

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**DISTRICT ONE MARK GARDNER, PRESIDING**

**August 26, 2013**

**A. CALL TO ORDER**

The August 26, 2013 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Supervisor Mark Gardner presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZENS REMARKS & PRESENTATION**

Supervisor Mark Gardner asked if there was anyone present in the audience who wished to address the Board regarding an item not on the Agenda.

No one came forward.

**E. Approval of Agenda: Additions and Deletions**

Supervisor Mark Gardner asked if there was anyone who wished to add or delete items to the Agenda.

- 1.) County Administrator Vanessa Lynchard requested consideration for a possible executive session item of personnel in Environmental Services.
- 2.) Supervisor Mark Gardner requested consideration for two possible executive session items of personnel; Justice Court and EMS.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the Agenda with the additions and deletions set forth above.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>

Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**1.) County Administrator Vanessa Lynchard requested consideration for a possible executive session item of personnel in Environmental Services.**

This item was later determined to qualify for executive session.

**2.) Supervisor Mark Gardner requested consideration for two possible executive session items of personnel; Justice Court and EMS.**

This item was later determined to qualify for executive session.

**F. CONSENT AGENDA**

No items were presented.

**G. OLD BUSINESS**

No items were presented

**H. NEW BUSINESS**

**1. Sheriff's Dept.: Request Board Attorney to Review MOU with Bureau of Alcohol, Tobacco & Firearms for Additional Agent**

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review the MOU with the Bureau of alcohol, Tobacco & Firearms for an additional part time agent, and assist as needed with the drafting of the same.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**2. Appointment of Special Prosecutors: (2)**

The Board of Supervisors discussed matters relating to appointing special prosecutors when the County Prosecutor has a conflict or illness and cannot appear.

Board Attorney Tony Nowak said it is clear that this Board makes appointments and sets fees.

County Prosecutor Craig Treadway said the law is clear that a special prosecutor is preapproved but he does not know about the Board approval.

The Board and Mr. Treadway discussed situations that would interfere with him not appearing on a court date and the effect that it has on the cases. They talked about ways to minimize absences and how to improve the process when absences are necessary.

Supervisor Bill Russell made the motion and Harvey Lee seconded the motion to require the County Prosecuting Attorney, or the Justice Court Clerk, to present all requests for appointment of special prosecuting attorneys, which requests are to be presented prior to the special prosecutor rendering service, and to set an established rate of pay as follows: \$100 per case, or \$250 for one half day or \$400 for over six hours of court, not to exceed \$1,500 per month.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Justice Court Judges to assign special prosecutors, applying the fee schedule approved by the Board, when the circumstances do not allow for the County Prosecuting Attorney or Justice Court Clerk to submit advance notice, and forward the appointment, the reason for the appointment, and the amount of fees to the Board of Supervisors.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to approve paying the claims for special prosecutor fees at the rate presented on the invoices today; July 16, 2013 amount \$250.00; July 17, 2013 amount \$200.00, as set by court order.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Jessie Medlin asked the Board Attorney if the reason for the Prosecuting Attorney's absence should be on the invoice. Mr. Nowak said yes.

## **See Exhibit H.2**

### **3. Appointments: Parks and Recreation**

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve appointing Stewart Lott to Parks and Recreation.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

### **4. Budget Discussions**

County Administrator Vanessa Lynchard said the Board of Supervisors asked her to list the Board's accomplishments for the past year. Ms. Lynchard said it is important to look back on the previous year to see what was accomplished by the leadership of this Board. She said all five of the Supervisors have contributed to this list of accomplishments and it speaks a lot about their work for the taxpayers of DeSoto County.

Sheriff Bill Rasco said he really appreciated the response that they receive from Region IV. Ms. Lynchard said Region IV is expanding in DeSoto County which helps in so many ways. She said this Board's accomplishments and their energy toward resolutions makes her very proud to work for them. Ms. Lynchard discussed the accomplishments of the Board as fully described in Exhibit H.4.

Supervisor Mark Gardner commended Gia Matheny for the Employee Newsletter. Supervisor Jessie Medlin said he was glad that we have the newsletter again so he can keep up with birthdays.

Ms. Lynchard said the Board has already reviewed each line item of the proposed budget and suggested discussing the changes.

The Board discussed inmate fees charged to the municipalities for their inmates. The current fee is \$20 and Supervisor Bill Russell recommended changing the fee to \$30 for FY14 and \$35 for FY15. He said we have been charging \$20 for several years and there has never been an increase.

Supervisor Bill made the motion and Supervisor Lee Caldwell seconded the motion to approve raising the rate for inmate housing to \$30 per inmate effective January 1, 2014 and hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft the agreements with the cities for the housing of municipal inmates.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve moving all District Park Funds to Parks and Recreation.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve a policy that says no employees can accept cash payments and that only accounting can accept cash and issue a receipt.

After further discussion, Supervisor Bill Russell withdrew the motion and Supervisor Lee Caldwell withdrew the second to the motion.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve a proposed rate increase for the services of Smith Phillips, which will be presented in January 2014, and increasing the Board Attorney fees budget by \$30,000 to account for the rate increase and the handling of County related bankruptcies.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to meet with Impact Missions to discuss funding.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve moving \$20,000 in the budget for constables in order to provide for PERS matching contributions by the County.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>Recused</u>
Supervisor Mark Gardner, Second District	<u>NO</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve Environmental Services reporting directly to the County Administrator instead of the Planning Director; clerical support from Planning four hours per day to assist the Environmental Service Manager and two Code Enforcement Officers effective October 1, 2013.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

## **I. EXECUTIVE SESSION**

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

Supervisor Bill Russell made the motion to recess the Board meeting until August 27, 2013 at 7:00 a.m. The motion was seconded by Supervisor Harvey Lee.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

THIS the 26<sup>th</sup> day of August, 2013, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Mark Gardner, President  
DeSoto County Board of Supervisors