person using their own car, but there could be a sign hung on the car that indicates this is County business.

Mr. Treadway said that he talked to Board Attorney Tony Nowak and there will be a contract stating the expectations of the position.

Mr. Treadway said that the Tax Collector's office is working with the utility companies to see where the new mobile homes are going.

Supervisor Eugene Thach asked if the money is in the Tax Collector's budget. Mr. Treadway said no. Supervisor Thach asked the County Administrator to look and see where the resources are.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to hold this item over until February 9, 2005 to allow the County Administrator to find money for the position. The motion passed by a unanimous vote.

See Exhibit F.1

G. NEW BUSINESS

1. DCRUA – Approval of Change to Local & Private Resolution

DCRUA Attorney Mike Caples appeared before the Board of Supervisors requesting approval of a resolution to amend the Local and Private legislation due to minor changes DCRUA passed at a previous meeting. Mr. Caples said there are two areas that are changing. The first area is where currently the builder files a notice of intent, DCRUA wants to change the notice of intent to a permit application. Mr. Caples said this won't change the way DCRUA deals with these requests.

Supervisor Eugene Thach asked if the permit application has to do with the fee. Mr. Caples said no. Supervisor Thach said he has a problem charging people who will never be served. Mr. Caples said this has nothing to do with the fee. Supervisor Lewis verified this is just about changing from a notice to a permit application.

Supervisor Bill Russell asked if there is a fee for the application. Mr. Caples said right now there is not.

Supervisor Jessie Medlin asked how long the \$700 fee will be in place and whether the Local and Private addresses that issue. Mr. Caples said the debt reduction fee is to keep use charges low.

Supervisor Thach said there are people paying for the system that will never get sewer.

Mr. Caples said the second area of change is as follows: "Except as otherwise provided in this

section, the board of directors, under any conditions that the board may prescribe, may authorize the executive director of the authority to make decisions on permit issuance, reissuance, denial, modification or revocation. A decision by the executive director may be appealed to the board of directors. The executive director shall report all permit decisions to the board of directors at its next regularly scheduled meeting and those decisions shall be recorded in the minutes of the board of directors.” Mr. Caples said the application was previously approved by the DCRUA Board that only meets once a month. Now the change will delegate approval to the Executive Director if it is an individual home and it is non-controversial. Mr. Caples explained the change was needed because there is getting to be a backlog in these approvals. This would allow some of the approvals to be done by the Executive Director. This will help speed up the process.

Supervisor Eugene Thach asked if the Resolution covered the five municipalities. Mr. Caples said that there is a cross default provision in the contract with the cities. Mr. Caples said they are requesting a Local and Private revision as follows: “Contracts referred to in this section may provide that the obligation of a public agency to make payments to the authority with respect to certain collection or disposal facilities is several or is joint and several, with the obligations of other public agencies or other persons contracting with the authority for the use or services of such treatment facilities; and, where the public agency’s obligation is joint and several, then in the event any other public agency or other person defaults in his obligation, the public agency may be required to increase its payments to the authority by a proportional amount, taking into consideration the remaining persons who are likewise contracting with the authority and who are not in default.” Mr. Caples explained the members are the five municipalities. He said, in the event one of the cities do not pay DCRUA, this charge will allow the other municipalities to pay that money until DCRUA can collect from the non-paying city.

Supervisor Bill Russell asked if it “allows” them to pay for the non-paying city, or if it requires them to pay. Mr. Caples said it requires them to pay for a non-paying city.

Supervisor Eugene Thach asked if DCRUA has talked to the cities about this charge. Mr. Caples said yes. He said they are looking for private sector financing. He said the cities will receive credit and they will have the right to bring action against the non-paying entity. Mr. Caples said this was brought up by the City of Olive Branch. Supervisor Allen Latimer asked if DCRUA has talked to all the cities. Mr. Caples said yes.

Board Attorney Tony Nowak said this does not force the service contracts on anyone. He said the legislation requires an approval resolution by all the governmental bodies that participate in the local and private legislation forming DCRUA.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Resolution for changes to the DCRUA Local and Private. The motion passed by a unanimous vote.

See Exhibit G.1

2. Employee Medical Insurance Proposals

County Administrator Michael Garriga presented the 2005 Medical Insurance Proposals to the Board of Supervisors. Mr. Garriga said that the top three proposals were reviewed and the recommendation is Health Cost Solutions. Mr. Garriga commended Vickie Richmann for her help with this process.

Mr. Garriga said if the Insurance Agent of Record were removed it will save the County \$57,000. Mr. Garriga said that Vickie Richmann has a good working relationship with Health Cost Solutions and she feels she could assume this ability. Supervisor Bill Russell asked if the Agent of Record is directly responsible for the bids. Mr. Garriga said no.

Vickie Richmann said that the previous Agent of Record, Brian Shaver, did a good job working for the County, especially with problem providers like Diagnostic Imaging. Ms. Richmann said Mr. Shaver did well for the County.

Supervisor Allen Latimer said that he did not want to lose the protection the employees have received with an Agent of Record.

Supervisor Bill Russell asked if anyone besides Vickie Richmann is trained to handle these insurance issues. Vickie Richmann said they are training someone now.

Supervisor Bill Russell asked what an Agent of Record does. Mr. Garriga said the Agent of Record is not totally responsible for this bid, but they do help. He explained that the County must provide a great deal of information for this bid and the Agent of Record helps with providing and compiling a great of this information.

Supervisor Jessie Medlin said that AIG bid \$14.00 per employee and there are 500 employees.

Supervisor Tommy Lewis asked for clarification of the requested plan change to remove second year maternity deductible. Ms. Richmann said that is the pregnancy goes into another calendar year there is only one deductible. Supervisor Lewis said we need to be clear on what we are doing.

Supervisor Jessie Medlin asked how the \$57,000 is distributed. Ms. Richmann said that it is sent from Health Cost Solutions to Brown and Haynes. Supervisor Medlin asked if this increased the administrative fees. Ms. Richmann said that the proposals include a 10% fee. Supervisor Medlin asked if the proposals are self funded. Mr. Garriga said yes. Supervisor Medlin asked why the administrative costs are higher. Vickie Richmann said they sent it in with the Agent of Record.

Brian Shaver said the Agent of Record comes in at the County's stop loss. He said that the County would not have Health Cost Solutions without an Agent of Record and increase of 13%, instead of 30, 40 or 50%. Mr. Shaver said that Humana takes in the full 50 states. Supervisor Medlin asked if the stop loss was \$30,000. Ms. Richmann said that it is \$50,000.

Supervisor Medlin asked how much is in the fund this year. Ms. Richmann said \$2,002,000. Supervisor Medlin said that this affects the upcoming budget. Ms. Richmann said that the County needs 6 months of reserve in the account and today it is exactly where it needs to be.

Supervisor Eugene Thach said he doesn't understand why they paid for tooth implants in the past, but not now.

Supervisor Allen Latimer said that the PERS program has long term disability and asked the County Administrator to investigate the possibility of short term insurance. The Board of Supervisors asked Vickie Richmann to get a quote.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to hold this item over until February 16, 2005. The motion passed by a unanimous vote.

See Exhibit G.2

3. Public Hearing – Requirements for Pipes in County Projects

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to open the Public Hearing on requirements for pipes in County projects. The motion passed by a unanimous vote.

County Engineer Andy Swims appeared before the Board of Supervisors and reminded the Board that different pipe materials for County projects was discussed in the memo sent to the Board of Supervisors on December 15, 2004. Mr. Swims said the memo included the following attachments: 1) subdivision examples, 2) surrounding cities and counties policies, 3) County cost currently on pipe and 4) Bridgetown cost.

Mr. Swims said that a meeting was held with the Homebuilders Association and developers on January 20, 2005. Mr. Swims said that the developers feel that the costs are higher than costs presented showing concrete pipes. Mr. Swims said that he stands behind the numbers, but he said the costs do vary. The Board discussed the importance of proper installation of concrete pipes and metal pipes Mr. Swims said the rough estimate is \$45 - \$60 for concrete pipe.

Supervisor Bill Russell said that the material should be one or the other. Mr. Swims said there is no simple answer. Mr. Swims said that during the meeting they discussed the longevity of the pipe and the problems that metal pipes may cause and that concrete may or may not cause. Mr. Swims said the longevity is debatable. He quoted longevity estimates from several different companies. Mr. Swims said he still feels metal pipes will cause problems.

Supervisor Bill Russell asked about plastic pipes. Mr. Swims said that backfilling is important. Mr. Swims said that backfilling can be redone and still cause problems. Mr. Swims said there are more joints with concrete pipes and the pipe separation is usually due to the soil. He said the County may look at pipes outside the ROW over a certain diameter to see if different guidelines should apply. Mr. Swims said the County may need to look at the different materials and grandfathering pipes in established developments that have already been approved. He said this could increase the cost of the development.

Supervisor Tommy Lewis said that if the application has been filed, the County should not go back and impose other rules. Supervisor Lewis said that a lot of developments are on the books and any development with a preliminary application approval should be considered carefully before changes would take effect. Mr. Swims added that significant changes have an impact. Supervisor Medlin said he is more concerned about pipes outside the ROW than those under the road.

Supervisor Eugene Thach asked the County Engineer for his recommendation regarding soil Ph issues. Mr. Swims said that is not a big issue here. Mr. Swims said the developers want to grandfather approved developments.

Supervisor Lewis asked if any Supervisors were in the meeting. Mr. Swims said no. Supervisor Lewis asked for a committee with the Supervisors, Road Manager Russell Dorris and Director of Planning Merritt Powell. Supervisor Russell said that he agreed with the committee to finalize the pipe issue, but the open ditch situation may cloud the pipe issue.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the floor for public discussion. The motion passed by a unanimous vote.

Engineer Ben Smith thanked the County Engineer for his work. Mr. Smith said that he is in 100% agreement with concrete pipe in the ROW. Supervisor Russell asked if driveways were included. Mr. Smith said no, driveways could be corrugated or metal. Mr. Smith said that he agreed with a time period for the change, a grace period and a drop dead date after the grace period. Mr. Smith said that he agreed with the longevity of concrete pipe. Mr. Smith asked, on behalf of the engineers and developers, that the County develop a final proposal and allow their group to review the final pipe proposal.

Supervisor Bill Russell said, in his opinion, concrete pipe can be used in all occasions. Mr. Smith responded asking if a 96" concrete pipe is feasible. Supervisor Russell said that he

feels it is better to make a rule and have an option to ask for exceptions when it makes sense.

Supervisor Jessie Medlin said the developers don't have a problem with the County requiring concrete pipe on ROW. He said when the pipes go off County ROW they have a problem. He said he doesn't think the homeowners should have to bear that burden and the County doesn't have authority to work off the ROW. Supervisor Russell said if we identify these as a public easement then it is dedicated forever. Supervisor Thach said if you allow for an exception it could make it unfair.

Supervisor Bill Russell asked if a drainage easement that is going over my property becomes deficient can the County maintain it. Board Attorney Tony Nowak said if it was dedicated as public property and there is a public health issue, or damage to county property, he thinks we can. Supervisor Thach asked if the County wants to assume that responsibility. He asked where the money will come from. Supervisor Lewis said if we could design around them we wouldn't be having any problems with them.

Supervisor Russell said if we are talking about open ditches rather than pipes he feels that is a different issue. Supervisor Russell said he pushed for a drainage committee. He said if you are going to have pipes in a subdivision we have to specify what kind of pipes to use.

Supervisor Thach said we are growing so fast we are getting drainage problems. He said the subdivisions need to be developed to last as long as possible. He agreed we need to develop some requirements on what the County allows.

Supervisor Tommy Lewis said Mr. Smith stated that concrete pipes under the road are an issue. He asked if there are any other concerns or ideas from the audience.

Keith Bridges, representing Barry Bridgforth, addressed the Board and said that concrete costs more. Supervisor Allen Latimer asked if he has had trouble with metal or concrete. Mr. Bridges said metal will last 75 years and the number of joints is a serious concern. He said that Olive Branch required concrete pipes, but changed because of problems concrete pipes cause.

Supervisor Thach said you have to be consistent.

Supervisor Latimer asked if there have been any problems with the pipes the Bridgforths have installed. Mr. Bridges said no, but the number of joints would be a concern. He said the County's exposure is growing because of the number of pipes being installed. He said some of the pipes in Bridgetown were put there 30 years ago. He said the life expectancy of pipes back then was not as great as today.

Eddie Lajuenc provided brochures for the Board on metal pipes. He said that metal pipes have changed over the years and metal aluminized gives you more strength. He said the pipes used during the time Bridgetown was developed probably had life expectancy of 20 years. Supervisor Lewis asked about the cost of a metal pipe that will last 100 years. Mr. Lajuenc said that they cost more than concrete pipes. Supervisor Jessie Medlin asked how long this type of pipe has been on the market. Mr. Lajuenc said since 1952.

Developer Dan Brown said that he has over 40 years of experience in outside construction and that the main problem with Bridgetown was the vast majority of the pipe was galvanized. Mr. Brown said that now aluminum impregnated pipes are used which is a far superior product. Mr. Brown said that there are not enough inspectors for all the joints in a metal pipe. Mr. Brown said, during the time Bridgetown was built, he worked for S. & W. Construction. He said he helped build those pipes for Bridgetown. He said, as a cost cutting factor, they used cheap pipe that had been used before. He explained that was a normal practice in the late 1960's. He said in the early 1970's Will Renfro served as a Supervisor. He said today we use different pipe. He said the pipe industry went to galvanized. He said the galvanizing would come off where it was held with chains during transport and where it

was handled during installation. He said from that they went to aluminum pipes. Mr. Brown said you can't hire enough inspectors to inspect all the pipes in the County.

The Board discussed that Olive Branch initially decided to change their policy to only allow concrete pipes, but shortly there after revised the policy again due to issues such as these discussed today. Mr. Brown thanked the Board of Supervisors for understanding the issues before changing County policy.

Supervisor Bill Russell said a committee was appointed several months ago to address drainage issues in the County and Supervisor Russell and Supervisor Lewis were designated for that committee. Supervisor Russell said a different committee should be set to discuss this specific issue.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to continue the Public Hearing until February 22, 2005 and approve Supervisor Bill Russell and Supervisor Tommy Lewis on the committee to set requirements in the County for pipes. The committee set a committee meeting date for February 14, 2005, at 1:00 p.m. The motion passed by a unanimous vote.

See Exhibit G.3

4. Chancery Clerk -

a. Approval of Copy Machine Contract with Rayco

At the request of the Chancery Clerk, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the contract between Rayco and DeSoto County for 48 months at \$507 per month for three units. The motion passed by a unanimous vote.

b. Approval of Additional Chancery Clerk Allowance

On behalf of the Chancery Court Clerk, W. E. Davis, an order of Allowances to the Board of Supervisors for the February 2005 term in the amount of \$1,256.66. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve this payment, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote.

See Exhibit G.4.b

5. Courthouse Grounds – 4H Walk-a-thon, April 23, 2005 (Rain date April 30)

Chancery Clerk Sluggo Davis said leaders of DeSoto County 4-H called to ask if they could use the Courthouse grounds for a Walk-a-thon. He said he will find out if they need the building open and will make arrangements with Building and Grounds.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the DeSoto County 4-H to use the Courthouse grounds on April 23, 2005, if there is not a conflict. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----ABSENT

6. Building & Grounds – Juvenile Detention Center Architect Contract

Vanessa Lynchard presented the Juvenile Detention Center Architect contract and made the Board of Supervisors aware of certain components of the contract that may be of interest to the County as follows:

- A. basic compensation for the design fee to be based on 5.5% of the actual final construction cost after change orders. The schematic and design phase of the project will be billed based on the preliminary cost estimate of \$2,540,581.00. This will result in an estimated fee of \$139,731.95.
- B. it allows ETFC to hire consultants “for other than architectural, structural, mechanical and electrical engineering portions of the project...” and the county would pay ETFC 1.15% times the amounts billed to the Architect for such services. According to ETFC this could include security, landscaping, civil engineering, etc. They say these costs are likely, but they will have any such fees approved prior to them hiring the consultant.
- C. Article 10.2 allows reimbursement for expenses for the architect or his employees for transportation, out of town travel, long distance communications, fees paid for securing approval of authorities having jurisdiction over the project, reproductions, postage and handling of drawings, specifications and other documents, overtime work if authorized in advance by the owner at higher rates, renderings, models and mock-ups requested by the owner, additional insurance coverage or limits including professional liability insurance requested by the owner in excess of that normally carried by the architect. These reimbursements will be paid at 110% of the actual cost. They will NOT bill for travel to our jobsite from their office. They will not bill for phone calls from their office to the county. Unless recommended by the attorney, the County will not recommend any additional insurance coverage.
- D. If the Basic Services, which include schematic design, design development, construction documents, bidding, and construction “have not been completed within 24 months of the date hereof (which, according to EFTC will be at Board approval of this contract), through no fault of the architect, extension of the architect’s services beyond that time shall be compensated” at the hourly rate set out in Section 11.3 of the contract. Originally the contract specified 18 months. By their own estimate a realistic, but tight estimate for the project is 17.5 months including 3 months for design, 1 month for bidders, 1.5 months for bid publication, and 12 months construction. They agreed to change this to 24 months. Be aware that if we drag out the design phase, we could be in jeopardy of assuming a lot of extra costs.

Rusty Taylor said that all professional liability insurance is based on a total of the costs. He said there will likely be an electronic security consultant additional fee. Supervisor Tommy Lewis asked an estimate of the cost. Mr. Taylor said \$10,000 - \$20,000 and they would come back with cost approval before hiring the consultant. Supervisor Bill Russell asked how security would be set up. Mr. Taylor said that they would monitor the housing unit itself and it could be done from a remote monitoring room where the other prisoners are monitored. He said the consultant should have pre-qualified experience in corrections facilities.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until February 9, 2005 to allow the Nowak Law Firm to make the contract changes. The motion passed by a unanimous vote.

See Exhibit F.6

7. Justice Court Report

Justice Court Clerk Linda Aldridge presented the Justice Court Report for the month of January 2005 to the Board of Supervisors. Pursuant to Section 9-11-19 of the Mississippi

Code of 1972, Annotated, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to accept the Justice Court Report for the month of January 2005. The motion passed by a unanimous vote.

Exhibit G.7

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until 1:20 p.m. The motion passed by a unanimous vote.

8. Appointments –

a. Board of Adjustments – District 4

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until February 16, 2005. The motion passed by a unanimous vote.

b. North Delta Planning & Development District Municipal

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to appoint Lorine Cady to the North Delta Planning and Development District, Inc., as the Municipal representative. The motion passed by a unanimous vote.

See Exhibit F.8.b

9. Approval to Advertise County Resources – Walls Job Fair

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until February 16, 2005. The motion passed by a unanimous vote.

See Exhibit G.9

10. Approval to Accept Cash Donations from Walmart

a. Sheriff's Department

b. EMA

County Administrator Michael Garriga said the Sheriff received a donation check for the Sheriff's Department for the Drug Awareness Program from Walmart in the amount of \$1,000.00.

County Administrator Michael Garriga said that Tim Curtis received a donation check for EMA from Walmart in the amount of \$750.00.

Board Attorney Tony Nowak said that the donation can be made to the County and Board of Supervisors in the form of restrictive donations.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the cash donations from Walmart for EMA and the Sheriff's Department. The motion passed by a unanimous vote.

See Exhibit F.10

11. Contracts - Fleetcor - Approval for Board President To Sign Tax Exempt Eligibility

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Board President to sign the statement with Fleetcor to ensure tax exempt eligibility. The motion passed by a vote as follows:

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

See Exhibit G.12

12. Circuit Clerk – Approval of Maintenance Agreement on Electronic Shelving

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the Preventative Maintenance Agreement from J. L. Shelton & Associates, Inc., for electronic shelving for Circuit Clerk in the amount of \$364.50 annually, set to expire January 14, 2006. The motion passed by a unanimous vote.

See Exhibit G.12

13. Accounting –

a. Animal Shelter - Approval of Mileage Reimbursement

Comptroller Tom Arnold appeared before the Board of Supervisors to request mileage reimbursement for Animal Control Department employee John Coleman in the amount of \$151.13. Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the mileage reimbursement for John Coleman in the amount of \$151.13, as explained in Exhibit G.13.a. The motion passed by a unanimous vote.

See Exhibit G.13.a

b. Acceptance of 2003 Audit Report

Comptroller Tom Arnold presented a copy of the 2003 Audit Report to the Board of Supervisors. Mr. Arnold said DeSoto County received an unqualified opinion.

Mr. Arnold asked the Board of Supervisors if they want to have an exit conference to discuss the Audit Report. The Board Supervisors indicated that they did not want to have a formal exit conference.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to accept the 2003 Audit Report and make it a part of the minutes. The motion passed by a unanimous vote.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to allow the Board President to sign to elect not to have a formal exit for the audit. The motion passed by a unanimous vote.

See Exhibit G.13.b

c. Acknowledge the State’s New Mileage Reimbursement Rate

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to acknowledge the State's new mileage reimbursement rate of \$0.405 per mile and make the change a part of the minutes while acknowledging the Board of Supervisors previously voted to accept the State reimbursement rates for County travel reimbursement. The motion passed by a unanimous vote.

See Exhibit G.13.c

d. Claims Docket

Comptroller Tom Arnold Stephanie Hanks of the Accounting Department presented the claims docket showing claims that need to be paid for various departments as of February 7, 2005.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

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

14. Fire –

a. Approval to Accept New Fire Truck and Authorization to Pay for Lewisburg Fire Truck

Fire and EMS Director Bobby Storey appeared before the Board of Supervisors requesting approval to accept the new fire truck and to authorize payment for the Lewisburg fire truck. He said the Lewisburg Fire Department sent the County a check for \$270,582. Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the new fire truck and to authorize payment in the amount of \$50,000 for the Lewisburg fire truck, plus to pass through the Fire Department contribution for the payment of the fire truck. The motion passed by a unanimous vote.

See Exhibit G.14.a

b. Approval for Board President to Sign Contract

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the Board President to sign the contract between Dr. Frank Adcock and DeSoto County to provide Physician Medical Control Director services to EMS from January 2005 through December 2005 at a contract price of \$45,000. The motion passed by a unanimous vote.

See Exhibit G.14.b

15. Central Maintenance –

a. Petition to Adopt Road (Old Business)

Road Manager Russell Dorris appeared before the Board of Supervisors regarding the petition to adopt a section of road, approximately ½ mile long off Barbee Road. Mr. Dorris said that Supervisor Eugene Thach and Supervisor Bill Russell looked at this

section of road.

Supervisor Russell said that DeSoto County would consider adopting this section if it was brought up to County standards.

Supervisor Allen Latimer asked the Board’s policy in the past. Supervisor Tommy Lewis said that past practice has been to obtain the ROW and begin maintaining the road.

Supervisor Jessie Medlin said that there is usually gravel or pavement on the road. Supervisor Eugene Thach said that there is no gravel, only dirt.

Supervisor Allen Latimer asked if this was for one family. Supervisor Russell said that it may be more than one. County Administrator Michael Garriga said that DeSoto County will not let this property be subdivided until a road is in place.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to reject the request to adopt a section of road, approximately ½ mile long off Barbee Road until the road is brought up to County standards. The motion passed by a unanimous vote.

See Exhibit G.15.a

b. Approval of Contract with Ritchie Brothers

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the contract with Ritchie Brothers having found that it is in the best interest of the public to auction the road equipment as follows:

1	2000	Volvo VIN# 4V5JC2GF5YN869452
1	2000	Volvo VIN# 4V5JC2GF3YN869451

The motion passed by a unanimous vote.

See Exhibit G.15.b

c. Approval for Board President to Sign Durham Auctions Property Contract

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the contract with Ritchie Brothers having found that it is in the best interest of the public to auction the road equipment as follows:

2	2003	Mack Dump Trucks
2	2004	Mack Dump Trucks

The motion passed by a unanimous vote.

See Exhibit G.15.c

d. Board of Education – Approval of Request for Equipment & Labor

- (1) Sullivan Elementary School**
- (2) Shadow Oaks Elementary**

Road Manager Russell Dorris said the Board of Education asked for County equipment and labor to spread limestone for additional parking space at Sullivan Elementary School. Mr. Dorris said that the Board of Education will buy the limestone. Supervisor Eugene Thach asked the cost to spread the limestone. Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to carry this item over until February

9, 2005, to obtain estimates for the work requested by the Board of Education at Sullivan and Shadow Oaks Elementary Schools. The motion passed by a vote as follows:

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

See Exhibit G.15.d

e. Road Report and Work Schedule & County Engineer's Report
f. Road Bond Report

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, Annotated, Road Manager Russell Dorris presented the Road Report for December 26, 2004 thru January 25, 2005 and the Work Schedule for the month of February 2005.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the Road Manager's Road Report and Work Schedule Report, the Road Bond Report and to accept the County Engineer's Report and make it a part of the minutes. The motion passed by a unanimous vote.

See Exhibit G.15.e.f

g. Approval to Declare Equipment as Surplus

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the following list of vehicles and equipment be declared surplus:

Prop #	Unit #	Description	Serial #	Mileage/Hrs - Condition
22045	44	93 Ford ¾ Ton	1FTEF25N2PLA46460	155,235 Poor
20200	47	92 Chevy ¾ Ton	1GFC24H7NZ225323	212,000(O Broken) Poor
20135	123	80 Ford F700 Dump	JA6164	39,412 Poor
16166	125	97 Ford F800 Dump 8cy	1FDYF80E5VVA40575	189,882 Average
16169	128	97 Ford F800 Dump 8cy	1FDYF80E0VVA40578	150,000(Est.) Average
16170	129	97 Ford F800 Dump 8cy	1FDYF80E9VVA40871	132,983 Average
16171	130	97 Ford F800 Dump 8cy	1FDYF80E0VVA40872	160,129 Average
30270	132	99 Int'l SA Boom Truck	IHTSCAARXXH671306	98,500 Poor
12281	408	36' Nabors Flat Bed Trailer	SX352770T	N/A Average
12046	562	Rosco 1 Ton Patch Roller	5010	N/A Poor
20158	591	John Deere 4840 Tractor	001394R	N/A Disabled
16053	593	Reynolds 8 cy Scrapper/dirt pan	17968	N/A Average
30191	624	Bushog ATH720 Finish mower	12-07360	N/A Average
30485	628	Alamo Versa 60" mower for a 4253 Massey Ferguson Tractor	05161	N/A Average
30637	633	Alamo Ditching Head & extra set of blades	04444	N/A Average

Miscellaneous Items:

- Fifth wheel off Scrape truck frame
- 500 gallon(estimated) plastic tank (From Old Bus Barn)
- 2 ditching buckets (will not fit anything we have)
- 3 tires/wheels 18.4-30/15-3 Dual Rear tractor tires and wheels (take-offs)
- 2 tires 18.4-38 Rear tractor tires (take-offs)

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
 Supervisor Eugene C. Thach-----ABSENT
 Supervisor Bill Russell-----YES
 Supervisor Allen Latimer-----YES
 Supervisor Tommy Lewis-----YES

See Exhibit G.15.g

h. Approval to Amend Road Register List

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to hold this item over until February 9, 2005. The motion passed by a unanimous vote.

See Exhibit G.15.h

16. Board Attorney -

a. Approval of Interlocal Agreement - DeSoto County and City of Olive Branch for Road Overlay

Board Attorney Tony Nowak presented a request to the Board of Supervisors for approval to update the Interlocal Agreement between DeSoto County and the City of Olive Branch for road overlay cost sharing.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to amend the Interlocal Agreement between DeSoto County and the City of Olive Branch for road overlay cost sharing and authorized the Board President to sign the agreement. The motion passed by a unanimous vote.

See Exhibit G.16.a

b. Approval of Resolution Seeking Amendment to MS Code for District Attorney

Board Attorney Tony Nowak presented a request to the Board of Supervisors for approval to the Resolution seeking amendment to MS Code 21-31-5 and MS Code 25-31-10 for the District Attorney's office.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the Resolution seeking amendment to MS Code 21-31-5 to increase the number of full time legal assistants from five to seven and MS Code 25-31-10 to increase the number of full time criminal investigators from two to three and to authorize the Board President to sign the Resolution. The motion passed by a unanimous vote.

See Exhibit G.16.b

c. Animal Shelter – Approval of Interlocal Between DeSoto County and the City of Olive Branch

Board Attorney Tony Nowak presented a request to the Board of Supervisors for approval of the Interlocal between DeSoto County and the City of Olive Branch for the use of the DeSoto County Animal Shelter.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the Interlocal between DeSoto County and the City of Olive Branch for the use of the DeSoto County Animal Shelter to extend through the term of the Board of Supervisors, December 31, 2007. The motion passed by a unanimous vote.

See Exhibit G.16.c

d. Hernando Civic Center Lease Agreement

Board Attorney Tony Nowak presented a request to the Board of Supervisors for approval of a Resolution to the Hernando Civic Center Lease Agreement and a management agreement for the Hernando Civic Center Association to manage the property. Mr. Nowak said the County leases the Hernando Civic Center property to the Hernando Civic Center Association.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve of a Resolution to the Hernando Civic Center Lease Agreement and a Management Agreement for the Hernando Civic Center Association to manage the property. The motion passed by a unanimous vote.

e. Walls Sewer District – Transfer of Assets

Board Attorney Tony Nowak said the Walls Sewer District is requesting to dissolve and transfer assets to the Walls Water Association. He explained that they have full authority to dissolve. Mr. Nowak said the lagoon is owned by the County. He said the County would have to agree to convey the lagoon and refund the bonds. He said Walls Water will pay them off.

Supervisor Jessie Medlin asked how that will affect the County wide sewer system. Mr. Nowak said DCRUA is all for the transfer.

Supervisor Allen Latimer asked how much is owed on the bonds. Mr. Nowak said \$375,000 roughly.

Supervisor Jessie Medlin asked how this will impact DCRUA. Mr. Nowak said that DCRUA has been meeting with the Walls Sewer District and understands what is going on.

No motion was made nor votes taken on this item.

17. Approval of Resolution for Rotary International Centennial

Supervisor Jessie Medlin presented a request for a proclamation from the Olive Branch Rotary Club for a Rotary International Centennial Day February 23, 2005. Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the Rotary International Centennial Proclamation February 23, 2005, to encourage all citizens in recognizing Rotary International for 100 years of service to improving the human condition in local communities around the world. The motion passed by a unanimous vote.

See Exhibit G.17

H. EXECUTIVE SESSION

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

I. OTHER ISSUES

1. Tax Collector – Erroneous Assessment

Tax Collector Joey Treadway said that in 1999 a Homestead exemption was erroneously taken off the tax roll and he is requesting approval to pay Terry and Elizabeth Rice \$1,260 due to this mistake. Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Clerk to write a check for the payment of \$1,260 to Terry and Elizabeth Rice and to make this information part of the minutes. The motion passed by a unanimous vote.

See Exhibit I.1

2. Accounting

Comptroller Tom Arnold request for payment of a bill from the Baptist Hospital DeSoto for \$13,570.74 to save interest charges of 10% or \$1,507.86. Mr. Arnold said the bill is for a prisoner picked up by Southaven Police. He got sick after going to jail and was taken to the hospital. The City Judge released him while in the hospital on June 30. The total bill was \$23,000. With discount the bill is \$13,570.74. No motion was made nor votes taken on this item.

3. Robertson Donaldson Park

Supervisor Bill Russell said that Dr. Barnes of Horn Lake has made 13 cedar signs to identify foliage in Robertson Donaldson Park. Supervisor Russell said that the signs would cost \$468.00. No action was taken on this item.

Later in the meeting, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize purchasing signs for the Robertson Donaldson Park to identify foliage in the amount of \$468.00. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until February 9, 2005. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

THIS the 7th day of February 2005, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors