

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2009 PRESIDING

February 17, 2009

A. CALL TO ORDER

The February 17, 2009 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Sheriff Bill Rasco 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
- Jody Neyman-----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Deputy Carl Hurt presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CONSENT

Supervisor Jessie Medlin asked if the Board Attorney has approved the bond documents that are on the Consent Agenda. Board Attorney Jody Neyman said yes.

The Board of Supervisors considered the items presented on the Consent Agenda. Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

1. Accounting

a. Interfund Loan

From:	General County Fund	001-000-054	\$307,097.00
To:	EMA Grants Fund	044-000-149	\$307,097.00

b. Sheriff-Narcotics Purchase of Vehicle

2. Chancery Clerk Allowance (2) – February 6, \$2,966.66 February 12 - \$1,500.00

3. Circuit Court Allowance - \$5,666.00

4. Make Part of Minutes

- a. Series 2000, \$18M Bond Refunding Redemption Resolution**
- b. Series 2000, \$18M Bond Refunding Sales Parameter Resolution**
- c. Amended Sales Parameter Resolution**
- d. Lake Cormorant Park Management Agreement**
- e. Lake Cormorant Park Field Use Policy**
- f. Support of an Amendment to Miss. Code Ann. Section 47-37-3(c)**

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-----YES

See Exhibit E

F. OLD BUSINESS

1. Accounting – Late Bill, District 3 Park Fund, Jameison Mfg.

Vanessa Lynchard explained to the Board of Supervisors that the District 3 Park Fund was originally approved for the expenditure of over \$7,000. Ms. Lynchard said the first phase of the project has been completed and during the construction of the project, some items were returned and other items were ordered, to accomplish the work at the ball field. Therefore, it was too late for the claim to be put on the docket for payment today, and she asked for approval for payment of the late bill.

Supervisor Bill Russell said the volunteers who worked at the park did a fabulous job and as a result, the park is in great shape.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the late bill from the District 3 Park Fund to Jameison Mfg. 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-----YES

2. Bond Refunding

Sam Keyes of Butler Snow, one of the County’s Financial Advisors, appeared before the Board of Supervisors regarding the series bond refunding. Mr. Keyes said that Demery Grubbs presented a summary of the bond in a previous Board Meeting. Mr. Keyes said the bond in question was previously a variable rate bond and the County financial advisors determined it was time to get a fixed rate on this bond. He said, after Board approval of the preliminary steps necessary to accomplish that act, the big news is the County received a fixed rate on the bond of 3.16%. Mr. Keyes said this is the net amount. He said, for the remaining life of the bond, the savings in addition to the interest, adds up to \$425,000 in savings to the County. He said there was an annual re-market fee of \$440,000 in savings. Mr. Keyes said, through the act of refinancing this bond, this brings the total savings to the County of \$865,000 for the life of the bond.

Mr. Keyes presented two resolutions necessary to complete this transaction. He said this is the final action required on this bond issue. He said we are now in the validation process.

Supervisor Jessie Medlin asked the final total of the bond. Mr. Keyes said the total of the bond is \$13.9million. He said that is less than the approved amount of \$14.1 million.

Supervisor Allen Latimer said the interest rate is outstanding at 3.16%.

County Administrator Michael Garriga said the County had conference calls with Standard and Poors and Moodys Investments regarding the County's bond rating. He said one of them increased the County bond rating.

Mr. Keyes said the good bond rating helped achieve this interest rate.

Mr. Garriga said everyone thought the national economy is in disarray and would hurt this effort.

Board Attorney Jody Neyman said his law firm looked at both resolutions and their attached exhibits and confirmed they are fine.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the following resolutions in connection with the series bond refunding as follows:

1.) Resolution authorizing and directing the issuance of General Obligation Public Improvement Refunding Bonds, Series 2009, of DeSoto County, Mississippi (the "County") in the principal amount of thirteen million three hundred seventy five thousand dollars (\$13,375,000) to provide funds for the current refunding of the County's outstanding General Obligation Public Improvement Bond, Series 2000, dated October 24, 2000, issued in the original principal amount of \$18,000,000 (the "2000 County Bond") purchased with a portion of the proceeds of the 2000 Bank Bonds, as hereinafter defined, and the subsequent current refunding of the outstanding Mississippi Development Bank Special Obligation Bonds, Series 2000 (DeSoto County, Mississippi General Obligation Public Improvement Bond Project), Dated October 24, 2000, issued in the original principal amount of \$18,000,000 (the "2000 Bank Bonds"), maturing in October 1, 2020, and subject to mandatory sinking fund redemption in the years 2009 through 2020, both inclusive (the "Refunded 2000 Bank Bonds"), utilizing the proceeds of the current refunding of the outstanding 2000 County Bond.

2.) Resolution directing the sale and award of General Obligation Public Improvement Refunding Bonds, Series 2009, of DeSoto County, Mississippi, to be dated the date of delivery thereof, in the principal amount of thirteen million three hundred seventy five thousand dollars (\$13,375,000) (the "Bonds"); approving and ratifying the form of and execution of a bond purchase agreement for the sale of the bonds; and a resolution approving and authorizing the form of, execution of and distribution of an official statement pertaining to the thirteen million three hundred seventy five thousand dollars (\$13,375,000) General Obligation Public Improvement Refunding Bonds Series 2009, of DeSoto County, Mississippi.

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-----YES

See Exhibit E.2

G. NEW BUSINESS

1. Tax Guidelines Reform

Jim Flanagan, President and CEO of DeSoto County Economic Development Council, and Harold Nichols, Chairman of the Tax Advisory Committee, appeared before the Board of Supervisors and presented recommendations to amend the tax exemption guidelines. Mr. Flanagan said the County is very fortunate that companies are coming to DeSoto County. He said, in past months, three new companies moved to DeSoto County from different states and not just from nearby areas. He said we want to retain and maintain these employers. Mr. Flanagan said the Committee felt like the hourly wage and fringe benefits were the best options to use to evaluate the benefits the companies bring to DeSoto County. He said the Committee asked that wages and entire benefits package be considered and required the applicant to identify those numbers on the application. He said they met with plant managers and human resources managers during this process to ensure the tax exemption requirements were realistic and attainable. Mr. Flanagan said everyone agreed that this information will allow a better evaluation of a tax exemption application.

Supervisor Jessie Medlin asked, if we tie the benefits in with the wages, do you think in the long run, this could make companies pay less per hour. Mr. Flanagan responded, we are not going to be able to dictate the amount of wages companies pay their employees. He said the companies have to pay a competitive wage to find employees in order to compete in the marketplace. Mr. Flanagan said, moving forward, the Committee felt like this was the best way to give the Board a way to evaluate the benefits provided to employees by companies.

Supervisor Bill Russell said he is confused on the fringe benefits to wage percentage. Mr. Flanagan said the fringe benefits to wage will be on the application. Mr. Flanagan said he thinks this information will help the Board tremendously. Supervisor Russell thanked Mr. Nichols for his volunteer service on the Tax Advisory Committee. Mr. Flanagan said he would also like to commend Anna Williams of the Tax Assessor’s office and Vanessa for their participation in the process.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to accept the recommendation of the Tax Advisory Committee to accept the tax guidelines reform percentage to minimum wage which will remain at 165% and the amount of minimum wage based on the average hourly wage and fringe benefits. 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-----YES

See Exhibit F.1

2. Dept. of Emergency Services Building

Director of Emergency Services Bobby Storey and Deputy Director of EMA Tim Curtis appeared before the Board of Supervisors regarding the Department of Emergency Services office space. Mr. Storey said the County was awarded an Emergency Management Performance grant in the amount of \$44,000. He said they would like to use that money to renovate the EMA office in Nesbit and move EMS to that space. Mr. Storey said that would combine all of the Emergency Services into one building. He said it would free up office space in the Administration Building and allow Emergency Services to consolidate their operation under one roof.

Supervisor Bill Russell asked if there is enough room at the Emergency Management building for all of the Emergency Services offices. Mr. Storey said yes. Mr. Storey said the conference room in the Administration Building could be used as a safe room in the event of a storm or other emergency and the tower would remain as well.

County Administrator Michael Garriga said he likes the idea of centralizing the Emergency Services operation. He said the Nesbit facility is centrally located in the County so they can easily go to any emergency event in the County. He said the expressway and east west corridors are nearby. Mr. Garriga said it would free up space in the Administration Building.

Supervisor Russell asked if the \$44,000 is enough money for the remodeling. Mr. Garriga said yes, according to Buildings and Grounds Director Kenny Evans.

Supervisor Jessie Medlin asked if Kenny Evans' department will be doing the renovations. Mr. Garriga said some of the work will be done in-house, but a lot of the work will be subbed out.

Supervisor Russell asked if this includes moving the phones and everything. Mr. Curtis and Mr. Storey said yes.

Supervisor Tommy Lewis asked how much parking is available. Mr. Storey said Emergency Services conducts classes that host 30 to 50 people and the parking is adequate. He said they will be disposing of some unnecessary equipment that is now taking up parking spaces.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to approve the request for Emergency Services to consolidate their operation with Emergency Management in the Nesbit facility based on the facts and benefits of the consolidation and the recommendations of the County Administrator, Director of Emergency Services and the Director of Buildings and Grounds. 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-----YES

3. Advertising County Resources-Arkabutla Physically Challenged Hunting Association

Supervisor Allen Latimer said for many years the County has sponsored the Arkabutla Physically Challenged Hunting Association hunt for physically challenged people who enjoy hunting. Supervisor Latimer said this event brings in many people from outside DeSoto County and it is a good way to advertise the County in many other areas. He said this event clearly advertises the resources and possibilities of DeSoto County and is a very worthy cause.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to allocate \$1,000 from Advertising County Resources to the Arkabutla Physically Challenged Hunting Association and authorize the Clerk to write the check. 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-----YES

See Exhibit F.3

4. Supplemental Claims Docket

The County Comptroller read the supplemental claims docket.

Supervisor Jessie Medlin asked about expenses on page 47 where the County was charged \$62 for some drug tests and \$42 for others. County Administrator Michael Garriga said the different prices represent different screenings.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin 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-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

5. Tax Advisory

Jim Flanagan, President and CEO of DeSoto County Economic Development Council, appeared before the Board with several different companies to present tax exemption requests.

a. Metro Investment – Real 10 yr.

Jay Snow of Metro Investments/Belz Enterprises, representing the application for Metro Investments for a ten year real property tax exemption, appeared before the Board of Supervisors. Mr. Snow said Metro Investments has 200,000 square feet in two buildings in the Industrial Park in Olive Branch. He said they have two tenants in the building and those companies are here requesting Freeport tax exemptions and Metro is requesting a real property tax exemption. He said Metro Investments has the potential to expand the building. Mr. Snow said they are asking for the Freeport exemption based on seventy five percent of the building currently being leased.

Supervisor Tommy Lewis asked what we have done in the past when a building has not been completely leased. Mr. Flanagan said we have been exempting the entire building. Vanessa Lynchard said that the Tax Advisory Committee has adopted an unwritten policy that the County would only consider applications for exemptions where fifty percent or more of the building is already leased. She explained, to do otherwise, companies who are supplying jobs in DeSoto County, could miss out on exemptions and the company requesting the real property exemption is losing exemptions on the fully leased building. She said the Tax Advisory Committee felt this was a good trade off to be fair to both the company and the developer.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the ten year real property tax exemption for Metro Investments. 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-----YES

See Exhibit F.5.a

b. Gump’s – Freeport

Scott Carter, General Manager of Gump’s, presented an application for a Freeport tax exemption. He said Gump’s has been in business for 47 years and based in San Francisco, CA. They started as a sash and window company but started importing products. He said the company currently has three full time employees, five to seven temps and they have continued to see growth during the struggling economy. Mr. Carter said they continue to look for more employment in the future.

Supervisor Allen Latimer asked if the company is open to the public. Mr. Carter said no, they are just a warehouse.

Supervisor Latimer asked if the company pays their employees’ benefits. Mr. Carter said the company pays a portion of the employee’s benefits and the employee also pays a portion.

Supervisor Latimer said the County appreciates Gump’s coming to DeSoto County and providing jobs. He asked Mr. Carter to please remember that the tax exemptions provided to

companies in the County, come from the DeSoto County taxpayers. He said the Board appreciates companies providing employment opportunities for DeSoto County residents.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Freeport tax exemption for Gump's. 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-----YES

See Exhibit F.5.b

c. Carolina Logistics – Freeport

Alfred Taylor of Carolina Logistics appeared before the Board of Supervisors requesting a Freeport tax exemption. Mr. Taylor said the company runs a reverse logistics warehouse. He said they handle returns for stores. Their largest customers are Walmart, Kroger and Bass Pro. Mr. Taylor said they are actually adding employees during this economic downturn. He said they are advertising for employees in DeSoto County newspapers. Mr. Taylor said the company is committed to becoming a part of the community. He said they have been in business over 30 years.

Supervisor Jessie Medlin asked if the company moved to the County from Memphis. Mr. Taylor said yes.

Supervisor Allen Latimer welcomed the company to DeSoto County.

Vanessa Lynchard informed the Board of Supervisors that this company has provided an application for the DeSoto County Animal Shelter to submit to them to be considered for donations of dog and cat food. Vanessa said this act proves that they are proving their commitment to be part of the community.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the Freeport Warehouse tax exemption for Carolina Logistics. 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-----YES

See Exhibit F.5.c

d. General Electric International – Personal 10 yr.

Mr. Flanagan said that General Electric International is leasing space in DeSoto County. He said they have a very good wage and they are asking for a ten year personal tax exemption.

Supervisor Allen Latimer said this company is offering tuition reimbursement.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve a ten year personal tax exemption for General Electric International. 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-----YES

See Exhibit F.5.d

e. Nu Horizons Electronics – Personal 5 yr.

Jeff Schwartz and Leah Hothschild appeared before the Board of Supervisors and requested a personal tax exemption for Nu Horizons Electronics. Mr. Flanagan said that Nu Horizons took the liberty of providing a benefits summary to the Board of Supervisors. Mr. Schwartz explained the expansion of their company.

Supervisor Allen Latimer thanked the representatives of Nu Horizons Electronics for moving their business to DeSoto County and attempting to hire DeSoto County residents. He said the Board is glad Nu Horizons is here. He complimented the company for providing disability insurance and tuition reimbursement to employees.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve a five year personal property tax exemption for Nu Horizons Electronics as an expanded enterprise. 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-----YES

See Exhibit F.5.e

f. Crossroads Bldg. F - IDI – Real 10 yr.

Mr. Flanagan said that Tim Moore of IDI is requesting a ten year real property tax exemption for the Crossroads building. Tim Moore discussed the new building they just recently completed. Mr. Moore said they now have eight million square feet in DeSoto County.

Tom Bailey of Jacobsen Warehouse, who is a tenant in the Crossroads building, said the facility has been in Southaven for two years. He said they have 115 employees and after one year, they moved from 200,000 square feet to 300,000 square feet. He said the company is bringing more people to DeSoto County. Mr. Bailey said the company has been around for forty one years. He said they are expanding into Olive Branch through this application. Mr. Bailey said he sells DeSoto County because he is proud of the County. Mr. Bailey said they had a job fair two weeks ago and over 600 people attended. He said they will expand the Olive Branch facility to a 24/7 operation which is a 30% increase. Mr. Bailey said they relocated to Southaven a few years ago and now they are relocating their other facilities through this application.

Mr. Bailey said the Southaven facility is ISO certified and the Olive Branch facility will be certified as well.

Mr. Bailey said they serve many well known companies. He said they do have community involvement.

Supervisor Allen Latimer said there are a very good percentage of employees from DeSoto County and he thanked Mr. Bailey for providing job opportunities for the citizens. Mr. Latimer asked if they offer a tuition program. Mr. Bailey said they offer a training program. The training program provides on-line training, CD's and on-site training for employees who may want to move upward in the company.

Supervisor Jessie Medlin said he is not sure that the issues that occurred when the road was damaged during the construction of the building were ever solved. He said that was something the taxpayers had to shoulder for this company to relocate to DeSoto County. Mr. Moore with IDI, said he is almost certain the company did pay for that portion of road. Road Manager Russell Dorris said nothing was refunded on the main repair. He said they did receive about \$2,200 on a small repair at the beginning of the project.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the ten year real property tax exemption for IDI for Crossroads Building F subject to the County receiving payment for damage to the road. 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-----YES

See Exhibit F.5.f

6. DCRUA – SWMP Amendment

County Administrator Michael Garriga said over eight months ago the Board adopted a resolution for land application of sludge. DEQ said the previous resolution was not detailed enough so DCRUA has updated the amendment and they are requesting approval by the Board of Supervisors. Mr. Garriga explained that sludge will be turned into fertilizer for fertilizing of farm lands. It will save money for DCRUA. Mr. Garriga said there are a number of farms in the central and eastern part of the County that would be prudent recipients of the fertilizer.

Supervisor Jessie Medlin said they should distribute it to any farmers who are interested. Mr. Garriga said he assumed they will. He said he thinks they are starting out distribution of the fertilizer as a test program.

Supervisor Medlin asked who will distribute the fertilizer. Mr. Garriga said they have to test it before they can open it up to other farmers. Supervisor Medlin said he has no problem with it being a test program but he would like for other farmers to have an opportunity as well.

Supervisor Allen Latimer asked if the test does not work, does the County have any liability. Mr. Garriga said no. It is a volunteer program.

The Board discussed needing more information. Nick Manley of DCRUA, said the contractor who hauls the sludge finds the farmers to participate as part of their contract. Supervisor Russell asked if all farms in the County had the opportunity to participate. Mr. Manley said the farmers can express their interest to the contractor. Some people are not interested because it causes a lot of traffic on their property. He said the contractor generally selects a recipient based on the location and the hauling costs.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the resolution of the DeSoto County Board of Supervisors amending the 2006 solid waste plan to include land application of bio solids extracted from the DeSoto County Regional Utility Authority and applied on local property. 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-----YES

See Exhibit F.6

7. Bond Rating Upgrade/Budget Policy

County Administrator Michael Garriga said the County's bond rating is stable and positive. It is something the Board should be proud of because of their hard work to improve the rating through the years. He said that is evidence of the Board's good management. Mr. Garriga said he and the Comptroller spoke to Standard and Poor's and Moody Investments last week. He said they asked several things about the County, including whether the County has a budget policy. Mr. Garriga said he thinks

the County has a very sound internal budget policy in terms of keeping a fund balance. He said they were looking for specific written budget policies for managing the budget. Mr. Garriga said he reported that we keep 25% of general fund revenues as reserves. He said they asked if the County has a formal policy adopted by this Board that we will keep 25% of the general fund revenues in reserve. Mr. Garriga said they stressed the importance of adopting policies on budget strategies of the County. Mr. Garriga said he will be working on some of those issues that relate to long term fiscal management. He said by reducing the budget policies to writing, the lending companies look even more favorable on the County in terms of bond ratings.

Supervisor Jessie Medlin said, during the year if we have used some of the cash reserve, will that cause the bond rating companies to frown upon that. Mr. Garriga he does not think so because our cash flow only comes in one or two times a year. He said he may need some feedback from the Board as policies are developed to be approved by the Board.

8. Board Attorney

a. Amended Hernando Jail Agreement

Board Attorney Jody Neyman said there were some minor changes that needed to be made in the jail contract with Hernando and the other municipalities regarding inmate housing. Mr. Neyman reminded the Board that the Sheriff's Department had previously enacted a policy that the County would not charge the cities for housing a prisoner within the first 24 hours. Mr. Neyman further stated that with prior Board authorization, Mr. Nowak sent a proposed amended contract adding that policy to each municipality and Hernando and Southaven have approve and returned their respective contract. Mr. Neyman presented both contracts for Board considerations.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to authorize the Board President to sign the agreements with Hernando and Southaven to amend the inmate housing agreement to accomplish clarifications in the agreements on the first 24 hours of an inmate's incarceration and as more fully described in Exhibit F.8.a and to make the agreements part of the minutes. The motion passed by a vote as follows:

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

See Exhibit F.8.a

b. Extend Jail Contract for Jail Physician

At the recommendation of the Board Attorney, Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up and negotiate a new agreement with Dr. Ruhl or any other candidate the County may consider as the jail Physician. The motion passed by a vote as follows:

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

c. Scenic Hollow Estates

Board Attorney Jody Neyman reported on the status of the subdivision that was developed by Dale Morrow and Scenic Hollow Estates, LLC. Mr. Neyman reported that the subdivision went into bankruptcy and the Board had authorized his firm to receive permission from the Bankruptcy Court to allow the County to proceed with the enforcement of the County's

Stormwater Ordinance. The Bankruptcy Court authorized the County to proceed with the enforcement of the Stormwater Ordinance and the Board had a hearing in December, 2008 and in accordance with state law, authorized a third party to make the corrections and assess the costs against the property's 2009 real property taxes. Mr. Neyman reported that since December, Bankruptcy Court authorized the mortgage company, AHIF0-11, to foreclose on the property and now the mortgage company owns the property. Mr. Neyman advised the Board that if there is a stormwater problem, we should proceed with AHIF0-11 as owners.

Supervisor Bill Russell said when a developer claims the property he has to put up silt fences. He said the County does not require the developer to build drainage structures at that time. The drainage structures are built as the phases are built. He said the County needs to look at modifying our agreement so that the drainage structures are built as soon as the land is cleared by the developer. Supervisor Russell said he thinks this is a hole in our agreement. Planning Commissioner Jim McDougal said he agrees with Supervisor Russell. Mr. McDougal said our approach is to do it on a case by case basis. He said he thought the developer agreement gave the County authority to make adjustments.

Supervisor Tommy Lewis said a temporary catch basin could be built.

Supervisor Jessie Medlin said building the drainage in phases will never work. Perhaps it should be built on the lowest end of the property in the beginning.

G. EXECUTIVE SESSION

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

H. OTHER ISSUES

1. Metro Narcotics

Board Attorney Jody Neyman reported that the Sheriff's Department and the City of Hernando have agreed to discontinue DeSoto County Metro Narcotics Division. Mr. Neyman and Sheriff Rasco reminded the Board that Hernando and the Sheriff's Department were the only participants in Metro Narcotics. Sheriff Rasco stated that Hernando has decided to have its own narcotics division and his department is fine with that. Sheriff Rasco added that his department will have its own narcotics division once Metro Narcotics is dissolved. Mr. Neyman added that he understood that an agreement in principal has been reached between the Sheriff's Department and Hernando. Sheriff Rasco stated that Mr. Neyman was correct and he said there is some final paperwork to be done. County Administrator Michael Garriga asked if there is a process to distribute the assets in Metro Narcotics. Mr. Neyman said yes and added that a contract must be drawn up and entered into between the County and the City of Hernando.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to handle the dissolution between the City of Hernando and the DeSoto County Sheriff's Department and draw up the paperwork. 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-----YES

2. Human Resources – Donation of Leave Policy

Supervisor Allen Latimer asked if there could be a follow-up regarding the donation of leave policy on the first Tuesday in March. Mr. Garriga said he will make sure that is on the Agenda.

3. Human Resources - Benefits

Supervisor Allen Latimer asked if the Human Resources Department is meeting with the departments to educate them on changes in the benefit plans. County Administrator Michael Garriga said they are already conducting those meetings. He said Human Resources has met with the Sheriff's Department and the Road Department.

4. Chancery - Homestead Deletions

At the recommendation of the Chancery Clerk, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the homestead deletions as follows:

<u>Name</u>	<u>Parcel No.</u>	<u>Reason for Adjustment</u>
Cooper, Kelly M.	2062-0903-0 00108.00	Delete from States list
Scott, Kimberly C.	1079-2909.0 00047.00	Delete from States list
Yount Melissa	1067-3512.0 00240.00	Delete from States list

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-----YES

See Exhibit H.4

5. Legislative Day

Chancery Clerk Sluggo Davis notified the Board of Supervisors that next Wednesday is Legislative Day. He said anyone wishing to participate would need to be at the Capitol at 7:30.

6. State Aid – Robinson Gin Road

County Consulting Engineer Daniel Murphy said all of the county engineers were contacted by the State Aid Dept. last week. He said State Aid felt like some of the economic stimulus money may be available through State Aid. Mr. Murphy said State Aid is asking that the County program any appropriate project up to \$500,000. He said that he and the Road Manager recommended Robinson Gin Road which has not been overlaid in 11 years. He said it would cost a little over one half million dollars. Mr. Murphy said he contacted State Aid and they said to program that project, even though the estimate is more than \$500,000.

Supervisor Jessie Medlin clarified that his son has not worked for Mr. Murphy in six to eight weeks.

Road Manager Russell Dorris said he agreed with the County Consulting Engineer that Robinson Gin Road would be a good project for that money.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to program Robinson Gin Road as a State Aid project for overlay. 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-----YES

7. State Aid Projects –SAP 17-(10)M Church Road and SAP (17)-11M Old Hwy 61

Supervisor Jessie Medlin recused himself from this discussion.

At the recommendation of the County Consulting Engineer, Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to give the final approval of the following State Aid projects:

- SAP 17-(10)M Church Road
- SAP 17-(11)M Old Hwy 61

The motion passed by a vote as follows:

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

8. Fire Department – Walls

Supervisor Bill Russell said there are some failed areas in the parking lot at the Walls Volunteer Fire Department. He said the Road Department and Daniel Murphy have looked at the area. He said they have talked with the contractor about the parking lot. He said the cost to repair the parking lot will be around \$7,000 and it does not seem they are going to be successful at making the contractor repair the parking lot.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve Daniel Murphy to have the work done on the Walls Volunteer Fire Department parking lot in the 2009 overlay program. The motion passed by a vote as follows:

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

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to adjourn the meeting until March 2, 2009, at 9:00 a.m. 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-----YES

THIS the 17th day of February, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors