

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

July 5, 2011

A. CALL TO ORDER

The July 5, 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
- Jody Neyman -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. 9:00 a.m. TAX ASSESSOR – PRESENTATION OF TAX ROLLS

DeSoto County Tax Assessor Parker Pickle presented the total assessed values for DeSoto County as of July 5, 2011 as follows:

	Total Assessed Value
	July 5, 2011
	July Re-Cap
<u>Full County Taxes</u>	
Real	1,064,991,880
Personal	196,356,425
Public Utilities	32,056,064
Mobile Homes	1,180,601
Automobiles	<u>212,706,931</u>
Total	1,507,291,901
<u>School Tax Only</u>	
Real	52,609,180
Personal	<u>9,818,077</u>
Total For Schools	62,427,257
<u>Fee in Lieu Value</u>	
Real	0
Personal	<u>0</u>
Total	0
Total Assessed Value	1,569,719,158
Total Assessed Value 2011	1,569,719,158
Total Assessed Value 2010	<u>1,554,528,082</u>
Increase	15,191,076
.977% Increase	

**Total Appraised Value
July 5, 2011**

Real Property	9,483,232,483
Personal Property	1,374,495,129
Public Utilities	106,853,546
Mobile Homes	7,870,641
Automobiles	<u>709,002,989</u>
Total Appraised Value	11,681,454,788

<u>Fee In Lieu</u>	
Real	0
Personal	<u>0</u>
Total	0

2011 Total Appraised Value	11,681,454,788
2010 Total Appraised Value	<u>11,545,450,241</u>
Increase	136,004,547

1.177% Increase

Mr. Pickle said he was happy to report the County had a 1% increase in assessed values in 2011. Mr. Pickle said the total assessed value in 2011 was \$1,569,719,158. The total assessed value in 2010 was \$1,554,528,082. This is an increase of \$15,191,076, which indicates specifically a .977% increase.

Mr. Pickle noted there is no fee in lieu of payments due this year. He said that item was moved into taxable property and represents almost a \$90,000,000 increase in real property.

Mr. Pickle referred to the total appraised value of \$11,681,454,788 for 2011. The 2010 appraised value was \$11,545,450,241 for an increase in 2011 of \$136,004,547, which represents a 1.177% increase in appraised value.

Supervisor Eugene Thach said it is good to live in DeSoto County. Mr. Pickle said yes, many counties are seeing decreases in their assessments.

This day came on to be considered by the Board of Supervisors of DeSoto County, Mississippi, the matter of equalizing assessments of real and personal property for the year 2011, and the Board affirmatively finds and adjudicates that Parker Pickle, Tax Assessor of DeSoto County, has completed and filed the 2011 real and personal assessment rolls of DeSoto County, Mississippi, and in accordance with the provisions of Section 27-35-81, Mississippi Code 1972, has delivered said rolls in legal form to the Clerk of the Board of Supervisors of this county on or before the First Monday of July 2011, and that said Assessor has made and appended to said real and personal rolls the affidavit in the form and as provided by law.

NOW THEREFORE, it is ordered that this Board of Supervisors will immediately at its July 5, 2011 meeting proceed to equalize such rolls and will cause to be assessed any person, or thing, found to be omitted, and correctly value any property found to be undervalued, and do all things required by Section 27-35-87, Code of 1972, and other laws, and cause all corrections to be made in the said rolls, and will complete such equalization at least ten (10) days before the August, 2011 meeting, and upon adjournment will immediately by newspaper publication notify the public that such rolls so equalized are ready and open for inspection and examination.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to accept the preliminary tax rolls for Real & Personal Property Assessments for DeSoto County for the 2011 tax year as presented by Tax Assessor Parker Pickle and to instruct notification be given to the public that the tax rolls are available and on display for review as required by the Mississippi Code. 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. CITIZEN REMARKS

1. United Way

Fred Ashwell of United Way appeared before the Board of Supervisors to thank them for their support of the United Way campaign in DeSoto County last year. Mr. Ashwell said they are working with child abuse agencies and a regional agency to distribute money throughout Desoto County.

Mr. Ashwell presented a plaque to the Board of Supervisors and thanked them for their participation in United Way.

Supervisor Allen Latimer asked if there was anyone else present who wished to address the Board of Supervisors.

2. Jail Construction Bids

Mr. James Weifenbach came forward to discuss the jail construction bid. Mr. Weifenbach said he wanted to ask the Board to go to court and get a judge to confirm the legality of the bid awards. Mr. Weifenbach said he went through the paperwork and even the Attorney General opinions confirm his position. He said you could not put a specific requirement on experience. You cannot say how much or little experience a company must have. He said, what is just for some, is not just for others. He said, in a free public meeting, everyone is invited. Mr. Weifenbach stated he feels it is unlawful and unconstitutional to require specific prior experience. He said that is why government has public bidding and not private bidding. He said if the Girl Scouts want to submit a bid, they cannot be turned away. Mr. Weifenbach said the statute regarding experience says you can take all bids and put them in different categories and focus on the category you need. When you reject someone out of the process, that is a problem. He asked what illegal act the two lowest bidders committed that caused their bids to be pulled out of the process. He said just because they did not meet the specifications, which are unconstitutional, they cannot be denied. Mr. Weifenbach said he sees two unconstitutional violations. He said if you sign a contract, they do have reason for a lawsuit. He said this County is already tight on cash and he asked where the County would get another \$3 million for these lawsuits. He said it is ridiculous how stubborn people can be. Mr. Weifenbach said when he read the AG opinion it referred back to the ruling of a judge in 1982 or 1983. He said that ruling was the same as what he is now saying. He said the contractor without experience was skipped over, and that is not right. Mr. Weifenbach said that is like saying if someone is handicapped, they cannot play on a ballfield. He said he is asking the Board to go back and correct their mistake and award the bid. He said he does not think the lowest bidder should have gotten it. The lowest one could have been ruled out. The second one must be considered. Mr. Weifenbach asked why Panola Construction did not get the bid. He said it is unconstitutional. He said Panola Construction should have gotten it without a doubt. Mr. Weifenbach said if this goes to court that is how the judge will feel. You cannot put a measure on experience. Mr. Weifenbach said the Supreme Court ruled on that when they ruled on affirmative action. He said you cannot measure experience unless they have done something unlawful. Mr. Weifenbach said you cannot move them aside and the Board must rule that Panola Construction is the lowest bidder. He said this is how it is properly done. He said that does not mean Murphy is ruled out, it just means they do not have experience to build the jail. He said the only thing they would have to fight this is technology. Mr. Weifenbach said Flintco has the experience in technology. They have built high- tech jails. Panola Construction can do that also. If Panola can do the technology, they should have gotten that bid, no doubt about it. Mr. Weifenbach suggested suspending the approval of the contract until the court rules and there is proper clarification. He said the County needs an interpretation by a judge. He said if the County signs the contract the County is looking at \$3 million in lawsuits. He said he knows they will win because of the unconstitutional factor. Mr. Weifenbach said the Board needs to look at this again before signing on the dotted line. After it is signed, it is too late and you have spent \$3 million. It will probably be the easiest money they have made in their life.

Supervisor Latimer thanked Mr. Weifenbach for appearing before the Board and expressing in his opinion.

Supervisor Latimer asked if anyone else had questions or comments for the Board of Supervisors.

Mr. Leon Sherrard of 6200 Malone Road, Olive Branch, came forward. Mr. Sherrard said he has heard a lot of talk about how the Board tries to protect taxpayer's money. He said he doesn't know who drew up the specifications for the jail, but he thinks the Board needs to go back and see if there is a conflict of interest. He said, initially the Board was considering a piece of County property on Starlanding Road. That would have been the best place for the jail and would save money. Instead, the Board asked people who wanted to sell property in the County. There were about eight or nine potential sites and then was narrowed to three sites. Mr. Sherrard said he saw Jamie Harris' name on the list he knew that would be the spot they would choose to build the jail. He said Alcorn County built a jail for \$13 million with 500 beds. The County has a bid for \$13 million for 280 beds. Mr. Sherrard said he hoped voters know what is going on.

Stan Quarles appeared before the Board of Supervisors and asked the Board of Supervisors to think about an issue. Mr. Quarles said DeSoto County is in great shape. He asked why would the County want to give away over one half million dollars when we have good companies here in DeSoto County who could build the jail. He said Murphy Construction doesn't have to know a thing about jail construction because they can hire engineers. Mr. Quarles said he is sure that is what Mr. Murphy would do. He said Mr. Murphy has been here since 1977. He said if we want to help Mr. Murphy, why not take the \$300,000 and give it to him and he can hire an engineer. He said he wants the County to not give away taxpayer money. Mr. Quarles said the only right thing to do is to let Bill Droke, who designed the Los Angeles jail, to work with Mr. Murphy. He said everything would be in code and Mr. Droke would make sure of that. He asked why the County is giving our money to a company that is not located in DeSoto County. Mr. Quarles said we have the best schools and other things, but we have to watch what we are doing. He said Flintco does not have a good track record. He said the County is probably going to get an inferior job.

Supervisor Latimer asked if there were additional questions or comments.

Mr. Sherrard said he would like to say something else. He said when the County hires an architect, it is their job to make sure the contractor is following the plans and specifications. He said, if that is right, what does it matter which construction company builds the jail. The architect is supposed to see to it that it happens.

F. APPROVAL OF JUNE MINUTES

The Board of Supervisors considered the minutes for June as presented.

The official minutes of the Board of Supervisors were read for the month of June 2011. Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to accept the minutes of the Board of Supervisors for June 2011 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-----	NO
Supervisor Eugene C. Thach-----	YES
Supervisor Bill Russell-----	YES
Supervisor Allen Latimer-----	NO
Supervisor Tommy Lewis-----	YES

See Exhibit F

G. CONSENT

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

Supervisor Allen Latimer asked for information regarding the project on Valley Brook.

State Aid Engineer Tracy Huffman said they are in transition from the previous State Aid Engineer and He said State Aid is reviewing the hydraulic structure done by the previous engineer. They should be completed with it soon.

Supervisor Latimer asked if Mr. Huffman can give an estimated timeline for the project. Mr. Huffman said they hope to have it completed by the end of the year. Mr. Huffman said he still has to do the drawings and that is contingent upon completion of the review of the hydraulic structure by State Aid.

Supervisor Latimer asked for an update on County health insurance claims. County Administrator Michael Garriga said the cash balance is up. He said the cash balance goes up depending on when deposits are made into the account. Therefore, a positive balance is not always indicative of a positive change in the line.

Supervisor Jessie Medlin said health claims are up and he agreed that the cash balance is up. Mr. Garriga said if you consider some of the changes the Board made in the insurance program, those changes could result in overall changes of the cash balance of the program.

Supervisor Jessie Medlin 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 June and paid to Humana:

Funding Request	Date Paid	Amount	Claim Type
Date			
6/1/11	6/2/11	\$76,183.71	Administration Fees
5/31/11	6/1/11	\$77,520.88	Medical
5/31/11	6/1/11	\$7,367.55	Dental
5/31/11	6/1/11	\$12,805.74	Pharmacy
6/6/11	6/7/11	\$44,446.44	Medical
6/6/11	6/7/11	\$5,962.75	Dental
6/6/11	6/7/11	\$11,822.39	Pharmacy
6/13/11	6/14/11	\$27,579.14	Medical
6/13/11	6/14/11	\$7,625.00	Dental
6/13/11	6/14/11	\$12,809.08	Pharmacy
6/20/11	6/21/11	\$23,659.39	Medical
6/20/11	6/21/11	\$4,973.05	Dental
6/20/11	6/21/11	\$14,139.76	Pharmacy
6/27/11	6/28/11	\$49,031.58	Medical
6/27/11	6/28/11	\$3,954.40	Dental
6/27/11	6/28/11	\$12,863.96	Pharmacy
	TOTAL	\$392,744.82	

2. Justice Court Report

Criminal Cases Filed	113
Civil Cases Filed	558
Traffic Tickets Filed	741
Total Cases Filed	1,412
State Assessments	\$53,157.94
County General Fund	\$97,167.61
Total Collections	\$150,325.55

3. Bailiff Pay - Liz Medlin - \$190.00

4. Publication of Board Proceedings

5. Office of Finance & Accounting

a. Budget Amendments-Detailed in Exhibit F

b. Quarterly Budget Allocations -

July 5, 2011

QUARTERLY BUDGET ALLOCATIONS

For Quarter Ending September 30, 2011

TAX ASSESSOR:

Department 103.....\$318,509.91

TAX COLLECTOR:

Department 104.....\$335,203.58

SHERIFF:

Department 200 (Sheriff Administration).....\$ 306,418.50
Department 201 (Aviation).....\$ 9,920.16
Department 202 (Patrol/Law Enforcement).....\$ 2,360,569.83
Department 210 (Highway Safety Grant).....\$ 48,131.25
Department 220 (Custody of Prisoners).....\$ 921,477.83
Department 222 (Prisoners' Medical Expense)\$ 414,725.58
Department 223 (Juvenile Detention).....\$ 222,368.83
Department 225 (Rescue Unit).....\$ 6,840.50
TOTAL.....\$ 4,340,452.48

6. Department of Road Management

a. Road Report

b. Work Schedule

c. Road Bond Report

7. Chancery Clerk Allowance - \$1,750.00

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

H. OLD BUSINESS

1. Jail Construction Contract

County Administrator Michael Garriga presented the jail construction contract and said it is ready for execution upon approval by the Board of Supervisors.

Supervisor Jessie Medlin said he was reviewing the contract and saw information about immigration status. Supervisor Medlin asked for an explanation from the board attorney. Board Attorney Tony Nowak said that means the contractor's employees have to have the authority to be in the United States and working.

Mr. Garriga said that Mike Childress of Evans, Taylor, Foster, Childress Architect is here to answer questions the Board may have.

Supervisor Latimer said Mr. Weifenbach told the Board of Supervisors that the court should decide the matter. He asked the result of waiting for court action before signing the contract.

Mr. Nowak said there are a number of issues that would arise by waiting due to the number of days the bid specifications allowed from the time of the award of the bid to the time the of signing of the contract.

Supervisor Latimer said that Mr. Leon made a good point. Supervisor Latimer said he did not believe there was anything illegal going on with the bid process. However, perception carries a lot of weight. Everything he has seen says it was handled correctly.

Supervisor Bill Russell said that perception seems to be only from the people attending the Board

meeting. Supervisor Russell said what he hears from people is their perception. They understand the Board's position when they understand all the facts. The Board of Supervisors has a moral obligation to protect the citizens hard earned dollars. Supervisor Russell said according to the architect and the board attorney, the Board of Supervisors had the right to request experience. He said everyone had the right to question the request for experience before the bids were opened. Supervisor Russell said although there were a lot of questions about the bid specifications, no one asked questions about the request for experience. Supervisor Russell said he has heard excuse after excuse about why it happened this way. He said the Board of Supervisors is obligated to go with the lowest and best bid. He said if the bid is too high, it does not qualify. If we were to accept a bid from unqualified bidders the County would be subject to lawsuits that he knew would be lost by the County. Supervisor Russell said everything the County has done has been ethical and moral.

Supervisor Tommy Lewis said he would like to echo some of Supervisor Russell's comments. In addition, Supervisor Lewis said, if the question of experience had been brought to the attention of the Procurement Director, there is a possibility this Board could have considered changing the requirement. Supervisor Lewis said evidently no one questioned Procurement about it. He said it appears the County will be sued either way and the Board must proceed in the way that follows the law.

Supervisor Eugene Thach said the Board works through committees. Supervisor Thach said the jail committee consisted of two Board members and the County Administrator who worked with others. He said the other three Board members could not be on the jail committee and were not involved with the decisions. Supervisor Thach said, if the other Board members feel like a committee is right, they support their decision. Supervisor Thach said he does not like to pay extra money to do this jail. It seems the contractor had an opportunity to look at that bid before it was submitted to question any specifications in the bid. The jail committee decided that experience in building a jail is necessary and it is legal for them to require experience. Supervisor Thach said it is hard for him in this situation, because he is very conservative. He said he would like the people to support the Board's decision. Supervisor Thach said, "Believe me, there is nothing behind the committee's intent to ask for experience and nothing illegal went on". Supervisor Thach said he would vote for the contract even though he did not like it 100%. He said he feels like the committee did a good job and he did not believe there were any kickbacks or anything like that associated with the bid. He said if it goes to court, then the matter could be heard there.

Supervisor Latimer said he hates the fact that people think this is not on the up and up. He said everything he has seen has been on the up and up. Supervisor Latimer said he wished the Board had a local company to select for the project, but he understood the County must go by the specifications.

Supervisor Jessie Medlin said he has been a Board member for 20 years and there has never been any money offered to him. Supervisor Medlin said he would vote against the contract but not because of any issue with the bid process. He said his dissenting vote is stems from his disapproval of the jail road that was built when the County will have to build an additional road later.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the contract with Flintco, LLC for construction of the DeSoto County jail as described in Exhibit H.1 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

See Exhibit H.1

I. NEW BUSINESS

1. City of Hernando Request: Oak Grove Road Drainage

DeSoto County Drainage Inspector, Michael Kennedy, said the City of Hernando is requesting the

County's assistance to alleviate a drainage problem across the road from Oak Manor subdivision, west of Hernando. He said the problem area is located across the street from the Foglesong property.

Supervisor Allen Latimer asked if the Foglesong property is the one before the Board last year regarding a drainage issue. Mr. Kennedy said yes, and it was a drainage problem. He said the City of Hernando wants the County to do road ditching at 1980 Oak Grove Road, but it could affect the Foglesong property. Mr. Kennedy said the drainage could not be resolved with an open ditch since the water that is being diverted may flow to an area that is not capable of handling the flow.

Supervisor Latimer asked if it would hurt the Foglesong property. Mr. Kennedy said, if the pipe is increased, it should not have an effect on the Foglesong property. It is possible it would hurt the water flow on his property. Mr. Kennedy said the city is requesting the County build a pipe.

City of Hernando Engineer, Joe Frank Lauderdale, said it could affect the Foglesong property.

Supervisor Jessie Medlin said Mr. Kennedy said this would affect the Foglesong property. He said he did not want to vote for something that would put more water on that property.

DeSoto County Engineer Andy Swims said Mr. Lauderdale is correct. Mr. Swims noted the water problem that Mr. Foglesong had previously presented to the Board was not the same as the situation that we are discussing now. Mr. Swims said they were talking about the water that turns and goes south along the right of way. It is the same drainage basin but it is along Oak Grove Road. The pipe would be one size larger than the one currently under Oak Grove Road. It is a public street. He said there is too much water in Oak Grove Manor. They have looked at this place for a couple of years and they have considered the road ditch to carry the water to a different drainage basin. He said all of the water aligns in the same ditch now.

Supervisor Latimer asked if the water would back up onto the Foglesong property. Mr. Swims said if they increase the size of the pipe, it would take care of it. The water would travel across from his property to the ditch and on to the pipe. He said they ditch part of it and the other part will be in a structure.

Supervisor Latimer asked how much this will cost. Mr. Kennedy said the structure under Oak Grove Road would be approximately \$9,200, the pipe work \$17,000 and \$10,000 for ditch work for a total of approximately \$36,200.

Supervisor Eugene Thach if the City of Hernando will help pay for the work. Mr. Kennedy said no, they have not offered to do so.

Supervisor Bill Russell said the next time that Mr. Kennedy comes to discuss the issue to please bring drawings so the Board can get a better understanding of the situation.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until July 18, to give the Board time to study the situation and contingent on the City of Hernando participating in the funding of the work. 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 I.1

2. Planning Department: I-69/269 Corridor Steering Committee Update

Planning Director Jim McDougal said last Thursday the County had a regular Planning Commission meeting. He said the meetings now start at 6:30 p.m. instead of 7:00 p.m. He said that meeting lasted until 10:15 p.m. He said they are getting into the planning process for I-269 and

people are very excited. They accomplished a lot of good work.

Mr. McDougal said at the July meeting they would complete the vision process and start the scenario phase.

Supervisor Bill Russell asked if the citizens have an opportunity to participate. Mr. McDougal said yes. The next meeting will include citizens from the open house, city agencies and others.

Supervisor Allen Latimer said he appreciated Mr. McDougal setting up the meetings to inform the public about I-269.

Other Issues

a. Reports for June

Planning Director Jim McDougal presented building permit numbers for the month of June. In addition, he presented reports for stormwater and code enforcement. **See Exhibit I.2.a**

b. EDA Funding

Mr. McDougal said he recently advised the Board that EDA reimbursement was \$57,409. Mr. McDougal said the correct amount is \$59,409 and he wanted to bring it to the Board's attention.

3. GIS/E911 Intern

GIS Director Matt Hanks said last Wednesday his department met with the E-911 at their new facility in Nesbit. Mr. Hanks said they discussed the possibility of getting an intern to complete the road centerline and point address file. He said the E-911 Board recommended getting an intern not to exceed \$2,000. The E-911 Board suggested that since County vehicles would be used for the project, to put the intern on the County payroll and E-911 would reimburse the County.

Supervisor Jessie Medlin asked if the time allotted is enough to complete the project. Mr. Hanks said yes.

County Administrator Michael Garriga said this employee would be part time and would be approved by the Board at a later date.

Supervisor Medlin asked who has been getting the addresses. Mr. Hanks said his department has been working through volunteer firemen to get the addresses. He said, currently, they have obtained 70,000 addresses and they need this person to complete the project.

Board Attorney, Tony Nowak, questioned if this would be a traditional internship with a college student, or if it was more of a contract position. After discussion, it was determined the position would more appropriately be a contract position.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve a part time independent contract position, paying \$10.00 per hour, not to exceed \$2,000, to work with GIS on the centerline and address correction project, conditioned upon an agreement with E-911 to reimburse the County for the costs of the independent contractor. 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 I.3

4. Board Attorney

a. Sheriff’s Affiliation Agreements

Board Attorney Tony Nowak said Lent Rice of the Sheriff’s Department has contacted him about three affiliation agreements with three different colleges for the Criminal Justice Program that have expired. Mr. Nowak said the agreements are with Mississippi State, Northwest and the University of Memphis.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Scott, Mitchell and Nowak Law Firm to work on preparing new affiliation agreements for the Criminal Justice Program for the Sheriff’s Department with the three education facilities and to handle those in any manner necessary to bring them to a legal conclusion. 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 I.4.a

b. Southaven Lady Tigers Agreement

c. Lake Cormorant Use and Construction Agreement

Board Attorney Tony Nowak said that some time ago the Board approved the reconstruction of the facility at the District 3 Park and approved an agreement with the Southaven Lady Tigers for the use of the facility since they are putting their money and equity into the project.

Supervisor Bill Russell said their LLC is listed as Southaven Lady Tigers. However, they are not just a Southaven group.

Supervisor Tommy Lewis asked how long the term is for the contract and if there are provisions for termination. Mr. Nowak said there is a 30 day termination notice with default. The term of the agreement is one year with automatic one year renewals.

Supervisor Allen Latimer said he noticed in the agreement that the County would install air conditioners and heating. He asked who is responsible for the upkeep of the equipment. Mr. Nowak said it is the County’s responsibility to maintain structural aspects of the facilities, such as the roof and the heat and air, and the Lady Tigers would take care of day-to-day maintenance.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to enter into an addendum to the management agreement for Lake Cormorant Park and to approve an agreement with the Southaven Lady Tigers for the construction and use of a park facility under the terms and conditions set forth in Exhibit I.4.b.c. The motion passed by a vote as follows:

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

See Exhibit I.4.b.c

5. Office of Procurement: Request Engineering Qualifications for Starlanding Corridor (Environmental & Design)

This item was held over until July 18, 2011.

6. Bids Under Advisement: DeSoto Road (1.004 miles)

County Engineer Andy Swims presented bids for the construction for 1.004 miles on DeSoto Road as follows:

CO-17(33) DeSoto Road (1.004 miles) June 27, 2011 Bid Tome: 10:00 a.m.

COMPANY NAME	BID BOND Yes/No	CERTIFICATE OF RESPONSIBILITY Yes/No	BID AMOUNT
Enscor	Yes	Yes	\$ 1,071,006.09
Ferrell Paving	Yes	Yes	\$ 940,408.52
Lamb Construction	Yes	Yes	\$ 949,207.65
Madden Phillips	Yes	Yes	\$ 984,179.04
Prewett Enterprises, Inc. dba B & P Enterprises	Yes	Yes	\$ 1,393,317.40
TLSL, Inc.	Yes	Yes	\$ 1,233,230.70
White Construction	Yes	Yes	\$ 1,183,110.39
RECOMMENDATION: Andy Swims recommends Ferrell Paving			

Mr. Swims said the engineer's estimate for the project was \$1,019,000. He recommended the low bid for the project of \$940,408.52 from Ferrell Paving.

Supervisor Allen Latimer asked if the money is the budget. Mr. Swims said yes.

Supervisor Bill Russell reminded the Board that part of the money was collected from the developer and the County deposited money into the County budget instead of building an extra lane of highway at that time, since the road was planned for improvements.

County Administrator Michael Garriga agreed that money was available and specifically held for that purpose.

After determining the award of the contract is essential to the efficiency and economy of the operation of the county government (19-11-27), Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the recommendation from the county engineer to proceed with the low bid of Ferrell Paving for improvements to DeSoto Road in the amount of \$940,408.52. 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 I.6

7. Road Department: Culvert at 6625 Hacks Cross Road

County Engineer Andy Swims said the County did a road-widening project five or six years ago near 6625 Hacks Cross Road. Mr. Swims said the gentleman who owns the property is requesting the County provide a culvert for his property. Mr. Swims said, at the time of construction, there was a driveway at the site that accessed the property and a culvert should have been done at the time. He said there were curb cuts left at the site of the driveway. Mr. Swims said that Mr. Woods told him water is flooding his property because there is no culvert. Mr. Swims agreed that the

water issue is a result of the road construction project.

Supervisor Eugene Thach made the motion to replace the culvert based on the recommendation of the County Engineer.

Board Attorney Tony Nowak asked if the driveway was there at the time of the construction project. Mr. Swims said yes.

Mr. Nowak said he would like to look at the situation to make sure the County can legally pay for this work.

Supervisor Eugene Thach withdrew the motion to allow the Board Attorney to look into the matter and advise the Board.

No motions were made nor votes taken on this item.

8. Department of Human Resources

a. Employee Day Care Analysis

Human Resources Director Janna Rogers said the Board asked them to look at the feasibility of providing day care for children of County employees. Mrs. Rogers said the analysis shows 50 employees work in Emergency Services, 275 employees in the Sheriff's Department and they are 24/7 operations. She said she is not aware of a local employer who provides day care for their employees. Mrs. Rogers said there are advantages in productivity and longevity of employees on providing a day care. She said the disadvantages include initial cost of setting up, credentials and licensure for day care services.

Mrs. Rogers said although the County does not provide day care services for employees, there is a program available that may assist employees with day care expense. It is a Flexible Spending Account (FSA) that would allow employees to have day care expenses pre-taxed. That would enable an employee to have more take home pay. Mrs. Rogers recommended the FSA and suggested surveying the employees to determine the level of interest. She said they are in the process of selecting an insurance broker and they could do that through the Employee survey. Mrs. Rogers said there has always been an interest in the FSA. Mrs. Rogers said discounts could be negotiated with local day care centers for County employees. She said most employers provide the Flexible Spending Account.

Sheriff Bill Rasco said he wanted it to be considered because of the expense of day care. He said there are good people working in the County and this could help retain them. Sheriff Rasco said in some cases, both parents are employed by the County and pay almost \$900 per month for two children. That is almost one employee pay check.

Mrs. Rogers said the FSA could be set up for employees to set aside a certain amount for child care. She said an FSA could also be set up for medical expenses.

Supervisor Bill Russell said he would like to see numbers on the County offering the FSA, pre-tax account. He asked if there is anything to prevent the Sheriff from setting up a program at the jail. Sheriff Rasco said he did not think he wanted to set up day care at the jail.

Supervisor Russell said there is a house on the new jail property that is not connected to the jail that might be an adequate site for a day care. Board Attorney Tony Nowak said he did not think the Sheriff or this Board had authority to operate a day care facility.

Mrs. Rogers said they can look into the Flexible Spending Account for child care and medical for the County employees. She said the first step would be to solicit input from County employees.

See Exhibit G.8.a

b. Departmental Training Update

Human Resources Director Janna Rogers said the County Administrator had requested HR to give an overview of employee training that has been conducted in the County. Mrs. Rogers said Facilities Management Director Kenny Evans worked with a local company called ServPro to provide training for custodial staff.

Mrs. Rogers said they provided training on payroll and calculating over time in some departments including Justice Court. She said that Northwest Community College provided two hours of training for Justice Court employees. It included team building, communication, negativity and handling conflict. She said they are setting a time for Leadership training for the County Administrator's group.

c. Ineligibility of Benefits for Employees Working Less 35 hours/week

Human Resources Director Janna Rogers said the Personnel Manual states that employees must work a minimum of 35 hours per week to be eligible for benefits. Mrs. Rogers said occasionally there are employees who do not meet that requirement due to an illness or other circumstance causing them to miss work. She said some have not been with the County long enough to accrue much time. She said some departments not under the County Administrator, are not allowed to take time during the first year of employment.

Mrs. Rogers said the HR Department wants to be fair and consistent with everyone. She said they researched to see if an employee could take a week or two if they did not work 35 hours. Mrs. Rogers said Chief Financial Officer Tom Arnold checked with the State Auditor's office and he was told it is not permissible.

Supervisor Allen Latimer verified that this refers to full time employees. He said there are situations and things happen where an employee cannot work 35 hours for that week.

Mrs. Rogers said, by regulation, if an employee does not work 35 hours, the employee should have to pay for their benefits. She said they are suggesting a fair and consistent way to deal with the issue and still be within regulation.

Supervisor Latimer said if there is an employee who worked less than 35 hours from time to time, he thinks the County should pay their benefits if it does not break the law.

County Administrator Michael Garriga said the Personnel Manual states full time employees work 35 hours, but the Board can change that requirement if they wish to do so. Mr. Garriga said they are bringing the situation to the Board's attention.

Mrs. Rogers said they are bringing this to the Board to make sure they are consistent and fair and within regulation in the application of the guidelines.

The Board discussed the difference between a law, regulations and guidelines and allowable options.

Supervisor Medlin said it sounds like the Board set the threshold.

Mrs. Rogers said regardless of the threshold, there would always be someone who may not meet the minimum on certain occasions.

Supervisor Latimer said situations of abuse should be brought to the Board of Supervisors. Mr. Garriga said they do not have oversight of the elected offices. He said we are trying to establish the regulation to handle the situation uniformly across the County.

Supervisor Tommy Lewis asked if the Board needs to act on this now.

Supervisor Russell said, maybe the Board should get a better understanding of the problem. He said he wants to make sure they follow the law no matter what it is.

Chief Financial Officer Tom Arnold said the law states, unless you are working full time or have authorized leave, an employee is not eligible for benefits.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to investigate the issue and ask clear questions to the Attorney General to allow interpretation of the Board’s authority. 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

9. Office of Finance & Accounting

a. Claims Docket

Chief Financial Officer Tom Arnold and Finance Clerk Stephanie Hanks of the Office of Finance and Accounting presented the claims docket to the Board. Ms. Hanks and Mr. Arnold read the items on the claims docket individually and the Board discussed these items.

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 Jessie Medlin seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

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

See Exhibit I.9.a

b. Contracts for Sheriff’s Department

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve three contracts to allow accreditation training for the DeSoto County Sheriff’s Department and authorize the Board President to sign the agreements as follows:

- 1.) Agreement for Consultation Services between the DeSoto County Sheriff’s Department and Andy Hatcher
- 2.) Agreement for Consultation Services between the DeSoto County Sheriff’s Department and Bob Morgan
- 3.) Agreement for Consultation Services between the DeSoto County Sheriff’s Department and Leigh Ann Farr

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 I.9.b

c. Secret Service Reimbursement for Equipment

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve cutting a check for equipment for the Sheriff’s Department to get reimbursed by the Secret Service, at the recommendation of the Chief Financial Officer and contingent upon the Board Attorney’s approval. 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 I.9.c

J. EXECUTIVE SESSION

“There were no items determined appropriate to be heard in Executive Session”.

K. OTHER ISSUES

1. Office of Accounting and Finance - Budget Amendment

Chief Financial Officer Tom Arnold said a budget amendment was needed for the purchase of a fire truck for the Bridgetown Fire Department. Mr. Arnold said the County would be out no money because the cost of the fire truck would be covered by the volunteer fire departments and a state grant.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve a budget amendment the purchase of a fire truck as recommended by the Chief Financial Officer, and conditioned upon reimbursement from the volunteer fire department and state grants. 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 K.1

2. Volunteer Fire Departments

Supervisor Bill Russell asked if there is a requirement that the Board make sure all volunteer fire departments are properly licensed and their paperwork is current with the state.

Board Attorney Tony Nowak said no. They are responsible for their own paperwork. Supervisor Russell stated he received a phone call from someone who claimed that one of the volunteer fire departments did not have a valid LLC.

3. Audit Exit Conference

Chief Financial Officer Tom Arnold said William Pitts and Beard just completed the County audit and they are asking to meet with the Board of Supervisors to have an audit exit conference. He said the meeting could be held during the Board meeting or the conference could be held with two Board members at a time.

4. DCRUA

Road Manager Russell Dorris said the Director of DCRUA Bill Austin asked if the County can do work to the gravel substation at the Lewisburg School. Mr. Dorris said this is County property, but he wanted to get Board approval before doing the work.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve working on the DeSoto County Regional Utility Authority road. The motion passed by a vote as follows:

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

5. Fire Departments: Summers Hill Fire District

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept the resignation of Cliff Lovelace as a commissioner from the Summers Hill Fire District and to appoint Mr. William Watts II of 4335 Douglas Drive, Olive Branch, MS, to fill the unexpired term of Mr. Lovelace. 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

6. Homeland Security Grant

Emergency Services Director, Bobby Storey said there is a \$35,000 grant for the Response Team which is headed by Mr. Storey. He said that Batesville wants to buy a truck.

Board Attorney Tony Nowak said they spoke to the state grant administrator and they instructed them on how to transfer the equipment. They will sign a transfer agreement.

Supervisor Tommy Lewis asked if the County will have to replace this equipment. Mr. Storey said the County is responsible for replacing all Homeland Security equipment it possesses when it is no longer useful.

Supervisor Lewis asked if they are responsible for maintaining the equipment DeSoto County has. Mr. Storey said yes.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept the Homeland Security Grant for \$35,000 for the purchase of a truck for the Batesville Response Team and to sign a transfer agreement to transfer title and possession of the truck to Batesville. The motion passed by a vote as follows:

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

7. Lake Cormorant Park

Supervisor Bill Russell said in moving the building and building the new building, part of the walking trail at Lake Cormorant Park was destroyed. Supervisor Russell said he got an estimate of \$2,280 to replace the walking trail.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve replacing the walking trail at the Lake Cormorant Park estimated at \$2,280 and to pay the cost from the District 3 Park Fund. 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

8. Miller Station Subdivision

Board Attorney Tony Nowak said, at the last meeting, the Board of Supervisors discussed how to handle the roads in Miller Station Subdivision. Mr. Nowak said the Board desired to call the letter of credit for the roads, but wanted to talk to the bank first to make sure they had no objections or input. He said he contacted the Bank and left a message and he has not heard back from them.

Supervisor Jessie Medlin said, at one time, the Bank said the roads did not belong to them. Supervisor Medlin then said, if the Board Attorney thinks we need to wait to hear from the Bank, the Board needs to listen to him.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until July 18, 2011.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until July 18, 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 is the 5th day of July, 2011 these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors