

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

February 22, 2011

A. CALL TO ORDER

The February 22, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, 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
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZEN COMMENTS

Supervisor Allen Latimer asked if there was anyone present who would like to bring comments to the Board. No one came forward.

E. CONSENT

The Board of Supervisors considered the items on the Consent Agenda.

Supervisor Jessie Medlin said he has consistently voted against construction of the access road to the Jail on Industrial Drive on the Consent Agenda. He said that will be the reason for his dissenting vote today.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda as follows and as further detailed in Exhibit E:

1. Finance & Accounting: Budget Amendments-Detailed in Exhibit E

2. Tax Assessor

a. Increases and Reductions-2010 Tax Rolls

Assessed	Parcel Number	Land Value	Improvements	Total Value	Total Increases
American Contract League	1087-3609.000001.99	86,837	418,687	505,524	505,524
First Security Bank	2074-1800.000041.00	3,420	0	3,420	3,420
Melvin & Lisa Guy	2052-0902.000013.00	4,000	12,267	16,267	10,267
Barbara S. Haire	2077-2500.000017.00	7,621	6,670	14,291	2,103
Todd A. Kalbfeld and Michael T. Selber	1088-2720.000130.00	2,000	7,705	9,705	6,705
Seven States Southaven, LLC	1085-1600.000002.03	86,753	25,438	112,191	112,191
Seven States Southaven, LLC	1085-1500.000007.01	136,088	80,289	216,377	216,377
Lance Smith	2074-1808.000016.01	4,500	0	4,500	4,500

b. Reduction of Assessment

PAGE	LINE	TAX DISTRICT	OWNER	PARCEL NUMBER	IMPROVEMENTS	LAND	TOTAL	AMT OF CHANGE	REASON FOR CHANGE
3484	4	1300	Davidson Oaks Property, Owner	1069-3100.0-01019.05	0	11,250	11,250	11,100	2
3956	9	1300	Gatewood Billy ETUX	2062-1000.0-00019.09	0	1,500	1,500	1,300	3
2627	3	4200	First Bank	2081-1114.0-0011.00	10,475	3,000	13,475	8,975	1
3309	7	1300	DeSutter Angela S.	1068-3403.1-00001.00	1,423	7,500	8,923	3,000	2
3309	8	1300	DeSutter Chiropractic Clinic	1068-3403.1-00002.00	0	15,450	15,450	6,180	2
3309	9	1300	DeSutter Chiropractic Clinic	1068-3403.1-00003.00	0	15,300	15,300	6,120	2
3354	6	1300	La Belle Mison Joint Vent	1068-3460.3-00003.00	27,681	6,000	33,681	29,181	6
4505	6	2400	Hayes Donald A. Jr. ETUX	1079-3110.0-00222.00	16,511	3,150	19,661	6,553	2
3521	10	1300	Alexander Michael G.	1069-3200.0-00019.01	0	5,805	5,805	4,354	2
4062	3	2401	Nilsen, Kevin A.	1074-1908.0-02077.00	10,823	3,750	14,573	4,858	2
836	5	4020	King Carrie	2096-1300.0-00007.01	0	6,120	6,120	3,060	2
1961	10	5102	Arcadian Investment LLC	3086-1300.1-00068.00	22,176	12,525	34,701	8,520	2
			Totals Carried Over to Form 71-026		89,089	91,350	180,439	88,001	
Reason For Change of Assessments									
(1) Duplicate Assessment			(2) Clerical Error		(3) Calculation Error				
(4) Erroneous Assessments			(5) Incorrect Acreage		(6) Buildings were not on the land				

PAGE	LINE	TAX DISTRICT	OWNER	PARCEL NUMBER	IMPROVEMENTS	LAND	TOTAL	AMT OF CHANGE	REASON FOR CHANGE
671	6	5000	Jenkins Bettye B. Whitten	2077-2600.0-00017.00	0	2931	2931	373	5
13	12	1000	Masters, Darlene Etal	1058-2800.0-00004.09	0	9563	9563	3825	2
2872	2	1300	Burnside, Jerry W. Etax	1065-2106.0-00063.00	24,290	3250	27540	3743	2
920	8	1030	Murphree Elion Etux	3053-0600.0-00004.00	25,833	4994	30827	29269	6
1133	14	5000	Popwel Arthur J	3075-2200.0-00009.01	0	5916	5916	5669	2
1204	4	5002	Craddock Clay Etux	3081-0205.0-00075.00	27,789	3500	31289	256	3
1351	2	4040	Dover Vernon	3094-1900.0-00018.00	0	1000	1000	900	2
375	3	1000	Chrestman Brian Scott Etux	2059-32000-00005.03	11,496	1000	12496	10996	6
2607	7	4200	Church Road Associates, LLC	2081-1100.0-00002.01	0	336664	336664	290291	2
2607	10	4200	Burgin LLC	2081-1100.0-00002.05	0	562500	562500	423750	2
708	1	5000	Baddley Aaron G. Jr. Etux	2078-3400.0-00006.00	0	4590	4590	3390	2
3735	8	2311	Bell Jerry Denlon Etux	1077-36020-00049.00	23,204	4600	27804	3236	2
			Totals Carried to Form 71-026		112,612	940,508	1,053,120	775,698	
Reason for change of assessments									
(1) Duplicate assessment				(2) Clerical Error	(3) Calculation Error				
(4) Erroneous Assessments				(5) Incorrect Acreage	(6) Buildings were not on the land				

PAGE	LINE	TAX DISTRICT	OWNER	PARCEL NUMBER	IMPROVEMENTS	LAND	TOTAL	AMT OF CHANGE	REASON FOR CHANGE
------	------	--------------	-------	---------------	--------------	------	-------	---------------	-------------------

678	12	5000	Outley Margaret Etal	2077-3500.0-00032.00	0	4275	4275	1924	3
343	4	1000	Powell Glenn E.	2055-1602.0-00001.00	0	1800	1800	900	2
1904	12	5101	LP Properties, LLC	3081-1203.0-00007.00	17,725	4500	22225	7408	2
1518	1	5000	Raines Joe Estate	4086-1302.0-00267.00	0	1500	1500	1050	2
2631	4	4200	Entergy Mississippi Inc	2082-0300.0-00010.00	3743	1600	5343	5343	1
269	13	1000	Better Homes Co. LLC	2052-0404.0-00054.00	0	5250	5250	1312	2
936	8	1000	White Carl W. Etux	3058-2800.0-00007.00	0	10500	10500	9974	2
362	8	1000	Story James W. Etux	2058-3301.0-00011.00	86	2500	2586	1300	5
5319	7	5400	Haberstroh Chad Etux	2074-1714.0-00014.00	50200	6000	56200	6654	2
13	9	1000	Wilson James A.	1058-2800.0-00004.06	0	4125	4125	4046	3
2777	5	3220	Agner Hiram	2083-0608.0-00001.00	16120	2000	18120	7539	2
424	1	2010	Williams, Scott C	2064-1802.0-00143.00	23443	3000	26443	4189	2
			Totals Carried to Form 71-026		111,317	47,050	158,367	51,639	
Reason for change of assessments									
(1) Duplicate Assessment			(2) Clerical Error	(3) Calculation Error					
(4) Erroneous Assessments			(5) Incorrect Acreage	(6) Buildings were not on the land					
PAGE	LINE	TAX DISTRICT	OWNER	PARCEL NUMBER	IMPROVEMENTS	LAND	TOTAL	AMT OF CHANGE	REASON FOR CHANGE
2867	6	1300	Givens Iha C.	1065-2101.0-00006.00	4752	4500	9252	2502	6

1813	10	5100	Gartrell Virginia M Etal	3074-2000.0-00010.05	0	6027	6027	6027	2
1386	6	4040	Roberts Margaret D	3094-2000.0-00021.01	2685	5000	8685	1830	2
2248	9	3200	Phillips Karen J. Etal	1088-3302.0-01064.00	6791	2250	9041	3013	2
988	5	5030	Jones Ben O. Etal	3063-0800.0-0043.00	802	6971	7773	4530	2
989	3	5030	Garrett Marie Guy	3064-1700.0-00002.00	0	7000	7000	6589	2
989	12	5030	Cole Emmaline M.	3064-1700.0-00009.00	6310	3150	9460	1167	2
990	1	5030	Bowen Bridewell	3064-1700.0-00010.00	4896	7000	11896	3500	2
990	2	5030	Bowen Bridewell	3064-1700.0-00010.01	0	3000	3000	2500	2
990	4	5030	Jones Bernard	3064-1700.0-00010.01	0	5196	5196	4330	2
990	6	5030	Reese Reda K`	3064-1700.0-00012.01	0	4500	4500	3150	2
990	7	5030	Foster Carla T	3064-1700.0-00012.02	0	4500	4500	3150	2
			Totals Carried to Form 71-026		27,236	59,094	86,330	42,288	
Reason for Assessments									
(1) Duplicate Assessment			(2) Clerical Error		(3) Calculation Error				
(4) Erroneous Assessments			(5) Incorrect Acreage		(6) Buildings were not on the land				

PAGE	LINE	TAX DISTRICT	OWNER	PARCEL NUMBER	IMPROVEMENTS	LAND	TOTAL	AMT OF CHANGE	REASON FOR CHANGE
990	8	5030	Threat Albert	3064-1700.0-00012.03	0	4500	4500	3150	2

990	10	5030	Bunch Reda Kay	3064-1700.0-00012.05	0	4500	4500	3150	2
990	11	5030	Cole Ed Etal	3064-1700.0-00013.00	0	5565	5565	3577	2
990	12	5030	Bowen Alfred	3064-1700.0-0014.00	0	5565	5565	3577	2
990	13	5030	Bowen James Lee Etux	3064-1700.0-00016.00	0	5300	5300	4878	2
990	14	5030	Cole Lawrence Thomas Etux	3064-1700.0-00017.00	0	6160	6160	5355	2
991	2	5030	Jones Ben O. Etal	3064-1700.0-00020.00	0	6930	6930	6696	2
991	4	5030	Garrett Marie Guy	3064-1700.0-00022.0	0	4620	4620	4369	2
13	12	1000	Masters Darlene Etal (sec. correction)	1058-2800.0-00004.09	0	5738	5738	5352	6
5734	6	5000	Parker William T. Jr.	2074-1904.0-00024.00	26,164	5250	31,414	26,164	6
4113	9	1400	George Denisha M	1074-2014.0-00627.00	11,889	3900	15,789	5263	2
4399	13	2400	Holder Linda B.	1079-3003.0-01779.00	7379	3750	11,129	3709	2
			Totals Carried to Form 71-026		45,432	61,778	107,210	75,211	
Reason for Change of Assessments									
(1) Duplicate Assessment			(2) Clerical Error		(3) Calculation Error				
(4) Erroneous Assessments			(5) Incorrect Acreage		(6) Buildings were not on the Land				

3. Make Part of Minutes

a. State Tax Commission-Final Approval Tax Exemptions

- 1. Excel, Inc.
- 2. Ashland Inc.
- 3. Cooper Lighting
- 4. Rite Hite Products, Inc.

b. Approval of Tax Exempt Lease Financing Plan for DeSoto County CVB

c. Industrial Drive West Extension Agreement with City of Hernando

- 4. Safety Officers Report (1)
- 5. Department of Road Management: Industrial Drive West Inspection Report
- 6. Chancery Clerk Allowance (1) - \$1,200.00
- 7. Sheriff's Dept.: Appoint Deputy Clerks

DEPUTY CLERKS							
UPDATED: 12/13/2010							
EFFECTIVE 9/22/09, THE FOLLOWING WILL REPLACE THE ABOVE LISTED CLERKS							
	LAST NAME	FIRST	DIVISION	BOND NO.	BOND DATE	OATH DATE	EXP. DATE
1	BOOTH	SUSAN	COMM	105377154	06/18/2010	6/25/2010	Ongoing
2	BARKER	KELLY	COMM	105428483	04/09/2010	4/30/2010	Ongoing
3	BROWN	MISTY	COMM	105377151	06/18/2010	6/25/2010	Ongoing
4	CLEMENTS	SHEILA	COMM	105217428	09/22/2009	09/21/2009	Ongoing
5	DARBY	CHASSIE	COMM	105377152	06/18/2010	06/22/2010	Ongoing
6	ERHARDT	ASHLEY	COMM	105217429	09/22/2009	09/18/2009	Ongoing
7	GROSMANN	STEPHANIE	COMM	104493200	09/22/2009	09/26/2008	Ongoing
8	MANNON	TAMMIE	COMM	105217432	09/22/2009	09/16/2009	Ongoing
9	PATRICK	DANA	COMM	105217437	09/22/2009	09/22/2009	Ongoing
10	RIDDLE	SHARON	COMM	105377147	05/17/2010	05/26/2010	Ongoing
11	SIMMONS	AMY	COMM	105377150	06/18/2010	06/23/2010	Ongoing
12	SPAIN	OLLIE	COMM	105217430	09/22/2009	09/21/2009	Ongoing
13	UHER	GINA	COMM	105377153	06/18/2010	08/04/2010	Ongoing
14	WARD	LATASHA	COMM	105377146	05/17/2010	05/19/2010	Ongoing
15	WHITE	HEATHER	COMM	104493205	09/22/2009	10/03/2008	Ongoing

In accordance with Mississippi Code 9-11-27 Clerk appointments; designation of powers; training

The motion passed by a vote as follows:

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

See Exhibit E

F. OLD BUSINESS

G. NEW BUSINESS

1. 9:00 a.m. 2011 Redistricting Plan Public Hearing

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing on the 2011 Redistricting Plan. 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

Chris Watson of Bridge and Watson clarified that we are on the subject of redistricting and, particularly consideration of the recommended plan for the DeSoto County. Mr. Watson said we have had multiple meetings and have received input from many people on the subject. He said copies of the recommended map and demographics are available. Mr. Watson presented a recap of how we got to this day. He said we began this process well before Christmas last year. This Board wanted input as early as possible so we could understand citizen concerns for redistricting. He said we conducted five meetings throughout the county and had good participation in those meetings. He said the census data was received around February 7th or 8th. Mr. Watson said we took the data and information that was received at the public meetings and came up with alternate 1 which was the plan that least changed the existing districts. He said the first plan usually does not conform to all of the concerns, desires and possibilities expressed by those who participate in the plan reviews. He said the first plan lead us to a series of meetings with this Board. Mr. Watson said they met with the Board of Supervisors, members of his firm, elected officials and citizens. He said that lead to alternates 2, 3 and 4. He said today he is presenting alternate 4, being the plan which, at the last meeting of the Board, the Board voted to be considered for final approval. Alternate 4 is a compilation of all of the information received while going through the process. He said he heard from all the constituency groups that had come forward during the process. The Board voted to approve this public meeting for the purpose of presenting this proposed final plan to the public and obtaining their input. He said he wanted to step through some aspects of the plan. He said we currently have four Justice Court Judges and Constables. Because of the population increase in the county, we are now required to have five Justice Court Judges and Constables. He said the changes to the existing districts proposed by alternate 4 are as follows:

District 1

District 1 experienced the least amount of geographical change. It was over populated by 2,200 people and they used that as part of the calculation to determine one man one vote. Population had to be moved. The territory west of Craft Road was moved to District 2.

District 2

District 2 absorbed west of Craft Road from District 1. Also, District 2 got territory from Starlanding Road. It lost population north of Goodman Road and west of Greenbrook Parkway.

District 3

District 3 absorbed District 2 territory. It also lost territory to District 4 which is the Horn Lake West voting precinct. A minor change was made in the Town of Walls to grow District 3 into District 4 so the boundary of the District would conform to the boundary of the Town of Walls. This change was the recommendation of the Circuit Clerk.

District 4

District 4 grew into the Horn Lake West voting precinct and picked up territory north of Church Road, south of Nail Road and west of Elmore Road. It lost territory south of Goodman Road to keep incumbents in separate districts.

District 5

District 5 is the largest geographical district. It picked up territory south of Highway 304 and north of Arkabutla Lake. It picked up territory in the City of Hernando, from Tulane Road to I-69. It lost territory out of Southaven.

Mr. Watson said when we started this process the existing five supervisors' election districts' population showed a maximum deviation of 41.9%. He said 10% is the standard and the existing 42% is much larger. Mr. Watson said the proposed set of districts fall under the 10% standard. He said these districts clearly meet population requirements, falling under the 10% standard. These districts clearly meet the one man one vote test. Assuming the plan is approved today, going forward, he will be working with the Board Attorney and County Administrator to expeditiously get this matter in front of the Department of Justice (DOJ). He said time is of the essence. Mr. Watson said it is the desire of this Board to put together information to be used in the upcoming election. He said we hope we will be able to achieve that goal. We do not know how long the DOJ will take to answer the request. After the plan is adopted, there are still contingencies in the state that may impact DeSoto County's precincts. He said that is how we got to where we are today.

Supervisor Allen Latimer said we will first hear from the Board of Supervisors and afterwards the audience can address the Board.

The Board of Supervisors, Chancery Clerk Sluggo Davis and Sheriff Bill Rasco had no comments on the recommended plan.

Supervisor Latimer asked if there was anyone in the audience who wished to comment.

Cynthia Blaylock, 5900 Highway 51 North, District 4 appeared before the Board. Ms. Blaylock said the census figures are flawed. She said they did not contact her family, so they lost 3 people. She tried to contact the federal government to let them know, but was unable to talk to anyone about the issue. She said they were never notified at all. She said they now have their census cards, but still have not been contacted.

Ms. Blaylock said it made her wonder how many others were not contacted.

Supervisor Jessie Medlin confirmed that Ms. Blaylock received nothing in the mail from the census bureau and no one contacted her. Ms. Blaylock said that is correct. She said they have lived in the same place since 1979 and it is off of the main road and in the woods.

Supervisor Allen Latimer asked if there was anyone else who would like to make a comment. No one came forward.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to close the 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-----YES
Supervisor Tommy Lewis-----YES

Supervisor Bill Russell asked Mr. Watson to clarify the process with the DOJ.

Mr. Watson said the pre-clearance package has been roughed out for these districts. The Board's approval is a component that will be added along with a few documents. Mr. Watson said his plan is for this to be sent to the DOJ this week. He said we are asking them to act within 20 days. They may or may not do that. While they are reviewing alternate 4, Mr. Watson recommended the Election Commission and Circuit Clerk review the districts and to begin work on polling places and precincts. Mr. Watson said the state's districts are unknown. He said he understands the state is going to reveal their plan on March 1st. When they will approve it is anyone's guess. It impacts DeSoto County's information regarding precincts. He said once that is figured out, we need to see where we are and assess where the state is and decide if we want to make changes in our precincts with or without the state's information. He said we have until June 3rd to work out polling places and precincts. Mr. Watson said we have March, April and May to get all of this done by June 3rd. The issue is our knowing what the state will do. If we decide we cannot wait

for the state, he is of the opinion that DeSoto County will go forward with implementation of the plan for precincts once the county election commission and Board determine the same. Supervisor Russell said the way I understand this, once we submit the plan, this is our plan. He asked if it is still necessary to request to move the qualifying deadline if we can submit our plan today.

County Administrator Michael Garriga said when we looked at changing the qualifying deadline it was when we did not know when we would receive the information from the Census and whether it would be in time for us to act before March 1st. He said the discretionary authority of the Legislature, if approved, would allow us to extend the deadline if the Board decides it is necessary. It does not now seem necessary based on what we know today. Mr. Garriga said part of what we put in the resolution has a demarcation date. He said we must have DOJ approval by June 3rd. He said, at this point, he does not know that we need the authority to extend the qualifying deadline.

Supervisor Russell said, if it is not necessary, it is important to let the public know what we plan to do. There are things the public needs to know if the DOJ approves the plan or not. Supervisor Russell said Mr. Nowak did a good job of putting together a list "what ifs". He said some people running for justice court judge may have to register in two districts. He asked if it would be proper to put information in the motion that we do not intend to move the qualifying deadline.

Board Attorney Tony Nowak said it can be done in the motion to approve the proposed plan or a separate motion. It is important to note that if the DOJ does not answer by June 3rd, DeSoto County will be forced to hold the elections with the old districts.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve alternate 4 for redistricting in DeSoto County based on the Census information of 2010; and direct the submission of the plan to the Department of Justice for pre-clearance; to approve the Board order adopting the plan and authorizing the submission to the Department of Justice; and to set a deadline June 3, 2011 for pre-clearance in order for the plan to be effective for the 2011 election cycle. In addition the motion confirms that the Board will not extend the qualifying deadline, but will clarify that the qualifying deadline remains March 1. 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

Supervisor Latimer asked if there were anymore questions.

Supervisor Latimer said it is sad to him that we have to consider ethnic background. He said he knows everyone will maintain the commitment to public safety, good jobs and a good way of life in DeSoto County.

Board Attorney Tony Nowak summarized the election process as follows:

ELECTION 2011 SUMMARY

I. PLANNED ELECTION PROCESS

- a. By vote of the Board, the qualifying deadline will remain March 1. All candidates for single district offices must qualify by March 1.
- b. The Board of Supervisors passed its final order approving redistricting plan on February 22. A submission to the Department of Justice (DOJ) requesting approval of the redistricting plan will be made.
- c. While a request for expedited consideration will be made, DOJ has 60 days to approve the new plan. This time can be extended if DOJ requests additional submission information.
- d. While DOJ is reviewing the redistricting plan the Board of Supervisors will press forward in making necessary adjustment to precincts and/or polling places. This process may be impacted by State redistricting.
- e. Once precinct/polling places are determined, Board will hold a public hearing and adopt the revised precincts and polling places. Subsequently a pre-clearance submission

- f. to DOJ regarding the precinct/polling places will be submitted. Redistricting plan and precinct/polling place changes **must** be approved by DOJ on or before June 3 in order to be utilized in this election cycle. Otherwise the election will be conducted under the current plan (districts same as last election).
- g. Assuming approvals or redistricting and precinct/polling locations are granted by DOJ, the Circuit Clerk executes administrative functions to conduct elections (voter roll updates, notifying individuals of changes)
- h. Assuming timely DOJ approval of the redistricting and precinct/polling place changes, candidates will run in the newly approved candidate districts.

II. WHICH DISTRICT DO I QUALIFY FOR

- a. *IT IS IMPORTANT TO KNOW CANDIDATES WILL BE QUALIFIED FOR THE DISTRICT IN WHICH THEY RESIDE! ALL COUNTY DISTRICT CANDIDATES MUST RESIDE IN COUNTY FOR 30 DAYS AND OTHERWISE BE A QUALIFIED ELECTOR TO RUN FOR POSITION.*

EXCEPTION, JUSTICE COURT JUDGES DO NOT NEED TO LIVE IN THE DISTRICTS IN WHICH THEY RUN FOR OFFICE.

EXAMPLES

Assume a candidate for supervisor lives in a section of district 1 that will be moved into newly established district 2. The candidate will qualify for district 1. Next assume the newly approved district plan is approved so that the candidate resides in the new district 2, the executive party for the candidate administratively qualifies the candidate for district 2. If candidate is an independent the registrar will administratively qualify the candidate for district 2. Candidates should contact the executive party/registrar to request the administrative change to be sure it's done.

- 1. Note, under the above scenario, if the candidate's goal was to run in district 1 and not the new district 2, the candidate could physically move to an area that remains in district 1 and run in district 1. The law is unclear if the candidate would have to reside in district 1 for more than 30 days prior to the election.
- 2. Note, under the above scenario, if the new plan is not approved by DOJ, the candidate would still live current district 1 and remain qualified to run in district 1.

Assume a candidate for supervisor lives in a section of district 1 that will be moved into newly established district 2, and desires to only run in the newly established district 2. The candidate will qualify for district 1. Next, assume the new plan is not approved and the candidate does not want to run in district 1. The candidate must withdraw his/her qualification for district 1.

Assume a candidate for constable resides in current district 4 but desires to run for the newly proposed district 5. The candidate will qualify in district 4 as that is where he resides. Next assume the new plan is approved so that the candidate resides in the new district 5, the executive party for the candidate administratively qualifies the candidate for district 5. If candidate is an independent the registrar will administratively qualify candidate for district 5. Candidates should contact the executive party/registrar to request the administrative change to be sure it's done.

Assume a candidate for constable resides in current district 4 but desires to run for the newly proposed district 5. The candidate will qualify in district 4. Next assume the new plan is not approved so the candidate remains a resident of district 4. The candidate must run in district 4 or withdraw his candidacy.

- b. Per statute candidate that withdraw their qualifications cannot receive a refund of their qualifying fee.
- c. *Justice court judges will be different as they do not need to reside in the district for which they run.*

Example:

Assume a candidate resides in an area of justice court district 1, which under the newly proposed plan would be in district 2 if the plan is approved by DOJ. Next assume the proposed new plan is approved so that the candidate now resides in the new district 2. The candidate will remain qualified for district 1. This is so since justice court judges are not required to live in the district for which they run. The candidate remains qualified for whichever district they qualified for and cannot administratively be shown as a candidate for the new district.

To avoid a situation where a justice court judge candidate may be qualified in a district he/she does not wish to be in due to the redistricting, the candidate should qualify in two districts; one being the current district and one being the proposed new district he/she desire if the new plan is approved.

Example:

Assume a candidate resides in an area of justice court district 1, which under the newly proposed plan would be in district 2 if the plan is approved by DOJ. The candidate desires to run in the proposed new district 2. The candidate then qualifies for district 1 and district 2. Next assume the proposed new plan is approved. The candidate withdraws from district 1 and runs in district 2. If the candidate fails to withdraw from one of the two races the executive committee for the party (or the registrar if the candidate is an independent) determines which office was the last office the candidate qualified for and qualifies the candidate in that district for the election.

Assume a candidate for justice court judge qualifies only for the proposed new district 5. Next assume the proposed plan is not approved by DOJ. The candidate is not qualified for any election as there would be no newly created district 5 in which to run.

CANDIDATES AND VOTERS WILL HAVE TO WATCH CLOSELY TO SEE IF NEW PLAN APPROVED PRIOR TO JUNE 3 and VERIFY THEY ARE QUALIFIED FOR THE POSITION THEY SEEK.

Disclaimer: The information provided herein is general summary of certain common legal issues. Individuals receiving this information should retain an attorney of their choice to obtain a more in-depth individual analysis of their relevant facts and legal issues. Use of the information contained herein is not intended to, nor does it, create an attorney-client relationship between any recipient of this information. The information herein is not intend to, nor does it, constitute legal advice to any recipient of this information.

Mr. Nowak noted the summary will be provided to the public but it is a working draft and is subject to change. He confirmed that anyone who registers to run in an election but later withdraws, by statute, will not have their election fees returned. He clarified the summary he is presenting is not legal advice but information.

Kevin Blackwell asked if this information will be on the county web site.

Supervisor Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize placing the Election Summary 2011 on the county web site for information only. 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 G.1

2. Extension Service – Introduction of Employee

Director of the Extension Service, Joy Anderson, appeared before the Board and introduced their new office associate Kim Daniels.

Supervisor Allen Latimer asked Ms. Daniels where she is from. Ms. Daniels said she is from Nesbit and will be helping enroll new participants and sign up children for various sports and assisting in the office as well.

The Board welcomed Ms. Daniels to the Extension Office and said they look forward to working with her.

3. Earth Day Presentation

Greenways Coordinator Larry Jarrett said Earth Day will be a county wide event designed to create awareness for the public. Mr. Jarrett said they wanted to do an event that would encourage people to get outdoors and address the litter issue in DeSoto County. He said we started planning the event a few weeks ago and it has become a compilation of involvement between the county, cities and many agencies. He said the Earth Day Event will be held on April 30th. He said we will have a press release to let everyone know the event will be from 8:00 a.m. until 12 noon on the courthouse square in Hernando.

Mr. Jarrett said that date coincides with the first day of the Hernando Farmer's Market. He said they have received a commitment from a new company relocating to DeSoto County, Soladigm. The intent is for this to be an economic development opportunity as well.

Vanessa said they are still working on getting more participation and they have been talking to Joy Anderson of the DeSoto County Extension Service. She said they also are talking to Soil and Water Conservation and everyone is excited to participate. Vanessa said Hernando is placing recycle bins around the courthouse and will present them at this event. The e-cycle trailer will be

here and Ray Laughter of Stormwater is help to raise awareness as well.

Vanessa told the Board that she knows the Board talks about environmental issues frequently in the meetings and how important that is to the Board. She said from their discussions, we are excited to put the issues into a program. She said this is a good way to protect our environment and educate the citizens on how to protect our environment.

Supervisor Allen Latimer thanked everyone for putting this event together. He said this is a great selling point to businesses who are considering relocating to the county and to individuals who are moving into the county as well.

4. Greenways Update

Greenways Coordinator Larry Jarrett presented an update on the Greenways Program. He said they are getting bids for landscaping. The bike signs for the three bike paths will be going up next week on Craft Road, McIngvale Road and other roads. Mr. Jarrett said these signs will alert motorists that cyclists are on the bike paths.

Mr. Jarrett said the Greenways Program participants will be traveling with the DeSoto County delegation to Washington next week to try and get money for the Greenways project.

Mr. Jarrett said we have other projects such as the horse riding trails. They are waiting on the construction company to lay the sewer pipe and then they will be able to move forward. Supervisor Allen Latimer asked Mr. Jarrett if he thinks it will be ready for the public this year. Mr. Jarrett said the contractors will be in a penalty stage after September.

Supervisor Bill Russell clarified that this is also a pedestrian trail. Mr. Jarrett said it is primarily a pedestrian trail.

Mr. Jarrett said greenways are becoming more of a quality of life issue and the county will start using the Greenways Program as an economic development tool to attract businesses to the county. He said groups such as Leadership DeSoto are working on projects to help greenways.

5. Grants Administrator

a. Inventory Control Dispositions-Preliminary: IT Dept

The Board of Supervisors considered the preliminary inventory control dispositions for the IT Department.

Mrs. Herring said that IT Director John Mitchell needs to dispose of these items are obsolete or broken and will be sent to 5R for disposal.

Supervisor Bill Russell asked what 5R does with the items. Mrs. Herring explained that 5R is a recycle company who disposes of equipment.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the inventory dispositions as follows:

<u>Asset #</u>	<u>Serial #</u>	<u>Description</u>	<u>Reason for Disposal</u>	<u>Location at Preliminary</u>
8176	2349523	IBM 3487 Terminal	BROKEN/PARTS	I.T.
8177	23A5050	IBM 3487 Terminal	BROKEN	I.T.
8329	8834488	IBM 3487 Terminal	BROKEN	I.T.
30660	USGH023284	HP Laser Printer	BROKEN	I.T.
31255	CN15HCFT211430	Samsung Monitor	BROKEN	I.T.
31338	B67FF11	Dell Optiplex PC	BROKEN	I.T.
31339	567FF11	Dell Optiplex PC	BROKEN	I.T.

31361	2586K11	Dell Optiplex PC	BROKEN	I.T.
31420	0026941848	Gateway PC	BROKEN	I.T.
31421	0026951030	Gateway PC	BROKEN	I.T.
31450	0027534693	Gateway PC	BROKEN	I.T.
31805	0028668344	Gateway PC	BROKEN	I.T.
31808	8824128	IBM Terminal	BROKEN	I.T.
31828	00293053883	Gateway PC	BROKEN	I.T.
31869	GU14100432	Viewsonic Monitor	BROKEN	I.T.
32586	0030322747	Gateway PC	BROKEN	I.T.
32595	GH17H9NW507475Z	Samsung Monitor	BROKEN	I.T.
32597	2XKV131	Dell Optiplex	BROKEN	I.T.
32601	GH17H9NW313711	Samsung Monitor	BROKEN	I.T.
32613	917032101166	Viewsonic Monitor	BROKEN	I.T.
33320	CNBDB36663	HP Laser Printer	OBSOLETE/PARTS	I.T.
33324	AOW020510905	Viewsonic Monitor	BROKEN	I.T.
33402	05332903235	CTX Monitor	BROKEN	I.T.
33465	E85Z3861770U	Proview Monitor	BROKEN	I.T.
34328	PU3054508030	Viewsonic Monitor	OBSOLETE/PARTS	I.T.
35162	WCCE2205563	Princeton Monitor	BROKEN	I.T.
35698	JBWRQ61	Dell PC	BROKEN	I.T.
36504	DK4P971	Dell PC	BROKEN	I.T.
36506	SMXD518005T	HP Computer	BROKEN	I.T.
36682	55320053AED22	Acer Monitor	BROKEN	I.T.
37042	630C05761605D864000	Acer Monitor	BROKEN	I.T.
37102	4908500630078A64219	Acer Monitor	BROKEN	I.T.
37108	AAEF33122	Canon Printer	BROKEN	I.T.
38082	370600371700E7E2703	Acer PC	BROKEN	I.T.
38126	AS0721122453	APC UPS	BROKEN	I.T.
38133	SG1791100F	HP Printer	BROKEN	I.T.
38139	9417W2V	Lexmark Printer	BROKEN	I.T.
39135	MXL7500N3J	HP Workstation	BROKEN	I.T.
39962	4CW4CK1	Dell PC	BROKEN	I.T.

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 G.5.a

b. CDBG Block Grant Close Out

Grants Administrator Joyce Herring said the CDBG Block Grant is for the work at Sigma Supply. Mrs. Herring said the grant could not be closed until Sigma Supply met the hiring requirements. She said they have now met the requirements and ask the Board’s consideration for closing the grant. Ms. Herring said a check in the amount of \$2,500 will be sent to Jimmy Gouras for services rendered.

Supervisor Jessie Medlin asked if the \$2,500 should be part of the motion.

Super Allen Latimer asked money has been set aside for the fee. Ms. Herring yes. It is part of the grant money and it was set aside.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the close-out package for the DeSoto County CDBG Economic Development Project number 1122-05-017-ED-01 and authorized payment to Gouras for the grant. The motion passed by a vote as follows:

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

See Exhibit G.5.b

6. Finance & Accounting: Supplemental Claims Docket

The claims docket was presented by Chief Financial Officer Tom Arnold and Accounting and Finance Clerk Stephanie Hanks of the Finance and Accounting Department. Ms. Hanks read the items on the claims docket individually and the Board discussed these items.

Supervisor Jessie Medlin questioned page 56 about the dirt work. Mr. Arnold explained that these loads were approved for a lump sum and delivered and billed in two increments. Mr. Arnold said the original request was for 50 loads of dirt. He said it was delivered and billed for a quantity of 37 loads and then a quantity of 13 loads.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach 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

See Exhibit G.6

7. Office of Procurement

a. Bids Under Advisement – Industrial Rd. West Ext.

Vanessa Lynchard said that bids were opened for Industrial Road West Extension which is the access road to the new Jail.

Engineer Joe Frank Lauderdale presented the bids to the Board of Supervisors as follows:

**PLAN HOLDERS FOR THE INDUSTRIAL ROAD WEST ROAD EXTENSION PROJECT 2010
 February 18, 2011**

<u>NO.</u>	<u>CONTRACTOR</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>BID AMOUNT</u>
1	Prewett Enterprises	PO Box 386, Southaven, MS 38671	662-781-2780	104,240.00
2	Enscore	5566 Commander Dr., Arlington, TN 38002	901-867-2297	91,753.60
3	Trey Construction	1355 E. Alcy Rd., Memphis, TN 38106	901-774-4004	106,491.80
4	M & H Construction Co.	480 Airport Industrial Dr., Southaven, MS 38671	662-349-1884	84,715.00
5	Bridgforth Properties	3605 Bridgforth Rd., Olive Branch, MS 38654	662-895-4441	90,252.12
6	Lamb Construction	3225 Byhalia Rd., Hernando, MS 38632	662-449-5432	78,122.50
7	Carroll Construction	PO Box 148, Oxford, MS 38655	662-281-1207	132,087.60
8	Magnolia Underground	PO Box 1790, Olive Branch, MS 38654	901-827-5704	98,635.00
9	Cleveland Construction	1974 Grays Creek Rd., Hernando, MS 38632	901-493-0487	78,517.50
10	Madden-Phillips Construction	304 Mann Drive, Collierville, TN 38017	901-854-0029	
11	Northwest Contracting Svc.	3770 Cherry Rd., Memphis, TN 38118	901-489-1190	86,512.00
12	McBride Co.	PO Box 546, Batesville, MS 38606	662-934-0049	
13	Dozer Trax	351 Wilkinson Rd., Drummons, TN 38023	901-835-3029	129,348.50

14	Freeland-Lemm	PO Box 1355, Cordova, TN 38088	901-759-5911	
15	Jerry Johnson	381 Hwy 51 N., Batesville, MS 38606	662-934-3410	
16	Pro Site Construction	5909 Shelby Oaks Ste. 233, Memphis, TN 38134	901-730-1104	
17	Union Construction Co.	PO Box 39, Etta, MS 38627	662-534-8677	130,480.00
18	White Construction Co.	9408 Macon Rd., Cordova, TN 38016	901-755-3700	160,883.00
19	L and T Construction	PO Box 565, Hernando, MS 38632	662-429-7335	125,204.75
20	Ferrell Paving	2174 Person Ave., Memphis, TN 38114	901-324-3894	
21	J-Mar Construction	Hwy 7 North, Oxford, MS 38655	662-256-9655	198,711.41
22	McGraw-Hill Const-Dodge	4300 Beltway Place, Arlington, TX 76018	850-656-3770	

Mr. Lauderdale recommended the low bid of Lamb Construction in the amount of \$78,122.50.

Supervisor Jessie Medlin asked who will be paying the engineering fees. County Administrator Michael Garriga said the county will pay the fees.

Supervisor Bill Russell noted the large disparity in the high and low bid. He said he understands Mr. Lauderdale has previous experience with Lamb Construction and recommends that contractor for the job. Mr. Lauderdale agreed.

Mr. Garriga said Mr. Lauderdale will get the contract together and ask the Board to authorize Board Attorney Tony Nowak to look at the contract and bring back to the Board for consideration.

Mr. Lauderdale said it will take a couple of weeks to get the contract together.

Supervisor Allen Latimer asked if there are any other legal steps to take. Mr. Nowak said no.

Sheriff Bill Rasco asked if there is a time limit for construction of the road. Mr. Lauderdale said the number of days is specified in the contract.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the low bid to Lamb Construction for the construction of Industrial Drive West in the amount of \$78,122.50. The motion passed by a vote as follows:

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

See Exhibit G.7.a

b. Purchases over \$25,000

Director of the Office of Procurement, Vanessa Lynchard said, in a previous meeting, the Board of Supervisors approved constructing a building and converting a burned building to a shed at Robinson Donald Park in District 3. She presented quotes and for the work and said this is the amount of money and construction the Board approved during the presentation at the last meeting, but quotes were not available at that time. She said in accordance with the Board's request to purchase in an amount over \$25,000 she is presenting the specific quotes for this work. She presented the quotes as follows:

TDL Contractors \$49,779.00 C & M Builders \$88,700.00

Supervisor Bill Russell reminded the Board that insurance of the burned building will pay \$41,000 and that will be applied to the project

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to

approve the quote from TDL Contractors in the amount of \$49,779.00 for a 60 X 60 metal building at the Robinson Donald Park in District 3. 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 G.7.b

8. Dept. of Road Management: Craft Road South

Road Manager Russell Dorris said a fire truck damaged a culvert located at 399 Craft Road South when answering a structure fire at a neighbor's home. Mr. Dorris said the condition of the culvert will create a health, safety and welfare issue for the public if left in its' present condition. Mr. Dorris recommended replacing the culvert in the driveway. Mr. Dorris clarified that the fire truck crushed the culvert when accessing the neighbor's drive. Mr. Dorris said he did not recommend replacing the asphalt because it was already deteriorated. He presented pictures showing the condition of the culvert.

Supervisor Bill Russell asked if the county should file a claim with the insurance company of the family who had the fire. Mr. Dorris said the driveway that was damaged was not the house that burned. He said the fire truck went through the neighbor's drive way to get to the burning house.

Supervisor Russell asked for the opinion of the Board Attorney. Board Attorney Tony Nowak said the insurance company probably will not pay, but we can certainly look into the possibility.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to take the recommendation of the Road Manager to replace the culvert at 399 Craft Road South, due to the assessment by the Road Manger that the condition of the culvert would affect the health, safety and welfare of the traveling public. 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 G.8

H. EXECUTIVE SESSION

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

I. OTHER ISSUES

1. MDOT Project

Chancery Clerk Sluggo Davis said he received a package from MDOT requesting the Board's approval and signature on a project.

The Board of Supervisors asked the Board Attorney to review the paperwork and advise the Board at the next meeting.

2. Park Funds-District 3 & District 4

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to approve an allocation from the District 4 Park Fund to the City of Horn Lake in the amount of \$15,000 and to approve an allocation from the District 4 Park Fund to the City of Southaven in the amount of \$5,000 and to approve an allocation in the amount of \$5,000 from the District 3 Park Fund to the City of Horn Lake. 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. Procurement: Approval of Bid for Overlay

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve a bid for overlay for various DeSoto County Roads. 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

Supervisor Medlin said he wanted to see a list of projects before voting to approve the bid.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until March 7, 2011 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 22nd day of February, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors