

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

Tommy Lewis, PRESIDENT 2005 PRESIDING

August 1, 2005

A. CALL TO ORDER

The August 1, 2005, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Michael Garriga-----County Administrator
Tony Nowak-----Board Attorney
Chief Deputy Charlie Brown-----Sheriff's Department

B. INVOCATION

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MINUTES

Supervisor Bill Russell said the permitting of gravel pits and surface mining that was approved by the Board of Supervisors was confusing in the minutes. He asked if gravel mining and dirt mining is treated the same way as far as hauling goes. Supervisor Russell said that Section F.5 is unclear to whether it includes dirt and gravel. Road Manager Russell Dorris said that it does include dirt and gravel.

County Administrator Michael Garriga said that he understands that we are under different Ordinance for the mining. Supervisor Russell said the document sounds like the mining operator is supposed to bond the roads, but it are not clear what is to be bonded. The Board of Supervisors held this item over until later in the meeting.

Later in the meeting, Supervisor Russell said that he and the Road Manager had spent time on the gravel mining and hauling Ordinance. He said they agree that the proposed Ordinance which was written from Board approval is unclear and may not be enforceable.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to hold this Order amending gravel mining and surface mining over and send it back to the committee for possible new Public Hearing. The motion passed by a vote as follows:

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

The official minutes of the Board of Supervisors were read for the month of July 2005, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors and the exclusion of the Gravel Pit and Surface Mining Amendment, for the month of July 2005.

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

E. PUBLIC HEARING – 2005 Tax Rolls

This day came on to be considered by the Board of Supervisors of DeSoto County, Mississippi, the matter of objections to the real and personal assessment rolls for the year 2005, and it appearing that the said assessment rolls have been heretofore filed by the County Assessor of this County, and have been examined and equalized by this Board of Supervisors as required by law, and that the required notice has been given to the public and to the taxpayers in the manner provided by law at least ten (10) days prior to this meeting.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to open the Public Hearing for the Protest Period and to order that this Board of Supervisors will proceed to hear and determine any and all objections and exceptions thereto which may be filed with respect to said assessment rolls and the assessments therein contained, that this Board will sit from day until all objections and exceptions have been heard and determined and all proper corrections made, that this Board will proceed further to equalize the said assessments and wherever it appears equitable will increase or diminish the valuation of any property so that property of the same value shall be an equal sum, that this Board will add to the rolls any property found to have been omitted, that where an individual assessment is increased or where any omitted property is added to the rolls due notice will be given of such increase or addition and the owner of the property be given of such increase or addition and the owner of the property will be given the opportunity to present objections as required by Section 27-35-89, Mississippi Code of 1972, and this Board will correct and change an erroneous assessment discovered or brought to its attention, and that this Board will proceed to do and perform all things required by law with respect to the said assessment rolls and the assessments therein contained so that all property of every taxpayer will be assessed equally and uniformly.

Tax Rolls after having duly published in a legal publication the opening of the Rolls by the Board of Supervisors in order to hear from the public. The motion passed by a unanimous vote.

See Exhibit E

1. Phelps Dunbar – Regency Partners, L.P., Parcel # 1088-2700.0-00022.06

Mr. Bill Hardin representing Park Development appeared before the Board of Supervisors to discuss their tax assessment. He said he received a fax from the Tax Assessor lowering the values of the following:

- a. Southaven Partners, Parcel # 2081-0107.0-00037.00
- b. Goodman Partners, L.P., Parcel # 1088-2800.0-00004.02
- c. DeSoto County Partners II, L.P., Parcel # 2081-0107.0-00036.00
- d. Walls Partners, L. P., Parcel # 1098-3400.0-00007.07
- e. DeSoto County Partners, L.P., Parcel # 2081-0107.0-00037.01 & Parcel # 2081-0107.0-00036.01

Pieter Zee of the Tax Assessor's office said that the State allows directives on how to value Section 42 property. Mr. Zee said that Friday afternoon the State Tax Commission changed their guidelines and the Tax Assessor's office arrived at new numbers for the Section 42 evaluation. Mr. Zee assured the Board of Supervisors that the Tax Assessor's office is going to do what ever is required by the State Tax Commission to legally value properties in the County. He said their office followed the guidelines and have made the changes necessary according to the guidelines. He said that their office made the changes and faxed it to Park Development. Mr. Zee said that Senate Bill 3100 requires affordable rental housing projects to be assessed using the income approach. He said that the Bill spells out the difference in value and taxes. Mr. Zee said Senate Bill 3100 passed this year changing the method of valuing these properties and it also was retroactive from January 1, 2005. Mr. Zee said that this change will make a big difference in our tax dollars this year.

Mr. Hardin said that the tax protest on items a-e has been settled. Mr. Hardin said that Regency is a conventional development.

Mr. Zee said that the property valued dropped by \$32,982,492 million and the loss in taxes will be \$645,547.47.

Mr. Hardin said the approach to value should be considered for Regency Apartments as well using the income approach. He said the current assessment is based on the cost approach and his company believes it should be based on the income approach. He said they would like to be treated fair and equitable. He said that anyone purchasing the property would look at income producing capacity. Mr. Bryant asked if Mr. Musgrave is acting as a agent for this property. Mr. Musgrave said yes. Mr. Bryant said that is he is acting as an agent for the property, an appraisal or construction cost would not be too much to ask for.

Supervisor Bill Russell asked if Senate Bill 3100 affected all apartments. DeSoto County Appraiser Bill Bryant said no, only low income apartments.

Supervisor Allen Latimer said that other properties assessed by income approach and we assessed by value of the property. Mr. Hardin said that they used the approach to income and the Tax Assessor used the cost approach. He said they took the net operating income and applied a 9% tax rate. He said they valued the property at \$3 million and the Tax Assessor valued it at \$7 million. Mr. Hardin said that they are requesting to be treated fair and equitable. He reminded the Board of Supervisors that this is a conventional property. Supervisor Allen Latimer said that taxes are a cost of doing business.

Supervisor Eugene Thach said that he did not think the County can set up different guideline for apartments than we use on other businesses.

Mr. Bryant said that the Tax Assessor's office was unaware of the appeal due to notification late Friday afternoon. Mr. Bryant said that they were not in a position to discuss the appeal. Supervisor Tommy Lewis asked when the Tax Assessor's office would complete the review. Mr. Bryant said a couple of days.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to hold this item over until August 3, 2005. The motion passed by a unanimous vote.

See Exhibit E.1

2. Evans & Peteree Attorneys at Law –

a. Holiday Inn Express, Parcel # 1086 1300 0000 9.02

Pat Musgrave representing Holiday Inn Express appeared before the Board of Supervisors to discuss their tax assessment. Mr. Musgrave said that Holiday Inn Express is an income producing property, but that area has declined. Mr. Musgrave said that income was fairly stable. He said they capitalized the net income. Mr. Musgrave said that the Holiday Inn Express was assessed 1/3 higher than their competitors.

DeSoto County Appraiser Bill Bryant asked if there was any additional information an appraisal or the construction cost. Mr. Musgrave said no. Mr. Bryant said that the information is needed when making an appeal to the Board of Supervisors. Supervisor Tommy Lewis asked if the Tax Assessor’s office needed further review. Mr. Bryant said that is up to the Board of Supervisors. Mr. Bryant said that they would still like to see an appraisal on the property. Mr. Musgrave said that there is not a current appraisal available that he is aware of.

Mr. Musgrave explained that this is the grocery store property next to Wal-Mart’s old property location on Stateline Road.

Supervisor Allen Latimer said that the Travelers Inn was built the same year. Supervisor Latimer asked the location of the Travelers Inn. Mr. Musgrave said it is located on the other side of I-55. Mr. Musgrave said that the Travelers Inn was assessed at a lower value. He said that Holiday Inn Express is bigger. Mr. Bryant said that their office needs an appraisal or construction cost.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until August 3, 2005. The motion passed by a vote as follows:

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

See Exhibit E.2.a

b. Bennett York, Parcel # 1086 2418 00000 1.00 & 2.00 & 3.00

Pat Musgrave representing Bennett York appeared before the Board of Supervisors to discuss their tax assessment.

DeSoto County Appraiser Bill Bryant said that the Tax Appeal Form asked for certain information to be provided which has not been received by their office.

Supervisor Bill Russell said that without an appraisal he does not have any proof that the value of the property has come down. Supervisor Russell said that knowing the area he expects the property value has declined, but without an appraisal he has no proof that would justify him going against the Tax Roll.

Mr. Musgrave said they have the insured value of the property. He said they have the construction cost of the Market of Southaven. Mr. Musgrave said that there was an adjustment to last year’s taxes. He said that income continues to go down. He said the owners used Equity Investment Group who had a contract for \$3 million. Mr. Musgrave said the buyer declined the purchased.

Supervisor Eugene Thach made the motion to hold this item over until August 3, 2005. The motion died for a lack of a second.

Supervisor Bill Russell asked if the process states that an appraisal is required. Mr. Musgrave said no. Mr. Bryant said that is one method, but the Board of Supervisors has every right to request an appraisal. Mr. Bryant said that this information is mentioned in the Statute. Supervisor Russell said that the appraisal would clear up the values. Mr. Musgrave said that the form says that you should have a recent appraisal. He said they did not get an appraisal simply for the purposes of the tax hearing. Supervisor Russell said that without proof he cannot go against the Tax Roll.

Pieter Zee of the Tax Assessor's office said that \$5.7 million was the value one year ago. He said that the appraisal dropped the value by 60% or to \$4,471,000 in value. He said the reduction was 21 ½ % over the previous value. He said the property is 79% occupied. Mr. Zee said they requested an appraisal last year, but never received that information.

Supervisor Bill Russell made the motion to deny the tax appeal. The motion was withdrawn.

Mr. Musgrave said that they would try to get an appraisal. He said evidence of the value of the property was compelling when you consider that the property owners were willing to sell the property for \$3 million and that deal did not go through.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until August 3, 2005. The motion passed by a unanimous vote.

See Exhibit E.2.b

3. Approval of Tax Roll

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until August 3, 2005. The motion passed by a unanimous vote.

F. HAVA COMPLIANCE – Voting Machines

Secretary of State Eric Clark appeared before the Board of Supervisors. The Election Commission and Circuit Clerk Dale Thompson also addressed the Board of Supervisors on the County's option for compliance with the Help America Vote Act (HAVA).

Secretary of State Clark thanked the Board of Supervisors for listening to his presentation regarding voting equipment to allow compliance with the Help America Vote Act.

Secretary of State Clark provided background on the voting machine project. Secretary of State Clark said that to prevent another Florida situation of 2000, the Federal Government passed the HAVA. He said there are some key items needed for compliance with HAVA: 1) by January 1st 2006 every voting precinct is supposed to be handicap accessible. So far, Congress has approved \$28 million for this effort. Secretary of State Clark said that the State's goal is to have all the Counties be handicap accessible. He urged County officials to let their Congressional delegation know we need help to make voting precincts handicap accessible. He said the HAVA also includes helping military members overseas have an easier way to vote. He said that each County must have one voting machine available in every precinct for handicap voters. Secretary of State Clark explained that people who are disabled vote 15 to 20 % less than the average voters.

The HAVA requires building a state-wide computer system and to clean up the voter rolls.

By January 1, 2006, we must be HAVA compliant, which is required for grants. Secretary of State Clark said that there was only \$1 million of grants and \$34 million is needed for Mississippi.

The goal is to limit the County expense.

Secretary of State Clark said that 76 Counties have to have new machines. He said that eighty-two Counties have to have one machine that is a disabled accessible touch screen.

Secretary of State Clark said that DeSoto County bought precinct optical scanners in 2002. He said the County can keep those and get a partial reimbursement or get the new State purchased machines. He said the machines were the recommendation of the focus group that met at the beginning of the year. He said three finalist companies demonstrated machines to the focus groups. Secretary of State Clark said that Diebold was graded the highest and was the lowest bid.

Secretary of State Clark said that the Diebold machines have already rolled out in Georgia. He said that the machines were bought three years ago with State funds. He said the machines have been very successful and a positive experience for the voters. He said the voters find the machines easy to use. He said there is real time, electronic communication to the Secretary of State. Secretary of State Clark said that Diebold has more than 90% of the ATMs in Mississippi. He said that he believes the company can keep up with the votes. He said the company approval rating was 97% of the voters in Georgia last year.

Secretary of State Clark said that the issue is that paper trail machines have a paper trail option. He said an image is made of the ballot that is cast. He said the image is made of the ballot that is cast. Secretary Clark said that right now we have the paper trail capability. He said for every ballot that is cast it can print out a paper trail. He said if we get future funding the components could be added to the existing machines to allow a paper trail to be printed. He said the machines are secure now, but they would give what a paper trail would give for some people a comfort level. He said if third year Federal funding became available and is adequate, they will buy equipment to give a print out for voters to see their vote in real time. The money can be used to add printers throughout the State if funding is adequate. Secretary Clark said that his responsibility is to achieve the highest system of uniformity with the money we have to spend. He said his office is encouraging all of the Counties to opt in.

Secretary Clark said that DeSoto County will get the number of machines indicated by the formula. He said to achieve the formula they took voter turnout the previous elections and divided the number of precincts by that number. He said the result determines the number of machines each County will get free. Secretary Clark said there are two reasons they encourage Counties to become part of this system – better uniformity and lower costs.

Secretary Clark said that he has been reading the papers in DeSoto County and he has read that he encouraged the County to buy the optical scan machines in 2002. Secretary Clark clarified that he did not say that. He said that he has told people for years they should hold up on making any purchases until the HAVA Bill is passed and addressed.

Secretary of State Clark said that HAVA requires uniformity across the State. Secretary of State Clark said that the Wal-Mart effect will be used to buy 5,000 machines to get a much lower cost. He said it is his responsibility to achieve the maximum level of uniformity and get the maximum number of machines. To achieve that he is requesting all Counties opt in.

Secretary Clark said you will get the machines free based on voter turn out, plus the set-up, software, support, aggressive training, a five-year maintenance contract. Secretary of State Clark said that if more machines are needed the County can buy them at the State price for two years with the whole package of support. He said the reimbursement is if every County opts in. He said the price would be \$2,900 per machine. He said if the County opts out the State price per unit goes up. He said the State would hold harmless the Counties that opt in and the Counties that do not opt in the money would go as far as it can go. He said that \$1,600 is roughly the reimbursement amount if 25% of the Counties opt out.

Secretary of State Clark said that he never said that DeSoto County will be reimbursed for optical scan machines purchased in 2002. He said that the County should be careful and cautious and he pointed that out earlier.

Circuit Clerk Dale Thompson said that DeSoto County started the bid process in 2002. Secretary of State Clark said that HAVA passed October of 2002. Ms. Thompson said that DeSoto County submitted a memo to the Justice Department and received approval of the machines the County purchased. She said Attorney Bobby Chamberlin was in contact with the Secretary of State's office.

Secretary of State Clark read a May 2003 memo which stated to be cautious of purchasing election systems because of the HAVA Act. He said he encouraged DeSoto County to opt in now.

Secretary of State Clark said the machines purchased in DeSoto County can go to a secondary market. He said he will work with DeSoto County in this effort.

Secretary of State Clark said he doesn't think DeSoto County wants to be different from the rest of the State. He said DeSoto County must be able to electronically transmit election results. He said Hinds and Rankin Counties have touch screen machines without voter verifiable paper trails. He said the machines are user friendly. He said the elderly love them. He said that secret ballot voting is a plus.

Supervisor Eugene Thach said DeSoto County spent \$270,000 on machines. Supervisor Thach said that the Election Commission met the Federal requirements and the Board of Supervisors voted on the machines. He said the machines worked good and we are satisfied. Supervisor Thach said that the County thought they would be reimbursed.

Secretary of State Clark said that this was not the fault of anyone, but the decision was made by the County prior to HAVA. He said if the County decides not to opt in, the State will reimburse the County at the level of funding that is available.

Supervisor Allen Latimer said that the Federal law said, as long as the machine was HAVA compliant, the County would be reimbursed. Secretary of State Clark said he was not sure that the Federal law was that clear. He said that Mississippi was way ahead of the curve. He said the County would be better off to opt in. He said there will be reimbursement money available, but not at 100%. He said if the Diebold machines were purchased State wide, we will get a much lower cost. By opting out, we will not get as many machines in the State at the lowest cost per machine. He said the State will fully fund the Counties, who opt in up to the number the formula indicates. Then they will disburse the remaining money.

Supervisor Allen Latimer asked if the amount is based on a formula. Secretary of State Clark said that the Federal law calls for uniformity and the machines cost less with the number that are bought. He said that they would reimburse DeSoto County with what is left after the Counties that opt in are made whole and they will assist with secondary buyers for the machines.

Supervisor Bill Russell asked if there was a fee for the County if they opt out. Secretary of State Clark said no, there is not a fee. He said the more Counties that opt in, the less the machines would cost.

Supervisor Bill Russell asked if there was a law requiring one touch-screen machine per precinct. Supervisor Russell asked if the County opts out will the State pay a percentage of those machines. Secretary Clark said they will work with the County on that, Supervisor Russell asked if we opt out, will the one ADA machine per precinct be given to DeSoto County. Secretary Clark said he thinks so, but the question would be would your existing machines communicate with the Diebold machines.

Supervisor Jessie Medlin asked if the seventy six Counties change and if DeSoto County opts in, can money that is left be appropriated. Secretary of State Clark said if every County opts in there

will be no excess money.

Supervisor Tommy Lewis said that the formula that the State has now indicates that 173 machines will be sent to DeSoto County. Secretary of State Clark said yes, based on the past four big elections. Supervisor Lewis said that DeSoto County needs 300 machines at \$2,900 based on past elections. He said that DeSoto County is growing so fast that it puts the County behind. He said the County will have to add an extra \$368,300 in machines. Secretary of State Clark said they looked at the past four big elections and the voter roll. He agreed it was a legitimate concern on the cost of the extra machines, but he doesn't have an answer.

Supervisor Lewis said that the County needs 127 machines. He said the machines now have a paper trail. Secretary of State Clark said they want to go to the third level of verification by button to see every vote cast later. He said the printer could be on as the voter cast his ballot, and a printout rolls into a spool. He said the touch-screen machines do not have a printer and no one is complaining currently.

Supervisor Lewis said the County will have \$368,300 in machines without printers. He said the County had to move forward.

Secretary of State Clark said that focus groups began over three years ago. He said the State will assist with the secondary group purchase of the County's old machines.

Supervisor Bill Russell asked if the machines can be retrofitted to communicate with the State system. Cliff Davidson of the State Computer Department said that there needs to be an interface between SEMS, the network and ES&S. Supervisor Russell asked if that would cost the County. Mr. Davidson said yes, and we don't know what the cost will be.

Supervisor Allen Latimer said that he read an article that someone hacked into the system in Georgia. Secretary of State Clark said no. He said that Georgia loves the machines and gave it a 97% approval rating. Supervisor Medlin asked what machines Georgia had before. Secretary of State Clark said a hodgepodge.

District 1 Election Commissioner Paul Beale said they are stewards of the taxpayer's dollars. He said the machines we have can be interfaced. He said our machines have voice activators. He said the problem is the number of machines we will have to have. Mr. Beale said the Diebold machines don't have a sit-down option where it can be used by quadriplegics. State Representative Ted Mayhall said that he was an Election Commissioner at the time and was told by the Secretary of State's office that Optical Mark System was a good system and DeSoto County would get reimbursed. He said that he would address the Diebold system and the numbers later.

Secretary of State Clark said that the Diebold system can tilt and be removed to take to a car or van.

District 3 Election Commissioner Danny Klein said that the Counties must have a complete system. He asked if \$1,600 is the bottom line cost to the County. Secretary of State Clark said no, it may go higher or lower depending on how many Counties opt in. He said that a sliding scale will be used.

State Representative Ted Mayhall said that HAVA was precipitated by the need to replace punch card voting. He said that reimbursement to 13 Counties in Mississippi should be a priority. He said DeSoto County spent \$270,000. He said that he visited four cities in the County to pay ½ with the belief that we would be reimbursed. He said that a paper trail is important. Mr. Mayhall said that the system is continually being improved. Mr. Mayhall said that one handicap accessible machine at each precinct with reimbursement is the answer. He said that the money is set aside for that purpose. Mr. Beale said their main concern is reimbursement. Representative Mayhall said that we have a system with a paper trail so you can count those ballots if you need to. He said if the power fails or the battery fails, you can continue to vote. He said that he and the Election Commissioners think the machines we have with one of these handicap machines in our County is the way to go. He said the HAVA Bill Section 102 says the State shall use the funds

either directly or by reimbursement for purchases after January 1, 2001, to replace punch card and lever machines. He said these machines were purchased after January 1, 2001.

Secretary of State Clark said HAVA is bigger than the punch card voting. He said that it is a major election reform act in the Country. He said voters are supposed to be treated uniformly and fairly. We are supposed to get the best machines possible with the money that is available. He said if you don't do that you are throwing taxpayer money away. He said that if the machine goes down, the battery lasts for five hours.

Supervisor Eugene Thach asked if a memo was sent out advising not to buy machines. Secretary of State Clark said yes. He read the memo dated May 19, 2003. Supervisor Bill Russell said the memo was sent a year after the machines were bought. Secretary of State Clark said it was sent after the Federal law was passed.

Secretary of State Clark said that he respects DeSoto County in making the best decision. Secretary of State Clark said that he makes the best decision for the State.

Diebold Representative Buck Jones said the process is similar to the existing process. The voter goes to the registration table, receives a voter access card that allows the voter to vote one time. He said the access card is reused during the day. Mr. Jones said that the instructions are on the button at the bottom of the screen.

Supervisor Jessie Medlin said the machines were intimidating to elderly voters. Secretary of State Clark said that is not so.

Mr. Klein said that California opted out due to three reasons: frustration, long lines and error rate. Mr. Jones said that was a practical test. He said that paper jams caused a lot of the problems.

Circuit Clerk Dale Thompson said the software was not received with a NASDAQ number. Mr. Jones said that none of the others had numbers at that time either.

Mr. Beale said that you need additional cards to help keep the flow going. He said the County provides handicap voting. He said that he wants what is best for DeSoto County. He said that we will have to address the precincts and comply with Federal law.

Mr. Jones said the Diebold machines will require fewer poll workers. He said that Diebold offered two proposals; the optical and the touch-screen. He said the State of Mississippi's decision was to go with the touch-screen. He said that Mississippi looked at the cost of supplies and the cost was substantially less. Secretary of State Clark said that with the Diebold machines you do not have to print paper ballots.

Supervisor Tommy Lewis asked the Election Commissioners to have a firm recommendation and the cost for the August 15th meeting.

Mr. Beale said that no one in Mississippi has the Diebold machines. Ms. Thompson said that it would cost \$20,000 for the SEMS interface. She said that Director of Information Systems Larry Woods said that there is not a problem to interface with the system. He said that at night they send the voter recap to them already. Supervisor Russell asked if the machines transmit the information. Ms. Thompson said no, they are taken back to the Courthouse and sent to the State.

See Exhibit F

G. CONSENT AGENDA

- 1. Accounting –**
 - a. Request for Transfer of Metro Seized Funds**
 - b. Travel Advance – Sheriff's Department (2)**
 - c. Ratification of Monthly Health Claims**

- d. Ratification of Bond Payments**
- 2. Inventory Disposition –**
 - a. Youth Services/Juvenile Court – Preliminary**
 - b. Building Maintenance – Preliminary**
 - c. Animal Shelter – Final**
 - d. EMA – Final**
 - e. Central Maintenance – Final**
- 3. Bailiff Pay Approval**
- 4. Approval of Chancery Clerk Allowance**
- 5. Sheriff’s Employee Report**
- 6. Approval of Travel**
- 7. Approval of Publication of Board Proceedings**
- 8. Metro Narcotics – Approval to Add Forfeiture to Inventory**

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the following consent agenda items:

- 1. Accounting –
 - a. Request for Transfer of Metro Seized Funds
 - b. Travel Advance – Sheriff’s Department (2)
 - c. Ratification of Monthly Health Claims
 - d. Ratification of Bond Payments
- 2. Inventory Disposition –
 - a. Youth Services/Juvenile Court – Preliminary
 - b. Building Maintenance – Preliminary
 - c. Animal Shelter – Final
 - d. EMA – Final
 - e. Central Maintenance – Final
- 3. Bailiff Pay Approval
- 4. Approval of Chancery Clerk Allowance
- 5. Sheriff’s Employee Report
- 6. Approval of Travel
- 7. Approval of Publication of Board Proceedings
- 8. Metro Narcotics – Approval to Add Forfeiture to Inventory

The motion passed by a unanimous vote.

See Exhibit G

H. OLD BUSINESS

1. Insurance –

a. Phillips and Associates Agreement

County Administrator Michael Garriga reminded the Board of Supervisors that the Phillips and Associates Agreement with DeSoto County was approved in May. He said, at the last meeting, the third party administrator fee amount was incorrect and it has been corrected to \$14,250.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign the Phillips and Associates Agreement as the third party administrator at a cost of \$14,250 for a period from May 22, 2005 thru May 21, 2006. The motion passed by a unanimous vote.

b. Terrorism Premium

County Administrator Michael Garriga reminded the Board of Supervisors that insurance coverage for losses arising out of acts of terrorism was denied at a previous meeting. Mr. Garriga said that the terrorism insurance coverage was reconsidered. He said that the cost is \$8,000 a year for the policy. Mr. Garriga said that any losses must be compatible with the

Terrorism Act of 2002 with a minimum of \$50 million in damage.

Supervisor Tommy Lewis said that the terrorism insurance is denied at this point.

No motion was made nor votes taken on this item.

2. Tax Exemptions Guideline Modification

Economic Development Director Jim Flanagan presented the Tax Exemptions Guideline Modifications. Mr. Flanagan said that Memorandums of Understanding (MOU) will provide the County some accountability. Mr. Flanagan said that when a company gets approval for an exemption on an MOU, there are no checks to make sure the company is providing the jobs and benefits as expressed at the approval of the MOU. He said that the new procedure will hold companies accountable to provide a certain number of jobs and a certain pay scale before the tax exemption is actually approved. He further explained that the new process will require that the companies make a commitment on the front end of their investment. Vanessa Lynchard also explained that the new exemptions guidelines that are being recommended include deleting the exemption for debt service. She explained that because debt service is directly associated with infrastructure and buildings that are necessary due to growth, debt service would be a logical deletion from the exemption process.

Supervisor Eugene Thach said that \$13.00 is the average hourly wage for DeSoto County. Supervisor Thach said that the County is giving up taxes.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to accept the Tax Exemptions Guideline Modification. The motion passed by a unanimous vote.

See Exhibit H.2

3. Policy for Use of County Owned Buildings

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until August 3, 2005. The motion passed by a unanimous vote.

See Exhibit H.3

I. NEW BUSINESS

1. Time Warner Cable Resolution for Comcast Buyout

County Administrator Michael Garriga said that DeSoto County has a franchise agreement with Time Warner. Mr. Garriga said that a Resolution in support of the Comcast buyout of Time Warner is needed from the County.

Time Warner Representative Joe Williams said that Time Warner and Comcast entered into a joint venture to acquire Adelphia. Mr. Williams said that Time Warner and Comcast are going to exchange some areas of service. He said that Memphis is being traded. Mr. Williams said that the transition will be seamless to customers who will not have to do anything. He said the rates will stay the same. Mr. Williams said that services changes frequently with new channels being added and improved technology. He said any new change would be part of the industry.

Time Warner Representative Mike Wilson said that Comcast will be abiding by the same franchise agreement as Time Warner.

Supervisor Eugene Thach said that he would like to see a Jackson station available in DeSoto

County. Mr. Williams said that requires distance signal imports. Supervisor Jessie Medlin said they were available in the mid 90's, but he will see what he can do.

Supervisor Bill Russell said that he doesn't understand the Board of Supervisor's authority with Time Warner. Mr. Garriga said that we have a franchise agreement that this Board approved for cable company. He said that the Board of Supervisors has no direct authority over the cable company.

Supervisor Jessie Medlin asked how many years are left on the 20 year franchise agreement. Mr. Williams said they are about half through that franchise period.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize Nowak and Neyman to research the request and report back to the Board of Supervisors August 15, 2005. The motion passed by a unanimous vote.

2. EMS -

a. District 5 Park Fund – Approval of 4” Well at ACI

Fire and EMS Director Bobby Storey said that presently there is a 1” well at ACI. Mr. Storey said that a 4” well would serve a dual purpose. He said that currently ACI Fire Department goes to Independence to fill their trucks in order to get an adequate water supply. He said a 4” well will fix the existing problems and it will give the Fire Department the volume to fill the tanks. Mr. Storey said that he has received two quotes, one at \$4,500 and the other at \$3,900.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the 4” well for ACI Fire Department out of the District 5 Park Fund up to the low quote of \$3,900 and to amend the budget for this line item if needed. The motion passed by a unanimous vote.

b. Approval To Bid for Portable Defibrillator

Fire and EMS Director Bobby Storey said that there have been problems with the defibrillator for life support.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to go out for bid for one or more portable defibrillators for EMS. The motion passed by a unanimous vote.

c. Approval to Renew Contract with NWCC

Fire and EMS Director Bobby Storey said that the Clinical Affiliation Agreement between Northwest Mississippi Community College and DeSoto County Ambulance Service needs to be renewed. Mr. Storey said that the County get paramedics from NWCC.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the contract renewal between Northwest Mississippi Community College and DeSoto County Ambulance Service for a period of two years convening on August 1, 2005, and according to the terms of Exhibit I.2.c. The motion passed by a unanimous vote.

3. Justice Court Report

Justice Court Clerk Shirley Beshears presented the Justice Court Report. Ms. Beshears said that collections were down because Court was not held for two weeks due to the Judges Conference and the hurricane.

The Justice Court Clerk, Shirley Beshears, did meet with the Board of Supervisors and presented the Justice Court Report for the month of July, 2005, 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 July 2005. The motion passed by a unanimous vote.

See Exhibit I.3

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to recess until 2:00 p.m. The motion passed by a unanimous vote.

4. Cypress Creek Plantation Homeowners Request of Bruce Payne Developer

Director of Planning Merritt Powell said that Cypress Creek Plantation started out with Michael Morgan as developer, but transferred to Bruce Payne.

Director of Planning Merritt Powell advised the Board of Supervisors that Robert Sears was elected interim President of the Board to form a Homeowners Association for Cypress Creek Plantation. Mr. Powell said that in 1978 a three to one slope on reclamation of gravel pits was required. He said the required slopes around gravel pits which are now lakes needed to be improved.

Mr. Powell said that Mr. Sears is saying that the developers never improved the park like they were supposed to. He said that the walking trails need to be improved, but there is nothing in the Planning minutes about the lakes other than there will be lakes.

Robert Sears said that the issues are with the developer, Mr. Payne. He said the committee to form the Homeowners Association has been working with Mr. Payne, but they have not received any action yet. Mr. Sears said that three pits were dug in the mid 70's with high banks. He said when the subdivision was developed they were called lakes. He said they are in the center of the subdivision and exceed 45 degree of bank angles. Mr. Sears said that the pits were not developed. He said the pits are a dangerous breeding ground for snakes and area residents have claimed to have killed 30. He said the law should apply to a subdivision because safety is their number one concern. He said they have had problems with the children in the area and they fear the children will get hurt. He said their main concern is safety around the lakes.

Supervisor Eugene Thach asked if the developer was required to improve the pits when the subdivision was planned. Mr. Powell said that they were not looked at then. Mr. Powell said the State did not address gravel pits. He said the plan showed lakes.

Supervisor Bill Russell asked if the pits were dug before 1978. Mr. Powell said yes. He said that is when the regulations took effect. He agreed the lakes do need some improvement.

Mr. Sears said that the law was in effect when the subdivision was established. He said they are asking for the authority for the subdivision to comply with the State code as it existed at that time; therefore, the look should be improved.

Supervisor Jessie Medlin asked if the lakes are an amenity to the subdivision. Mr. Sears said that you cannot see the lakes for the overgrowth.

Mr. Sears said that the request is to enforce the code and require the slope of three to one.

Board Attorney Tony Nowak said that subdivision codes would apply. He said reclamation codes did not go into effect when the pits were dug. He said the gravel pits were abandoned. Mr. Nowak said that this is not something the County should get involved in.

Mr. Sears said that dirt should be taken from the bank to improve the lots.

Brian Dye, representing the developer, said that no action has been taken by Mr. Payne since the subdivision was approved in 1994. Mr. Dye said that he has prepared a deed to the Homeowners for the common ground and Mr. Payne has done everything in his capacity to facilitate the formation of a Homeowners Association.

Mr. Sears said that Mr. Payne formed the Homeowners Association thru the State without calling any of the homeowners together. Mr. Sears said that they voted to hold off on the formation until a committee could be formed to research the issues in the subdivision.

Supervisor Bill Russell said the Homeowners Association has to accept the covenants. Mr. Powell said that is the intent of the common ground.

Mr. Sears said that they want codes followed and the drainage problem fixed. Supervisor Tommy Lewis asked if that was a subdivision code. Mr. Dye said yes, if they were ponds and not gravel pits. Mr. Dye said that Mr. Payne has complied with regulation efforts and action to make it aesthetically pleasing. He said Mr. Powell has done everything possible to facilitate their concerns. He said many of the issues are maintenance.

Supervisor Lewis asked if the developer was willing to do clearing and shaping to compromise. Mr. Dye said that they had discussed walking trails, but not shaping. Mr. Sears said there is the safety issue.

Mr. Sears said Mr. Payne has failed to respond to their letters.

Supervisor Russell asked if the tires had been removed. Mr. Payne said that he had personally taken care of the tires. Supervisor Russell said he has a similar situation going on. He said everyone who bought signed a letter about the Homeowners Association. He asked if that makes it a legal issue. Mr. Powell he thinks so.

Homeowner Anna Rickman asked who is responsible to make sure the Homeowners Association is not liable. Supervisor Lewis said that we are talking about two different issues. Supervisor Lewis said that the gravel pit should be reclaimed if it was dug after 1978. He said gravel pit regulations do not apply to this pit, in this subdivision. Mr. Dye said it was many years since the gravel pits were active. He said since it became a subdivision there have been extensive improvements. He said Mr. Payne offered to give money for a sign.

Supervisor Allen Latimer said that the Board of Supervisors speaks through the minutes. Board Attorney Tony Nowak said the minutes show what the intent was and there was no mention of lakes. He said you cannot consider what was implied.

Supervisor Jessie Medlin asked if the developer could fix the banks, clear the undergrowth and clean the walking trails. Mr. Sears said the homeowner's only defense is not to claim the common ground. Supervisor Russell asked if the homeowners were paying dues. Mr. Sears said not until the Homeowner's Association is formed. Mr. Sears said this is a safety issue and it's going to cost some money. Supervisor Thach asked how many lots are left to be developed. Mr. Payne said 34.

Mr. Dye said that they will add an entrance sign, improve the walking trails, add limestone and crushed gravel in the parking areas and dress up the banks. Then it would be turned over to the Homeowners Association.

Ms. Rickman said when the proposal is complete the homeowners will accept it, but they also want a fence. Mr. Dye said the developer will agree with the entrance, but not the privacy fence because it is not on common ground. Mr. Rickman said they are ready to go once a privacy fence is built. She said Mr. Payne has offered to remove the current fence, but not rebuild a new privacy fence with brick columns every 24 feet. She said a fence of that description would match all the other developments on College Road.

Supervisor Bill Russell said the Board of Supervisors can enforce anything in the Order. He

said if it is not in the Order, the Board of Supervisors can't do anything. He said he can't vote for a motion to force the developer to slope the sides of the pits.

Supervisor Lewis said that the homeowners and developers could work this out. Supervisor Jessie Medlin said that when the developer and homeowners have another meeting he would be glad to participate. Mr. Dye said that he would be glad to have participation.

No motion was made nor votes taken on this item.

See Exhibit I.4

5. Accounting -

a. Claims Docket

Sarah Clenney of the Accounting Department presented the Claims Docket.

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

b. Late Bill - Constable Fees

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the late bill for the Constables fees and authorize the Clerk to write the check as follows:

CONSTABLE	CRIMINAL	CIVIL	TOTAL
Chris Sing	\$35	\$3,100	\$3,135
Floyd Medlin	\$ 60	\$ 800	\$ 860
Lee Hodge	\$ 25	\$ 1,060	\$ 1,085
Joe Holmes	\$ 735	\$ 1,715	\$ 2,450

The motion passed by a unanimous vote.

See Exhibit I.5.b

6. Making the State Auditor's Report of Inspection on Marked Vehicles Part of the Minutes

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to make the State Auditor's Report of Inspection on Marked Vehicles part of the minutes. The motion passed by a unanimous vote.

See Exhibit I.6

7. Making the Certificate of Coverage from the Mississippi Tort Claims Board Part of the Minutes

Board Attorney Tony Nowak said that the Tort Claims Act requires mandatory coverage which is approved by the State. Mr. Nowak said that the County is protected by certain

liability under State law. Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to make the Certificate of Coverage from the Mississippi Tort Claims Board part of the minutes. The motion passed by a unanimous vote.

See Exhibit I.7

8. Approval of DeSoto Sunrise Contract

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the DeSoto Sunrise Home contract for the 2006 budget for a period from October 1, 2005 until September 30, 2006, at a cost of \$168,500 to provide an emergency shelter. The motion passed by a unanimous vote.

See Exhibit I.8

9. Request to Advertise County Resources – North Mississippi Screamin’ Eagles

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to advertise DeSoto County Resources by contributing \$500.00 to the North Mississippi Screamin’ Eagles to travel to tournaments at the 2005 AAU Jr. Olympic Games/USARS National Championship which will be held at the Morial Convention Center located in New Orleans, LA, July 30 to August 3, 2005. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the above requests would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. The motion passed by a vote as follows:

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

See Exhibit I.9

10. Ratification of Interlocals for Cities

County Administrator Michael Garriga said the new term has begun with all the municipal Boards and the new Boards need to ratify the City Interlocals.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to ratify the Interlocals with the Cities under the new term for each municipal Board plus the Interlocal for road maintenance in Walls. The motion passed by a unanimous vote.

See Exhibit I.10

11. Summershill Fire District

County Administrator Michael Garriga said that the David Whalen suit was from a personal standpoint and that the Summers Hill Fire Protection District was never a party to the suit. Mr. Garriga said that the Board of Supervisors are directed to withhold the payment of allocated insurance rebate funds to Summers Hill Fire Protection District until the total of \$26,204.60 has been recouped by the County.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to accept the State Auditor's letter on the case styled David Whalen vs. the Pleasant Hill Water Association and make it a part of the minutes and to withhold future payments to Summershill Fire Department from insurance rebate money. 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 I.11

12. Vehicles for Tax Assessor's Office

County Administrator Michael Garriga said that the Tax Assessor's office requests vehicles for their field assessors. Mr. Garriga said that he could check with other Counties to see what they provide their field assessors. Mr. Garriga said that Comptroller Tom Arnold submitted a plan for the budget with the vehicle money to be moved from the liability insurance line item in the FY05 budget. He said there is no additional cost for insurance.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to have the County Administrator check with other large Counties to see what they provide to their field assessors and check the budget for other line items that could pay for the vehicles reimbursement now and report back a final cost to fund reimbursement. The motion passed by a unanimous vote.

13. Approval of Close Out for DCAOP Grant

Grants Administrator Joyce Herring presented the request for close out of the DCAOP Grant. Ms. Herring said that the grant was \$185,454.00, the expenses were \$173,965.53 and the cash received was \$177,132.22.

At the recommendation of Grants Administrator Joyce Herring, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the close out of the DCAOP Grant with expenses of \$173,965.53, and thereby reimbursing the State Department of DHS the amount of \$3,166.69 and to authorize the Board President to sign the closeout papers for the DCAOP Grant #464141. The motion passed by a unanimous vote.

See Exhibit F.13

14. Stable Road

Board Attorney Tony Nowak said that Mr. Gerald Davis presented a conflict between land owners on Stable Road, Ms. Crenshaw on the south and Mr. and Ms. Young on the north. Mr. Nowak said that the road easement ties to the road. He said in the legal description there is an ingress/egress easement that runs parallel to the section line and it is 50 feet wide. Mr. Nowak said that title work shows the easement lies to the north. Mr. Nowak said that Mr. Young would have to come across that section of the road. Mr. Nowak said that he would address if this was a road right-of-way, but it is an ingress/egress easement; therefore, the property owners should handle and file for a declaratory judgment. One landowner says they should be able to connect to the road. Because it is an ingress/egress easement, they are in dispute. Mr. Nowak said the County can also file for declaratory judgment, but he recommends the landowners handle the dispute.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to advise the landowners that this is a property dispute and should be handled by the property owners. The motion passed by a vote as follows:

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

15. Central Maintenance

a. Road Report and Work Schedule & County Engineer’s Report

b. Road Bond Report

Supervisor Jessie Medlin asked if the overlay on Shimpock Hill was finished. Road Manager Russell Dorris said yes, it completes the project.

Supervisor Jessie Medlin asked about the Pine Ridge \$9,500 maintenance bond release. Mr. Dorris said that he would revisit this bond.

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, Annotated, Road Manager Russell Dorris presented the Road Report for May 26, 2005, thru July 26, 2005 and the Work Schedule for the month of August 2005, and the County Engineer Report.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the Road Manager’s Road Report and Work Schedule Report, to accept the County Engineer’s Report and make it a part of the minutes and to accept the Road Bond Report with the exception of the Pine Ridge bond. 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-----ABSENT

See Exhibit G.15.a,b

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to amend the overlay contract list to include Craft Road, north of McElroy to College. The motion passed by a unanimous vote.

16. Circuit Clerk – Approval of Copy Machine Contract

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Copy Machine contract for the Circuit Clerk for a period of three years in the amount of \$377 per month and according to the terms set forth in Exhibit G.16. The motion passed by a vote as follows:

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

See Exhibit G.16

17. Sheriff’s Dept. – Approval to Accept Donations from Crimestoppers

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the restricted donation from the DeSoto County Crimestoppers to the DeSoto County Sheriff’s Department of four Taser guns at \$799.99 each and one Kodak camera at \$4,400.00. The motion passed by a vote as follows:

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

See Exhibit G.17

18. Approval to Modify Contract with Harvest Group

Board Attorney Tony Nowak said that the Harvest Group received a contingency fee for telephone savings. Mr. Nowak said an AG opinion said that there cannot be a contingency fee contract for telephone service. He said the fee must be fixed or modified.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to rewrite the contract with the Harvest Group to comply with State laws. 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-----ABSENT

J. EXECUTIVE SESSION

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

K. OTHER ISSUES

1. Justice Court - Refund

Justice Court Clerk Shirley Beshears said that James N. Loudermilk, 4612 Pleasant Hill Road, Nesbit, MS, paid his \$489 fine to Justice Court and upon appeal was found not guilty.

At the recommendation of Justice Court Clerk Shirley Beshears, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to refund James N. Loudermilk \$489 fine since he was found not guilty. The motion passed by a unanimous vote.

See Exhibit K.1

2. Justice Court – Special Prosecutor

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the payment of \$100 for the special prosecutor, Attorney Ryan Moutoux,

who was appointed as a special prosecutor on June 20, 2005, in Justice Court on four cases, including cause numbers 9159-745 DWLS, 9149-746 no tag light, 9149-747 possession of marijuana in motor vehicle, and 9159-810 DUI first offense. The motion passed by a unanimous vote.

See Exhibit K.2

3. Bonds

Chancery Clerk Sluggo Davis said the \$10,000 bond for Clara Riley needs to be renewed.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the \$10,000 bond renewal for Clara Riley. The motion passed by a vote as follows:

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

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until August 3, 2005. The motion passed by a unanimous vote.

THIS the 1st day of August 2005, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors