

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

January 4, 2011

A. CALL TO ORDER

The January 4, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

Supervisor 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. APPROVAL OF DECEMBER MINUTES

The official minutes of the Board of Supervisors were read for the month of December, 2010. Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to accept the minutes of the Board of Supervisors for December, 2010 and as presented this date with changes previously submitted pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated. 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. CONSENT

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

Supervisor Bill Russell said health claim fees appear to be higher and asked if there had been an increase. He asked if the cost is based on the number of claims.

County Administrator Michael Garriga said health claim fees are based on the number of participants and not the number of claims. The number of participants includes the employee, spouse and dependants. Mr. Garriga said there was a 3% increase in March. There was an increase in one area and a decrease in another area for the coming year, so the costs should be about the same.

Supervisor Russell said it appears that there was a considerable discrepancy in the budget. Mr. Garriga said there should have been a budget adjustment in March and it was not done until October. He said we missed our budget estimate considerably in 2010. He said the budget should be sufficient going forward.

Supervisor Russell asked if talks have begun with the healthcare providers. Mr. Garriga said the provider was here last month.

Supervisor Jessie Medlin asked if the re-insurance decreased. Mr. Garriga said there is a 3%-5% cap. There has been no increase since March 1.

Supervisor Allen Latimer asked Mr. Garriga to explain vision coverage.

Mr. Garriga said administration cost for vision care coverage changed to Humana two years ago. Before that change, the cost was paid from a different fund. Mr. Garriga said vision care now appears in the Humana budget line since they now provide vision care and it appears that there was a cost increase.

Supervisor Medlin verified that the overall costs decreased but because vision is being paid out of the same fund now, it appears to be more. Mr. Garriga said confirmed.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda as follows:

1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of December and paid to Humana:				
Funding Request	Date Paid	Amount	Claim Type	
Date				
12/1/10	12/1/10	\$74,415.00	Administration Fees	
11/29/10	12/1/10	\$63,836.67	Medical	
11/29/10	12/1/10	\$2,483.80	Dental	
11/29/10	12/1/10	\$10,207.03	Pharmacy	
12/6/10	12/7/10	\$28,803.50	Medical	
12/6/10	12/7/10	\$5,057.00	Dental	
12/6/10	12/7/10	\$14,698.77	Pharmacy	
12/14/10	12/20/10	\$41,658.62	Medical	
12/14/10	12/20/10	\$5,454.05	Dental	
12/14/10	12/20/10	\$15,701.56	Pharmacy	
12/20/10	12/21/10	\$87,176.47	Medical	
12/20/10	12/21/10	\$3,885.57	Dental	
12/20/10	12/21/10	\$13,650.45	Pharmacy	
12/27/10	12/28/10	\$58,201.43	Medical	
12/27/10	12/28/10	\$4,585.35	Dental	
12/27/10	12/28/10	\$18,716.64	Pharmacy	
	TOTAL	\$448,531.91		

2. Justice Court Report

Criminal Cases Filed 107

Civil Cases Filed	608
Traffic Tickets Filed	640
Total Cases Filed	1,355
State Assessments	\$64,272.12
County General Fund	\$101400.98
Total Collections	\$165,673.10

3. Bailiff Pay- none

4. Publication of Board Proceedings

5. Finance & Accounting

a. Budget Amendments – Detailed in Exhibit E

b. Mileage Increase- Effective January 1, 2011-U.S. General Services Administration has increased the privately owned automobile reimbursement rate from 50 cents per mile to 51 cents per mile.

c. Quarterly Budget Allocations

January 4, 2011

QUARTERLY BUDGET ALLOCATIONS

For Quarter Ending March 31, 2011

TAX ASSESSOR:

Department 103.....\$318,956.42

TAX COLLECTOR:

Department 104.....\$335,619.59

SHERIFF:

Department 200 (Sheriff Administration).....\$ 264,784.50
Department 201 (Aviation).....\$ 59,105.67
Department 202 (Patrol/Law Enforcement).....\$ 2,444,974.84
Department 210 (Highway Safety Grant).....\$ 45,831.25
Department 220 (Custody of Prisoners).....\$ 980,262.34
Department 222 (Prisoners' Medical Expense) \$ 314,366.09
Department 223 (Juvenile Detention).....\$ 249,950.84
Department 225 (Rescue Unit).....\$ 6,840.50
TOTAL.....\$4,366,116.03

d. Contract Hasler Postage Machine-Memphis Communication Corp.-\$335 / 63 month lease

e. Surety Bonds-Check Number 059586 Amount \$340.00
 Two bonds to pay for two deputy collectors

5. Department of Road Management

a. Road Report and Work Schedule

b. Road Bond Report

6. Homestead Exemption: Deletion-Haynes, Leslie D., 9203 Pimlico Dr. Southaven, MS
 Parcel # 1084 1702 8.00-H/S to be removed from roll

The motion passed by a vote as follows:

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

See Exhibit E

F. OLD BUSINESS

1. Feed DeSoto Proclamation

Vanessa Lynchard reminded the Board that last month a representative from Feed DeSoto appeared before the Board requesting a proclamation to declare January 17th through January 23rd, 2011 as Feed DeSoto Week. Vanessa said the Board asked her to bring the proclamation to this Board meeting.

Supervisor Bill Russell asked if anyone has looked into setting up the donation boxes. Vanessa said the group from the project will set up the donation boxes, pick them up and then distribute the donations.

Supervisor Russell asked if the county can help by putting boxes in the buildings they are not able too. County Administrator Michael Garriga said definitely. He said the cities are working with them as well.

Supervisor Jessie Medlin said he would like to see signs placed on the county building doors.

Supervisor Russell said the information needs to be passed on to the newspapers.

No action was necessary on this item.

See Exhibit F.1

G. NEW BUSINESS

1. Organization of the Board & Appointments

Supervisor Bill Russell asked if the Board has looked at the appointments for next year and if there were any comments.

Sheriff Bill Rasco said the E-911 Commission has a replacement for Kinsey Wilhite and it needs to be changed to Jerry McCarson.

Allen Latimer said there is a new nominee for Fire Commissioner in Eudora.

Supervisor Jessie Medlin asked if the appointment could be carried over to Wednesday.

Supervisor Russell said Mr. McCarson needs to be added and there are others in Horn Lake that need to be looked at.

Supervisor Eugene Thach asked if Bill Dahl accepted the reappointment to the E-911 Commission. Vanessa Lynchard said, according to the E-911 Commission, yes.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to accept the reappointment of Bill Dahl to the E-911 Commission. 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 Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to appoint Melissa Storey to the Eudora Fire Protection District. 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 Tommy Lewis said he needs to check with the Lewisburg Fire Department and would like to carry the appointment over until Wednesday.

Supervisor Bill Russell said he has enjoyed being President of the Board of Supervisors for 2011. He said the Board of Supervisors accomplished a lot this year and he appreciated their support.

Supervisor Eugene Thach said he appreciated Supervisor Russell's hard work this year. He said this is his twentieth year on the Board of Supervisors and it has always been the process to rotate Board members as Board President.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to nominate Supervisor Allen Latimer as Board President and Supervisor Tommy Lewis as Board Vice President for the year 2011. 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 Latimer thanked Mr. Russell for the good job he performed while he served as Board President. Supervisor Latimer thanked the Board members and said he will need their help during the upcoming year.

See Exhibit G.1

2. Finance & Accounting

a. MS Coroner Medical Association: Late Bill

Chief Financial Officer Tom Arnold said County Coroner Jeffrey Pounders and Assistant Coroner Billy Baldwin requested payment of tuition registration to attend the Winter Conference of the MS Coroner Medical Examiner Association in the amount of \$350 each.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve writing a check in the amount of \$700 for registration fees for County Coroner Jeffrey Pounders and Assistant Coroner Billy Baldwin to attend the Winter Conference of the MS Coroner Medical Examiner Association. 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.2.a

b. 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 asked that about the payment to BNA Bank. Vanessa said that fee is for copiers for Circuit Court. They have copiers located in two to three places under this payment.

Supervisor Bill Russell asked that we remember to pay the lease on the property belonging to Tom Johnson in Lake Cormorant. There was no update.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer. 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.2.b

3. Road: Fairview West

Supervisor Jessie Medlin said he talked to Road Manager Russell Dorris about a sign located on Fairview West Road in Olive Branch. He said there is a sign that says private road and it should not be there.

Road Manager Russell Dorris said that sign had been placed there recently. The road was originally left off of the official map and road register. He said they would take the measurements and add it to the road register and bring it back to the Board.

Supervisor Medlin said he wanted to make sure it is correct because the interstate will be going through that area and those property owners should not get cut off from their property.

Mr. Dorris said he would bring it to the Board meeting the middle of the month.

4. Dean Road Property: Usage of Open Space

Supervisor Allen Latimer asked for an update regarding leasing county property that is designated for open space in the grant agreement. He said there is a gentleman interested in using it for gardening and pasture.

Board Attorney Tony Nowak said he has been working with Grants Administrator Joyce Herring about deed restrictions on the property. He said the property must remain open which includes parks, wetlands, unimproved parking lots etc. If the Board wishes to consider allowing the property to be used by private individuals, the next step for the Board is to declare the property surplus and open bids to the public. He also noted that FEMA would have to approve any intended use as well before it could be allowed.

Supervisor Latimer thanked Mr. Nowak. He said this gentleman wants to use the property strictly for personal use and asked if the Board wants to consider renting the property.

Supervisor Jessie Medlin said there is no problem with not doing anything to the property and just let it sit there.

Supervisor Bill Russell said he is concerned there will be requests to rent other properties and this will set precedence.

Supervisor Medlin said it has to be declared surplus first.

Sheriff Bill Rasco said he is concerned that someone will be hurt on the property and hold the county responsible.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to deny the request to declare the Dean Road property surplus to deny rental of the property. The motion passed by a vote as follows:

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

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. Redistricting Update

Supervisor Bill Russell asked the state of moving the deadline for redistricting.

County Administrator Michael Garriga said he spoke to the Board Attorney and they investigated the issues. Mr. Garriga said the local and private is not an option for all cities. Mr. Garriga said the request previously directed by the Board of Supervisors was sent to the delegation by email and a formal letter following week. Mr. Garriga said he talked to Senator Davis and they will explore the options. He said there has been no response yet.

Supervisor Bill Russell said that David Gibbs, House of Representatives Chairman of County Affairs knows about this issue. Supervisor Russell said he is also trying to set up a meeting with the Chairman of County Affairs in the Senate to talk about redistricting and drainage concerns in conversations with the legislators at the MAS meeting.

Road Manger Russell Dorris said he would like to attend MAS too. The Board agreed.

2. Crystal Ball

Supervisor Bill Russell said the tickets for the Crystal ball are \$125 each and he hopes the Board members will attend. He said he could coordinate the tickets and seating if the Board wishes him to do that.

3. District Five Park Fund

Supervisor Tommy Lewis said it has been customary every year support the Hernando Youth Sports. He said it provides baseball, football and several other sports for the youth in Hernando.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to allocate \$25,000 from the District Five Park fund to the Hernando Youth Sports. 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

4. Citizen Comments-Redistricting

Kelly Jacobson said she was at the meeting to get the status of the letter and the redistricting meetings. Ms. Jacobson said it was her understanding with the size population of DeSoto County they were obligated to hire an additional judge and constable.

County Administrator Michael Garriga said they have released certain data but the states overall population is not sure yet. Mr. Garriga said the county has not received the block level data so they cannot prepare a redistricting plan until it is received.

Ms. Jacobson said now we know we will have five constables and five judges and she does not know if that initiates the process.

Supervisor Bill Russell said he was told that the data must be sent to Department of Justice to get their response.

Mr. Garriga said the Department of Justice has to approve the data.

Board Attorney Tony Nowak said the information received is not at block level, therefore nothing can be done until it is received. He explained that the statute requiring the additional justice court judge and constable specifically reads that the population must be established by the decennial census. Thus, until the decennial census data is released on the county level, it is not possible to redistrict for these positions. Further, the new positions once shown to be required, have to go through the redistricting process require drawing new plans, submitting to DOJ etc. and that likely cannot be done before March 1 qualifying deadlines.

Ms. Jacobson said she thought the statistics based on the census population of 150,000 or more. She asked if they still waiting for the final numbers to come in. She said some numbers were released in 2009. Mr. Garriga said those were not at the block level.

Mr. Garriga said once the threshold is met there will not be another district.

Mr. Nowak agreed, unless they change the statute.

Ms. Jacobson asked if the proposed redistricting plan is being considered. Mr. Garriga said until all the data is received at the block level, they do not know. They will consider the plan.

Supervisor Allen Latimer said the Board has been straight with the citizens and kept them informed.

Ms. Jacobson thanked the Board.

5. Roads: Share Agreement with City of Southaven for Getwell Road from Starlanding Road to Church Road

Board Attorney Tony Nowak said at the last meeting the Board asked him to research for a sharing agreement between DeSoto County and the City of Southaven for work on Starlanding Road to Church Road. Mr. Nowak said he went through all of the old files and found no cost share agreement for that project.

6. State Aid Engineer: Request for Qualifications

Board Attorney Tony Nowak updated the Board of Supervisors regarding the request for qualifications for hiring a State Aid Engineer. Mr. Nowak said he has been working with Road Manager Russell Dorris and they are ready to publish the request for qualifications.

Supervisor Jessie Medlin asked Mr. Nowak if he had the paperwork for the Board to review. Mr. Nowak said he will bring it to the Board meeting tomorrow.

Road Manager Russell Dorris said it is a standard RFQ and meets the standards of State Aid.

Supervisor Bill Russell asked if this position can be handled in-house.

Mr. Nowak said legally it can be handled in-house.

Mr. Dorris said County Engineer is too busy to handle both areas and Mr. Swims time already has a full schedule of work. He said will cost the same whether it is done in-house or not.

7. Law Library

Attorney Bill Ballard appeared before the Board of Supervisors to give an update regarding the Law Library. Mr. Ballard said the building was updated in the 1970's with new carpet and other cosmetic improvements. The Law Library has moved several times and has a mixed history of success. Mr. Ballard said the way research is done has changed drastically. Information can be researched from a desk and almost anything can be found with a computer.

Mr. Ballard said students, retired citizens and others continue to use the Law Library. The library has periodicals and other documented resources that are not always available on the computer. Mr. Ballard said he did not know what it would take to get the library current to 2011, but he could like time to come up with suggestions and figures. He said he does not want to get into a spending project, but he thinks it is more than just buying books. He would like to modernize the Law Library to make it more useful.

Supervisor Jessie Medlin asked who sets fees to fund the library. Chancery Clerk Sluggo Davis said the statute sets the fees.

Supervisor Bill Russell asked Board Attorney Tony Nowak if he and his colleagues use the Law Library. Mr. Nowak said not often. He said 90% – 95% of their research is done online. Mr. Nowak said people who are representing themselves do use the library.

Mr. Ballard said he is interested in overseeing the Law Library and getting it up to date. He assured the Board and everyone else that he is only interested in the library being an asset to the County. Mr. Ballard assured everyone that the fact he is a lawyer, he would not cross any lines. He said he would like the hours of accessibility to be posted instead of having a note that says see the administrative receptionist. Mr. Ballard said he could oversee the library for a few hours weekly at a monthly salary of \$1,600 to \$1,800. Mr. Ballard said he would like to work on a recommendation to present to the Board.

Supervisor Eugene Thach said he appreciated Mr. Ballard's interest in the Law Library. He asked Mr. Ballard to work on the recommendation with the Board Attorney and the County Administrator and for them to get feedback from people who may use the library. Mr. Nowak said they can get feedback from the DeSoto bar association, DeSoto County Judges and others.

Mr. Garriga said there has been a lot of discussion on whether to keep the Law Library open. The position at the library has been part time and when it was vacated in October, it was not filled. He said with the new energy plan, there may have been the necessity to move the library so the space could be used for equipment. Mr. Garriga said there is a revenue stream for the library and there is a group of individuals who have been talking about taking it to another level.

Supervisor Russell asked why the Law Library cannot be housed at the public library. Mr. Garriga said that is allowable and the county can give resources to the public library. Supervisor Russell asked what the county funding pays for. Vanessa Lynchard said it is an expense of \$50,000 annually. It is for the materials, building and salary.

Supervisor Russell asked if the county can speak to the library and transfer the money to them. He said they are fully staffed and everyone knows where it is located and it will be accessible during the public library hours.

Supervisor Jessie Medlin asked if the prisoners have access to the Law Library. Sheriff Bill Rasco said no. The Sheriff's office provides books for the prisoners.

Supervisor Medlin asked how many hours per week that someone opened the library and worked

there and the pay per hour. Vanessa said it was open 20 hours per week and the pay was \$8.00 per hour.

Supervisor Allen Latimer asked if the code books were also available online. Mr. Nowak said there are some available online generally and some require subscriptions for code books. Supervisor Latimer asked if the average citizen has access to most material through a computer. Mr. Nowak said, generally speaking, the code is there.

Supervisor Latimer asked if there is a need by the community for the Law Library. Mr. Ballard said yes. He said it helps the public, it helps educated students, it is a place for retirees to get answers to their questions and he said he also thinks it has a place for attorneys.

Supervisor Russell said he really appreciated Mr. Ballard's interest. He asked if he understood Mr. Ballard will be available to work in the Law Library and to help people. He said if the Law Library is moved to the public library, they could refer people to a Law Library volunteer or someone like Mr. Ballard.

Mr. Ballard said his preference is for the Law Library to be housed in its' own building, but if the Board wants it housed in the public library he will cooperate with the Board. He said he sees opportunities for students, teachers and the public. He would like it to be in a more feasible location at its' own location.

Supervisor Latimer said with money tighter they need to consider all the options before making a decision.

Mr. Ballard said he wanted to emphasize there is already a cash flow in place and it is not like when you have to try and find money.

Supervisor Latimer clarified that Mr. Ballard would work at the library for a certain number of hours and be paid \$1,600 to \$1,800 per month. Mr. Ballard said that is correct.

Supervisor Latimer clarified that Mr. Nowak and Mr. Garriga would research and report back to the Board. Mr. Garriga said that is correct. He said they will ideas from everyone who may be involved in using the Law Library and come back to the Board.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak LLP to work with the County Administrator to research options for the Law Library and bring recommendations to the Board of Supervisors. 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 Tommy Lewis seconded the motion to recess the meeting until January 5, 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 4th day of January, 2011, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors