

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**BILL RUSSELL, PRESIDENT 2010 PRESIDING**

**January 19, 2010**

**A. CALL TO ORDER**

The January 19, 2010, 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
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

**B. INVOCATION**

Deputy Carl Hurt presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT**

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

Supervisor Bill Russell questioned item number 9 for the Planning Commission - Approve to amend the 2006 International Residential Code and Board President to sign.

Supervisor Russell said number one on the attached exhibit says “the County hereby amends Section R309 of the 2006 International Code, as previously adopted by DeSoto County so as to read:”. He said there are no comments following the colon to explain the changes and does not clarify what needs to be changed. Board Attorney Tony Nowak agreed that it should be clarified. He said the form was designed to insert the information at that point. He said the Planning Commission does have the proper language to attach to that code document as previously approved by the Board.

Supervisor Jessie Medlin questioned item number three, “Make Part of the Minutes: Agreement with Mississippi Select Health Care (SAS)”. He asked how the county knows the number of inmates the county is paying healthcare for claim oversight. Sheriff Bill Rasco said they give the company accurate daily counts which is an improved system from the last contract.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Consent Agenda items and instructed that proper language be inserted to the amendment to the 2006 International Residential Code to reflect the Board’s previous approval, and the reports and actions set forth therein as follows:

**1. Appointments - DCRUA – City of Olive Branch** – B.J. Page as the City’s representative to the DeSoto County Regional Utility Board for a four (4) year term.

**2. Homestead Exemptions - Deletions**

Name	Parcel No.	Reason for Adjustment
Bonner, Celia Mae	1078 2700 11.00	delete from State’s list
Nolen, Debbie	2082 0301 104.00	delete from State’s list
Latchie, Denise I.	1088 3401 353.00	deleted in error

**3. Make Part of Minutes - Agreement with Mississippi Select Health Care (SAS)**

**4. Department of Road Management - Requisition Clerk-Remove Bill Williams-Retired**

**5. Chancery Clerk Allowance (1) - \$1,816.74**

**6. Grants -Accept Justice Assistance Grant** – Project No. 09NW1171

**7. Safety Officer’s Report (2)**

**8. Inventory Dispositions-Final**

**a. GIS**

Asset #	Serial #	Description	Reason for Disposal	Location of FinalDisp
31368	SG18E1310P	HP Deskjet Plotter	Broken	GIS Dept.

**b. Sheriff’s Office**

Asset #	Serial #	Description	Reason for Disposal	Location of Final Disp
32168	780599	1967 Hughes Helicopter	Surplus/sold	Rick Sweet
30677	817020009	Garmin GPS	Surplus/sold	Rick Sweet
14072	119790	KX155 Radio	Surplus/sold	Rick Sweet

**9. Planning Commission - Approve to Amend the 2006 International Residential Code and Board President to Sign**

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 D**

**E. OLD BUSINESS**

**1. Appointments-District 2**

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to reappoint the previous District 2 appointees who’s appointments expired in January, 2010 as follows:

Bk Pg	Appointment	District	Appointee	Term Expires	Term	
8	Board of Adjustments	2	Billy G Smith	Jan 04, 2011	1 yr	
11	DC Convention & Visitors Bureau Commission	2	Lamar Rodman	May 15, 2011	3 yrs	
23	Handicap Compliance Grievance Committee	2	Pat Sylvester	Jan 04, 2011	1 yr	
24	HLCISD - Board of Commissioners	2	Charles Davis	May 03, 2010	4 yrs	
26	Library - DC Library Board	2	Elsa Taylor	Jan 06, 2014	5 yrs	
29	Library - City of Southaven Library Board	2	Donna Bouchillon	Jan 04, 2011	1 yr	
31	License Commission	2	Samuel McMinn	Jan 03, 2012	4 yrs	
32	Massage Parlor Commission	2	Vaudie Emerson	Jan 03, 2012	4 yrs	Concurrent w/BOS
39	Park Commission	2	Mike Mullins	Jan 04, 2011	1 yr	
40	Planning Commission	2	Charles W McNemar	Jan 04, 2011	1 yr	
40	Planning Commission	2	David Henley	Jan 04, 2011	1 yr	
40	Planning Commission	2	Randy Jones	Jan 04, 2011	1 yr	
42	Port Commission	2	Jim Brown	Jul 06, 2010	5 yrs	

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. County Property Map

Vanessa Lynchard presented a map of DeSoto County that relected the parcels that are owned by DeSoto County.

See Exhibit E.2

## F. NEW BUSINESS

### 1. Dept. of Road Management - Weatherby Estates

Mr. Steve Foglesong said he lives in the unincorporated county next to the subdivision in the City of Hernando, MS, known as Weatherby Estates. Mr. Foglesong said he was appearing before the Board to present a concern with drainage issues that have occurred since the development of Weatherby Estates.

Mr. Foglesong presented aerial photos showing his property before work started on Weatherby Estates. He said, as the Board can see, he had a lot of trees buffering his property.

Page three of Mr. Foglesong's hand out shows the same area but with a better view. Mr. Foglesong indicated at the bottom of the picture was Oak Grove Road. He said page four shows a picture of some of the ditches. The bottom pictures show where the water drains onto the Foglesong property. Page five shows where the ditch used to be. He said page four shows different areas where the poor drainage has caused a lot of ditches on his property. The property is 700 feet wide and almost 1,000 feet long. Now all of that is water. Mr. Foglesong said he used to mow this property with a riding lawn mower. He said the bottom picture shows a culvert that is about to be undermined.

Mr. Foglesong said, in an effort to fix the property issues, he allowed the developer Burke Hendrix to enlarge the ditches and Mr. Hendrix added dirt to Mr. Foglesong's property that has since washed away. He said, initially, Mr. Hendricks tried to fix some of the problems caused by the development of Weatherby Estates, but the attempts never truly fixed the problem. Mr. Foglesong said his property is located in the county and the subdivision is in the City of Hernando. He presented pictures showing a rain event that was not a heavy rain. He said this is the biggest nightmare he has ever seen. Mr. Foglesong said there are more mosquitoes than ever before because of the standing water on his property.

Supervisor Jessie Medlin asked Mr. Foglesong if he had pictures of the big ditches on the development. Mr. Foglesong presented a map of the property area. He explained the results of the water which also washed away his driveway.

Mr. Foglesong said he has a list of eleven property owners who are being affected by this water from Weatherby Estates. He said one of his neighbors has a workshop that he cannot get to when it rains because water stands around the workshop.

Mr. Foglesong showed pipes on the properties.

Supervisor Medlin asked for verification of the 24 inch pipe and the 60 inch pipe. Mr. Foglesong said both pipes have been there since the owned the property.

Supervisor Bill Russell said on page three, before the development was built, all of the property was draining in the direction shown on the picture. Supervisor Russell asked if the developers took down the trees on the east side of the property bordering Mr. Foglesong's property. Mr. Foglesong said yes, there may be six trees remaining on the property. He said the development changed the natural water flow and redirected the water. Mr. Foglesong demonstrated on the maps and using pictures, how the water was redirected by the development. Mr. Foglesong said one house in Weatherby Estates sit only six inches above the ground. If he takes steps to slow the water on his property, it would affect that house and it would be under water. He said when the subdivision was being planned, it was in the county.

Supervisor Medlin asked how many acres are in the development. Mr. Foglesong said he does not know.

Supervisor Allen asked if Mr. Foglesong has talked to the City of Hernando Engineer, Joe Frank Lauderdale and County Engineer, Andy Swims about the problem. Mr. Foglesong said yes.

Supervisor Russell said he needs clarification on what authority the county has and he asked Mr. Lauderdale if he knew where the city lines are located. Andy Swims clarified the property lines.

After looking at the map, Supervisor Bill Russell said he had a better understanding of the of from the view of the property on the map that shows the relationship of the Foglesong property and the City of Hernando.

County Engineer Andy Swims presented a time line regarding the drainage issue as follows:

#### Weatherby Place Development

2004	Cleaning and Grading Begins
Aug-04	Plans submitted to County
Sept-04	Plans approved by County
Mar-05	DEQ investigates Foglesong's ditch
Apr-05	Sends Burke Hendrix a letter
Jun-05	Letter from Ben Smith regarding detaining water in Foglesong ditch
Jul-05	Detention and Erosion Control as built in field approved
Sep-05	Required a \$20,000 bond to maintain detention and erosion along the Foglesong ditch (part of \$133,710 total bond)
14-Nov-2005	Hernando Annexed Weatherby Place Subdivision
Feb-08	Burke Hendrix requested drainage analysis by Steve Wilson

Mr. Swims said the developer Burke Hendrix did an independent evaluation of the drainage. Steve Wilson did the evaluation of the ditch.

County Engineer Andy Swims said there is a large amount of water in the ditches but a majority of the impact is not coming from Weatherby Estates. Mr. Swims said that Ben Smith was the original developer of the subdivision. He said there has been a water issue for several years. Mr. Swims said the property should withstand a 25 year flood. He said that Weatherby is a three quarter acre to one acre lot subdivision. He said 60 plus acres are not developed and only 32 acres of the 60 plus acres went to rooftops. The increase in flow would only be 15%. Steve Wilson confirmed the result of the development was actually a decrease in flow. Mr. Swims said he is not sure the development resulted in Mr. Foglesong's problem. Mr. Foglesong said that 67 acres upstream were not touched. He showed pictures where the development was under water. The water that comes off of Scott Road is minimal. When it comes across onto Mr. Foglesong's property, the manhole that was already there, is sticking out of the ground more than before on Weatherby Estates. He said that is where the water drains on to the Foglesong property. He said it is hitting the area so badly that it causing erosion problems west of the property including what appears to be the undermining of the culver under W. Oak Grove Road. He presented a picture of the manhole covered by water and said that is the water from a 25 foot ditch. Mr. Swims said that Mr. Foglesong does have a lot of water.

Mr. Foglesong said it did not start getting worse until work was started on Weatherby Estates. He said Weatherby may be only part of the problem but it is definitely worse and blows out ditches and creates new ones. He said that twelve people have signed the petition and five people are in Weatherby. He showed pictures of a previously mow-able swell that is now eroded into a ditch with standing water that cannot be mowed. Mr. Foglesong said his driveway is now damaged and the water is also making new ditches all over his property. He pointed to two ladies in the audience and said the water from Weatherby Estates is also flooding their property. Mr. Foglesong said it would be wrong to address his problem and not address all of the neighbors who are being affected by the development.

Supervisor Eugene Thach asked what Hernando says about the issue. Mr. Lauderdale said they know it is a problem and there is a bond, but it is only enough for one lift of asphalt.

Supervisor Medlin asked the size of the ditch on the subdivision property before they changed out the big pipe. Mr. Swims said he did not know. Supervisor Medlin said if they made the ditch bigger, it will obviously take the water faster. Mr. Swims said that is incorrect. It will slow the water down. Mr. Foglesong said they made the ditch wider and deeper but it fills up. Mr. Swims said he does not deny that Mr. Foglesong has a problem. The issue is how much water is coming form Weatherby Estates.

Mr. Foglesong said the water was redirected to the center of his property.

Mr. Swims said that Mr. Wilson's study looked at the flow, pre and post development. He showed that post development decreased the flow of water and he has to follow the results of the study. Mr. Swims said we acknowledge that there is a problem with water on Mr. Foglesong's property. What is the solution and what is legal is now the question.

Mr. Foglesong said if his property is the only one addressed, that is not sufficient. There are other landowners that are affected by Weatherby Estates.

Supervisor Bill Russell said he heard everything Mr. Foglesong presented and the Board does hear the situations from time to time. Supervisor said, by law, the counties cannot work on private property for the benefit of the owners. He said the Board must rely on the engineers to determine the cause of problems. He agreed with Supervisor Medlin that it does not always make sense and the Board of Supervisors must rely on the engineers to analyze the situation. Supervisor Russell said this situation is more complicated because of the city's involvement. Supervisor Russell said he is going to ask that the county engineers and city's engineers meet and give the Board an answer. He said if we cannot determine an answer, then it becomes a civil matter.

Supervisor Thach said he would second the motion because we must take advice from our engineers.

Mr. Foglesong asked if he can receive a copy of the report. The Board of Supervisors said of course the reports will be made available to him. He said the report will be available on the first Monday in February.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to direct the Engineering Department to request a meeting with the City of Hernando Engineer, and determine the causes and course of action for the drainage issues as a result of Weatherby Estates, and come back to the Board of Supervisors with a comprehensive report to show how the Board should react to the problem. 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. Advertising County Resources: North Mississippi Senior Expo**

Susan East of Lifestyle Transitions appeared before the Board of Supervisors and thanked them for their participation in the past Senior Expos. Ms East gave a report on the plans for the 2010 Senior Expo and said this is the fifth year for the Expo and once again, we are asking for support from the Board of Supervisors. Last year there were more than 1,200 people in attendance. She said the senior citizens really enjoy the event and the City of Southaven has been good work with the Senior Expo as well.

Supervisor Bill Russell said this is a good event and he has attended it several times. He said it is a good event for our senior citizens. Ms. East said it means she hopes the Expo does what it is intended to do and that is to help our senior citizens.

After having determined that the request to advertise county resources met the guidelines of the policy adopted by the Board of Supervisors, Supervisor Allen Latimer made the motion, and Supervisor Bill Russell seconded the motion to advertise DeSoto County Resources by contributing \$1,000.00 to LifeStyle Transitions for the North Mississippi Senior Expo to be held Friday, May 14, 2010, from 9:00 a.m. to 2:00 p.m. at the Southaven Arena. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. The motion passed by a vote as follows:

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

**See Exhibit F.2**

**3. EMA**

**a. Ratify Work on Private Property**

Emergency Services Director Bobby Storey said that it was not necessary for the county to help the landowner to remove a horse that had frozen in the lake during the recent bad weather. He said the owner of the horse was able to remove the horse using other means.

**b. Renew Lease Agreement with Stan Elam for Tower Space**

Emergency Services Director Bobby Storey said he needed to continue the lease with Stan Elam for tower space. He said this will cover the communication needs of the department during a major event if other communication systems go down. There are no changes to the lease. He said if we have a problem with 800 radios we go to the system on this tower.

Supervisor Allen Latimer made the motion and Supervisor Tommy Lewis seconded the motion to approve the renewed lease agreement with Stan Elam for tower space and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up the agreement.

**4. Accounting**

**a. Budget Amendments**

Comptroller Tom Arnold presented budget amendments for the Board’s consideration as follows:

- 1.) Budget amendment for worker’s compensation to move money from the individual departments into one budget. Mr. Arnold said this will alleviate the need to amend every department’s budget when there is a change in worker’s compensation.
- 2.) This budget amendment will allow for the repair of broken chairs in the Purchasing Department instead of buying new chairs.
- 3.) This will allow for payment of the dues for the Public Defenders Association.
- 4.) Mr. Arnold said this amendment is to account for receipts from the U.S. Marshal’s Service to reimburse the county for overtime pay for Sheriff’s deputies working for the USMS.
- 5.) The Adult Drug Court bought a new car and this budget amendment will set up the line items needed for travel, maintenance, gasoline and tires and tubes. He reminded the Board of Supervisors that the county is reimbursed for any expenses from the drug court.
- 6.) This amendment is for the Animal Shelter to cover expense of annual contract for security system monitoring which was not included in the original budget.
- 7.) This is an amendment for the bridge and culvert fund which allowed purchases of aggregate during the extreme cold weather.
- 8.) The Sheriff’s Department equitable sharing funds that were received as part of the funds seized in various raids with the DEA and this will amend their budget to reflect those funds. He said it will amount to an extra \$4,000 plus interest income.
- 9.) This budget amendment is to set up a new jail expansion project. He said the figures are based on estimates and current plans and can be amended as needed.
- 10.) Mr. Arnold said this amendment was set up to pay for recording fees for estimates and right-of-ways for the Starlanding Road railroad overpass project.
- 11.) Mr. Arnold said this amendment will set up new line items to pay for right-of-way for the Desoto Road project that was approved on December 9, 2009.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve to approve the budget amendments as recommended by the Comptroller and as detailed in Exhibit F.4.a. 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

**b. Supplemental Claims Docket**

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

Supervisor Allen Latimer asked about page 57 regarding extremely high mileage that was paid. Mr. Arnold said this mileage is for a Court Administrator and they travel to other districts and the amount is split between the districts.

Chancery Clerk Sluggo Davis said the description on page 80 for the Horn Lake Creek Drainage District should be changed to Horn Lake Creek Interceptor Sewer District.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis 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 F.4.b

**5. Planning Department**

**a. Request to Waive Electrical Permit Fees**

Planning Director Jim McDougal said that EMA is having back-up generators installed throughout the county. Three of the locations are county buildings. Mr. McDougal asked if the Board of Supervisors would like to waive the electrical permit fees. The Board discussed that the fees will ultimately be paid by the county to themselves so it may be a unwise to charge the fees.

After discussing the issue, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve waving the electrical permit fees for the installation of emergency generator hook ups in the county as follows:

- 1.) DeSoto County Courthouse  
2535 Hwy. 51 South  
Hernando
- 2.) DeSoto County Justice Court  
8525 Hwy, 51 North  
Southaven
- 3.) DeSoto County EMA Office  
831 Old Hwy. 51  
Nesbit

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. Distribution of Proposed Zoning Map Update**

Planning Director Jim McDougal presented a proposed zoning map update for the following sites:

**Approved**  
Horn Lake Fire Station #3-PUD to A-R(77 Acres)                      District 3  
Dunbar Hills-A-R to PUD (706 Acres)                                      District 3

**Zoning Map Revision**  
Great Commission Baptist Church-PUD to A-R (7 Acres)              District 1

**Revision to Previous Approval**  
Northcentral Electric Office Plaza-C-4 (20Acres)                      District 1

No motions were made nor votes taken on this issue. See Exhibit F.5.b

**6. Board Attorney**

**a. Local and Private for Headstart Bus**

Board Attorney Tony Nowak said last year the Board authorized seeking local and private legislation to allow the county to contribute \$60,000 to the ICS Head Start Program for a bus. He said, if the Board still wants to do that, he needs approval to send a resolution to the state for the local and private bill.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up the resolution and the authorize the Board President to sign the resolution. 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.a.

**b. Resolution of Intent for I269 HELP Bonds**

Bond Attorney Steve Pittman and Keith Purvis, Assistant Chief Engineer-preconstruction with MDOT, appeared before the Board of Supervisors to seek approval of an intent resolution of the I-269 HELP Bonds for I-269 in an amount not to exceed \$170 million. He said the Intent Resolution would need to run in the local paper. He explained that this issue of the bond is for right of way acquisition and other costs associated with I-269.

Supervisor Allen Latimer said, even though this is going through the county, it is not being repaid by the county tax payers from their county taxes. He verified this is federal money. Also, the issue will not affect the county’s borrowing capacity.

Mr. Pittman said that is correct. He said we entered into an Interlocal agreement. The first issue was for \$30 million and this is the second issue.

Supervisor Tommy Lewis verified that issue is up to \$170 million. He asked about the time limit on holding bond money. Mr. Pittman said Supervisor Lewis is correct that the funds must be spent within three years. He said they expect to be spending \$150 million, but this allows MDOT a cushion.

Supervisor Eugene Thach said, when the state will start paying these bonds. Mr. Pittman said they are already paying off the \$32 million bonds from the first issue. Supervisor Thach asked if the state is prepared to take on the additional debt. Mr. Pittman said yes.

Supervisor Lewis asked if the state had discussed the issues with the MOU including the widening of the Craft Road bridge? Mr. Purvis said they discussed that last week and MDOT agreed to add the clarifications to the MOU. Mr. Nowak said MDOT’s attorney was okay with the changes, it was reported to him that MDOT had issues with the changes requested by the county. Mr. Purvis said that had been resolved.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Resolution of Intent for the issuance of the I-269 HELP bonds and authorized the Board President to sign the resolution. 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 F.6.c.

**c. Tax Collector Agreements: Olive Branch and Walls**

Board Attorney Tony Nowak reminded the Board of their previous approval to enter into Interlocal agreements with the cities for the Tax Collector to collect additional taxes for the cities. He said he has received the municipally approved interlocals from Olive Branch and Walls. He requested approval for a resolution on those interlocals. Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to approve a resolution for the City of Olive Branch and Walls for an Interlocal agreement for the Tax Collector to collect taxes. 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

**7. Health & Supplemental Insurance Renewal**

Human Resource Director Janna Rogers, Vickie Richman of the Human Resources Department and Rex Haynes of Brown & Haynes Insurance appeared before the Board of Supervisors to make recommendations on the benefits plan for the 2010 plan year which starts March 1. Ms. Rogers said, in terms of where we are:

In 2009 we talked about the co-pay in our plan, emergency room benefits, and three tier pharmacy plan. Those changes made by the Board saved an estimated \$160,000 for the plan year. The actual savings for the first five months of the plan changes was \$76,423. She said they estimate a 9% reduction in the claims cost for 2010.

Supervisor Bill Russell said those costs were actually passed on the county employees and they paid that out of their pocket. Ms. Rogers said yes and that was directly related to the changes.

She said Humana has projected a 9% reduction in claims costs for 2010. She said our data is trending downward. Supervisor Russell asked if this means our reserves will go up. Mr. Garriga said yes.

Supervisor Russell said, if we get to a point our employees are going to be paying more out of their pocket, he needs to know that. Ms. Rogers said the new recommendations will not result in more out of pocket expense for employees.

Ms. Rogers said she is recommending staying the same in our funding and reevaluating it again in June 2010 to make sure the Human projections are correct.

Supervisor Russell asked from where Humana gets their projections? Ms. Rogers said there are a number of points they look at including, but not limited to, our claims from last year. They consider our stop loss claims and remove them from the total. They look at the number of months and apply trend percentages. They take the expected number of members and experience rating per member per month. They consider credibility because of their size. She said we look at how much money we have in claims. She said there is nothing, other than the data, that is telling us the projections. She said they went back and looked at our history.

Supervisor Jessie Medlin clarified that members include employees and dependents. Ms. Rogers said yes.

Supervisor Thach asked how much insurance costs each employee. Mr. Garriga said nothing. Ms. Rogers said they pay the full cost for their dependents.

Ms. Rogers presented a claims history showing that pharmacy costs have increased while medical costs have gone up and down. (See Page 4) Ms. Rogers presented recommended changes. (See Page 5)

Ms. Rogers said that Supervisor Medlin questioned the administrative fees earlier. She said they have increased since March. She said in March the county changed to Humana for vision insurance. That increased our bill \$5,000 per month. We had an increase of \$1,100 per month for the 2% contract increase. As of last year we added an additional 110 members and that took the balance of the increase.

Ms. Richman said the employee portion for dependent insurance is \$88 per month and family is \$160 per month. She said it does not matter how many dependents you have. Ms. Rogers said we have not evaluated how much we are spending on dependents. She said we don't want to assess our dependents higher than they cost. She said the straight administrative cost is \$31.12.

Mr. Haynes said that Humana is proposing a 2% increase per year. Mr. Haynes agreed with Ms. Rogers analysis. He presented a printout showing that Humana has saved 52% in network and 24% out of network. He said there have been hundreds of hours put in this year getting the contract up to date.

Ms. Rogers said they double check the bills and make sure the bills are correct before we pay them. Supervisor Medlin verified his calculation of an \$11 increase per member. Ms. Rogers agreed.

Mr. Haynes said the health fair has been well received and he thinks it saves the county money. This next year, Mr. Haynes said, he wants to push some of the wellness benefits. He said encouraging that will not cost anything. Ms. Rogers agreed that the health fair revealed issues in some employees' health.

Supervisor Jessie Medlin verified that the county will possibly save \$500,000. The issue has been the balance in our fund.

Sheriff Bill Rasco said he knows that Michael Garriga and Janna Rogers have discussed this issue with him many times. Sheriff Rasco said there is no insurance available for hearing loss. He said there are a lot of people who work for the county who need hearing insurance. Ms. Rogers said that is not something that is standard but we can look at it as an added benefit and see how much it will cost.

Mr. Haynes said there are probably vendors who provide that insurance. Mr. Haynes said they checked with Blue Cross Blue Shield and Humana and neither of those offering hearing loss insurance.

Ms. Rogers said they also talked about occupational hearing testing and there is a cost for that. She said the county would establish a base line and check the employees each year for hearing loss. She said we can look at preventive measures. Perhaps anyone in the field of firearms could be included but many hearing loss issues are hereditary.

Supervisor Thach said he thinks the employees should have to pay individually for that coverage.

Supervisor Russell said it would be the same as vision insurance and he would like to know the cost. Supervisor Russell said he would like to see a survey on how many employees are interested in that type of insurance. He said he would certainly like to look at that benefit as an option that employees can buy.

Ms. Rogers said one of the things we talked about is getting bids on it next year. She said Humana gave us good discounts but it never hurts to make sure we are getting the best deal.

Ms. Rogers suggested that she, Vickie Richmann, the Purchase Clerk and Rex Haynes could work together to send out an RFP to get the best proposals. She said timing is important right now. Humana offered to extend the current coverage for another year on a fixed increase.

Supervisor Medlin suggested starting earlier next year. Ms. Rogers said this year she was approached by a broker who wanted to do business with the county. She said they told the broker to present quotes. Ms. Rogers expressed some concerns with compliance issues under our “before tax” policy. That broker went out to bid for the county. She said they supplied Rex Haynes the same data and told him the county had compliance issues. Ms. Rogers said we have bids from two brokers in addition to a quote on life and disability from a third broker. She clarified that the county did not approach this as a formal bid but it became a somewhat competitive quote situation. That is how we got to this point.

Ms. Rogers directed the Board of Supervisors to page eight of the information which showed 2010 benefit recommendations as follows:

**2010 Benefit Recommendations**

<u>Current Design</u>	<u>Proposed Design</u>	<u>Cost</u>
1) No special provision for allergy shots	\$10 co-pay for allergy shots	\$ 430.00
2) Urgent Care (nonPAR) \$35 co-pay	Apply urgent care to deductible/coinsurance	\$(43,012.00)
3) DME \$3000 calendar max	DME calendar max increase to \$5000	\$ 8,607.00
4) Chiropractic \$1000 calendar year limit	Change chiro visits to 30 visits per calendar year	\$ 6,455.00
5) Therapies at \$1000 calendar year limit speech, \$1000 calendar year limit Occupational and 25 visits for physical therapy	Change all therapies to a combined total of 60	\$ 861.00
6) Mental Health Parity	Mental health as any other illness (federal law)	\$29,692.00
<b>NET COST</b>		<b>\$3,033.00</b>

She said we looked at what we could do with our plan without costing very much. One item the Board addressed last year was applying urgent care to deductibles and co-insurance. Last year we had the \$25/\$35 co-pay on the urgent care facilities. When someone goes to urgent care and that facility is out of network, the charges for the employee would apply to deductible in co-insurance. Currently the fee is \$35 whether it is in network or out of network. This was an oversight. We want the employee to use in network facilities. She said there is one exception which is for babies less than two years old. If we implement the urgent care changes next year, it would save the county \$43,012.

Ms. Rogers discussed the recommendations on page eight. She said the mental health parity is part of a federal guideline. We can exempt ourselves from it but that is not our recommendation. It would be treated like any other illness. This does not include substance abuse. It will cost over \$29,000 and it will cover mental health parity as any other illness.

Supervisor Lewis asked we can effectively communicate this information to the employees. He would like to see us do a better job of communicating the benefits to employees. Ms. Rogers said last year we did education meetings as well as reminders to the employees.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve a 2% increase for medical plan design changes for Humana as recommended and as follows:

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

Ms. Rogers said we were approached by a broker who serves the City of Horn Lake. He asked to quote on the supplemental products. The county pays for life insurance, accidental death and dismemberment and short term disability for employees. Employees have the option to purchase additional policies. AFLAC as served our Section 125 Administrator for several years.

The federal government sets requirements for pre-taxed benefit plans. There are some strings attached to that. There must be an official document and proof that 100% of the employees are aware of the benefits. She said the last document that she has is from 2005 and it is out of date so we are out of compliance. We must clean up Section 125. AFLAC should have done this, but the county never required them to do it. There is also a concern about AFLAC strong-arming the employees. Our employees are taking products they do not understand and may not need. We would like to make a recommendation for a vendor who provides a program that helps educate our employees on their benefits. She said, because our employees have a long standing relationship with AFLAC, we would like to continue offering it as well. Some of our employees do not have bank accounts and the AFLAC premium from their pay check. If we choose Colonial with a suite of products, we can use their enrollment program in addition to better educating the employees and they would work in conjunction with the county. Colonial would meet with employees one on one for the enrollment.

Supervisor Allen Latimer asked whether Rex Haynes provides all of the same options. Ms. Rogers said that Mr. Haynes has all medical, vision and dental and supplemental insurance has been provided by another vendor. If we change supplemental and life insurance to Colonial, they will offer an additional \$50,000 in life insurance for law enforcement. That broker is accustomed to dealing with municipalities.

Supervisor Latimer said if you do more business with one broker, you get a bigger discount.

Supervisor Russell said that Rex Haynes has been with the county a long time, perhaps he should understand that we need these options.

Road Manager Russell Dorris said he would like to consider the Road Department employees to be included in the extra \$50,000 in life insurance as well because some of their jobs are very dangerous.

Ms. Rogers said they specify the extra coverage for public safety officers. She said if the Road Department is considered "safety", then they will be eligible for the additional life insurance.

Ms. Rogers presented an example of what the employees would receive for medical, dental etc. She showed how the employees would understand the deductions from their total compensation.

Supervisor Latimer asked why can't the county HR Department work up the total compensation statement. Ms. Rogers said the process is extremely complex. The plan year is March 1<sup>st</sup> and the county is required to do an enrollment period prior to the plan year in order to make changes in the system. If we start the communication process the second and third week of February, it is pushing to meet the deadline to complete it. The enrollment is a huge job but we think we have the data to complete it. The sooner we get to work the sooner we can accomplish the enrollment.

Supervisor Medlin acknowledged that the savings is noted on the bid tabulation that was presented by Ms. Rogers. Supervisor Medlin said he does not care who we choose as the broker, but he would like to see savings for the county.

Supervisor Latimer asked if \$10,728 is the total savings. Ms. Rogers said yes, if you change to Standard from UNUM.

Ms. Rogers said we discussed the time line with a third vendor. We tried to get the information early from all the vendors, but the only vendor who supplied the information in a timely manner was Colonial. She said we can wait on making a decision about life and disability, but we do need to make a decision on using Colonial.

Supervisor Tommy Lewis said he needs to know who presented the lowest bid. He said he will start receiving calls from the public when he leaves the meeting and he wants to be able to respond to the people who question the Board's decision.

Supervisor Thach said he has been a Supervisor for nineteen years and this is the most information the Board has ever received on this subject.

Supervisor Latimer clarified that Humana can take care of everything as well. Ms. Rogers said yes, but they did not send in a quote.

Supervisor Jessie Medlin made the motion to approve Colonial for supplemental insurance based on the recommendation of Human Resources. After discussing the issue, Supervisor Medlin withdrew his motion.

Ms. Rogers said we must complete our Section 125 documents this week with Colonial in order to follow the guidelines.

Mr. Garriga said one product we have not offered is long term disability. He said we do have long term disability through PERS but changes have been made to PERS and you must be vested. Mr. Garriga said there are employees without income protection when they are not vested.

Ms. Rogers said she would like to recommend employee meetings so they will understand the benefit options available to them. She said we are trying to get a better control on AFLAC.

Chancery Clerk Sluggo Davis asked if Ms. Rogers has talked to AFLAC and she responded no. Ms. Rogers said no, but we are still allowing them in and her concern is the Section 125 compliance.

Supervisor Allen Latimer asked who is responsible for the Section 125 compliance. Ms. Rogers said the county is responsible for that.

Deputy Carl Hurt said he signed up for long term disability with UNUM, but he never heard anything from them. No money was ever deducted from his pay check but he was never officially denied.

Mr. Garriga said he recommends the Board to table the matter until more information can be provided.

Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to carry the item over until February 1, 2010. 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.7**

**8. Regional Mental Health Proposal**

County Administrator Michael Garriga presented a letter of commitment from Region IV Mental Health. He said the level of care they provide is significantly better than our current region. Mr. Garriga said he asked Mr. Nowak to review all applicable statutes. He verified that changing mental health regions is something the Board has discretion to do. He said he thinks the Board will see a serious commitment from these people.

Supervisor Latimer said this letter is mainly dealing with children. Mr. Garriga said they have met with Superintendent of Education Kuykendall. He said they will start working with the schools when they are here.

Supervisor Latimer asked, since the schools will be involved, should he recuse himself. Mr. Nowak verified there is no conflict and it is not necessary for Supervisor Latimer to recuse.

Supervisor Medlin asked if they will work on the Adolescent Offender Program. Mr. Garriga said yes, they can operate that. They can come in and work with DHS. Supervisor Medlin asked if

they expect the county to furnish them a building. Mr. Garriga said they like to own their own building. Their long-term goal would be to have their own facility.

Supervisor Medlin asked if \$200,000 is our budget now for mental health. Mr. Garriga said the actual budget is \$209,000.

Mr. Nowak said there is an approval process that we would have to go through. He said we have to look at the timing of it. He said we may not be able to move until October.

Supervisor Russell asked if we have a contract with Communicare. Mr. Garriga said no. They operate under a board of directors. They provide their services with funding from the state.

Supervisor Medlin said, since this region relies on Medicaid, he would hate to change and have the state cut Medicaid. He said he recognizes that is a chance we take.

Supervisor Latimer said, if we do provide them a location for a starting point, will they pay utilities. Mr. Garriga said he feels sure that would be worked out.

Supervisor Russell said, if this move is approved, he has asked Mr. Garriga to talk to Region II.

Supervisor Lewis said it is unclear how they plan to operate.

Mr. Nowak said, at some point, the Board should adopt a resolution to withdraw from one region and join the other.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up a resolution for the county to move from Region II Mental Health and join Region IV Mental Health and for the County Administrator to contact Region II about the county intentions. 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.8

**9. Dept. of Road Management: Approve 4-Year Road Plan**

Road Manager Russell Dorris said the Four Year Road Plan must be approved every year by February 1. Mr. Dorris said, since last approval, we have added new items and removed 2009 work. He said the Board can amend and change the document as needed.

Supervisor Russell said he has had a request from Horn Lake and Southaven for two years for the county to overlay some roads. He asked how the Board feels about sharing the cost with the cities. One is a section of Tulane. The other is near a business on Stateline Road in Southaven. He said he tried to get the company to participate last year, but they would not.

Supervisor Thach asked if there is money in our budget. Mr. Dorris said it will be hard to find the money. He said we can tighten down, but the road budget is already cut. Supervisor Thach asked how the projects on the list are identified. Mr. Dorris said the projects are based on need and road condition.

Supervisor Russell said Horn Lake has asked for the county to overlay the Holly Hill Subdivision.

Supervisor Thach asked what the Road Manager recommends. Mr. Dorris said he stayed in the unincorporated area of the county when looking at roads. He said, if the cities don't do maintenance, it will cost much more later. He said the county has helped all of the cities from time to time.

Supervisor Russell said this business provides jobs and tax revenue.

Mr. Dorris suggested starting the overlay and finding out how budget is effected by fuel adjustment and over and under runs. He said the projects are estimated at \$78 per ton.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Four Year Road Plan as presented. 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 Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to go out to bid for overlay of county roads. 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.9

**G. EXECUTIVE SESSION**

Supervisor made the motion and Supervisor seconded the motion to adjourn the meeting until February 4, 2010, 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

**H. OTHER ISSUES**

**1. Bonds – Continuing Disclosure Report**

At the recommendation of the Board Attorney, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to authorize the Butler Snow Law Firm to prepare the continuing disclosure report for the county under the terms agreed to in Exhibit H.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-----YES  
 Supervisor Tommy Lewis-----YES

**2. ARRA – HIPPA**

At the recommendation of the Board Attorney, Supervisor Jessie Medlin made the motion to motion to approve the addendums to the two agreements the County has with Baptist DeSoto, subject to the Board Attorney’s review and approval, and authorized the Smith, Phillips, Scott & Nowak Law Firm to review the agreements. 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. Starlanding Overpass – Rosenblum**

Supervisor Allen Latimer asked how we get a finding of fact that the railroad construction project caused the dust in the Rosenblum’s house so the county can clean the dust from the house. He said the doctor has said the dust was a source of the Rosenblum’s health issues. Mr. Nowak said it is difficult to determine where the dust came from. Supervisor Latimer asked if the doctor should send a statement. Mr. Nowak said that would be a start.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to adjourn the meeting until February 1, 2010 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 19<sup>th</sup> day of January, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Bill Russell, President  
 DeSoto County Board of Supervisors