

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

June 27, 2011

A. CALL TO ORDER

The June 27, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Michael Garriga-----County Administrator
Tony Nowak -----Board Attorney
Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZEN COMMENTS

1. Charlotte Norrid

Charlotte Norrid of 800 Sanga Creek Road, Cordova, TN, 28018, appeared before the Board of Supervisors to discuss an issue with the Tax Collector’s Department regarding a vehicle she sold to a resident of DeSoto County. Mrs. Norrid said this has been an ongoing issue for approximately three years.

Mrs. Norrid explained that she is a widow and is 63 years old. She said she receives a small guaranteed income from her husband’s death. In addition, she receives income from her farm. Mrs. Norrid said she began planning for her retirement 35 years ago. Mrs. Norrid said she and her husband worked very hard to be debt free at retirement and to pay cash for everything including a vehicle.

Mrs. Norrid said DeSoto County took away her rights when a mistake was made on the title of the vehicle she sold to a DeSoto County resident. She said they typed “None” in the lien area when the buyer purchased the tag. Mrs. Norrid said the county and state failed to list her as first lien holder. Mrs. Norrid said, after the buyer missed two payments, she searched for the individual when he stopped making payments to her after two months, presumably when the title was processed he discovered there was no lien holder on the title. She said she realizes it is an honest mistake, but she needs help from the Board of Supervisors to try to recover her money. The Tax Collector’s office and the State of Mississippi have admitted to the error, but no one is willing to do anything about the situation.

Mrs. Norrid said she talked to Tony Lollar on December 8 with the State of Mississippi State Tax Commission. Mr. Lollar was the head of the Title Division. He told her to send him the information and he would take care of it. Mrs. Norrid said she never heard back from him. She later found out that he was promoted to a different job before her issue was resolved.

Supervisor Allen Latimer asked the Board Attorney for comments on this issue. Mr. Nowak said this came to their attention six to eight months ago or longer. At that time, the statute of limitations had expired and there was nothing we could do. Mr. Nowak said, from a legal standpoint, there is nothing the Board of Supervisors can do in this situation since the Board cannot waive the statute of limitations. Mr. Nowak stated that at one time the state had indicated a willingness to pay half the lien amount if the county was willing to pay the other half, but that was before the state realized the statute of limitations had run out. Since the statute of limitations has expired, it makes it impossible for anyone to legally pay anything to Mrs. Norrid.

Mrs. Norrid asked how the statute of limitations could expire when there was never a time she was not pursuing this situation. It was her impression that it was being worked on.

Mr. Nowak said the only authority that could do anything about this situation, is this Board. The Board did not know about it until the statute of limitations expired after one year.

Mrs. Norrid said she has made numerous phone calls including correspondence over the last few years about this issue. She said she has not been able to get anyone to do anything although they acknowledge they made the mistake.

Supervisor Bill Russell asked the date the vehicle was sold. Mrs. Norrid said she sold it in 2007. She said she was under the impression the state and county were working on the problem. She presented paperwork to support the history of the issue and attempts to resolve the title problem. Mrs. Norrid said DeSoto County and the State Tax Commission both showed her documents which stated she is the lien holder. When the title was given to the buyer, Mrs. Norrid's name was not on the final title as lien holder.

Supervisor Bill Russell said he wished there was something the Board of Supervisors could do to help Mrs. Norrid. Supervisor Russell suggested Mrs. Norrid get an attorney. Mrs. Norrid said this has never been about a lawsuit. She just wants her money refunded to her due to the error on the part of the Tax Collector's office.

Supervisor Russell said the Board Attorney tells the Board that by law, they cannot do anything about the situation.

Supervisor Eugene Thach asked if Mrs. Norrid has talked to an attorney. Mrs. Norrid said she has talked to two attorneys. She said both attorneys told her it will cost more than she would get by going to court.

Supervisor Latimer said the Board wants to help Mrs. Norrid but they are unable to do so.

Mrs. Norrid asked the advice of the Board and Board Attorney. Mr. Nowak said he cannot give Mrs. Norrid legal advice.

Supervisor Russell asked Mr. Nowak, if he thought Mrs. Norrid's documentation would be of any help if presented to an the Attorney General for an opinion.

Supervisor Jessie Medlin said he wants to do everything that they can do to help Mrs. Norrid, but asked in what position it puts DeSoto County.

Mr. Nowak said the county could ask the Attorney General for an opinion to see if there are options to address the situation.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to ask the Attorney General for an opinion on the issue involving the title to the vehicle belonging to Charlotte Norrid. 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

Ms. Norrid said she talked to everyone in the county. She said Tony Lollar tried to help her, but the first person in the county that actually provided any assistance was Jeannie Colvin of the County Administrator's Office and she thanked her for her help.

2. David and Sondra Blackburn

David and Sondra Blackburn of 9378 College Road, Olive Branch, MS, 38654, appeared before the Board of Supervisors concerning the death of their daughter. Mr. Blackburn said there are two reasons why he is appearing before the Board of Supervisors. He said he wanted to prevent the situation that happened to him and his wife from happening to anyone else. Mr. Blackburn said the other reason is to try and get closure on their tragedy.

Mr. Blackburn said his daughter suffered from depression and chose to take her life on May 26, 2011. He said her death was not discovered for five days. Mr. Blackburn said they met with the police and a very caring gentleman, Mr. Billy Wayne Baldwin from the Coroner's office and they helped them through the process. Mr. Blackburn said Mr. Baldwin is a great guy and he said everything would be handled properly. He said after a few days, they realized the matter would not be as smooth as they thought. Mr. Blackburn said their daughter's body was sent to Jackson, MS, for an autopsy. He asked the normal period for this process and no one knew the answer. Mr. Blackburn said he does not want his being before the Board to be considered a personal attack on an elected official. He said they were told it could take up to five or six months to get information for the death certificate. Mr. Blackburn said he asked what is normal. On June 24, three weeks after her death, they had not heard from anyone. He said they went to the Olive Branch Courthouse and Mr. Baldwin stopped what he was doing to talk to them. Mr. Baldwin was very professional said he would check on the status. Mr. Blackburn said they told him they received no communication from the DeSoto County Coroner Jeffrey Ponders. Mr. Baldwin pulled the STL Forensic Toxicology Report dated June 9. Mr. Ponders had the report for 15 days. Mr. Blackburn then asked Mr. Baldwin if he could talk to Mr. Ponders. Mr. Baldwin called Mr. Ponders and explained the situation. Mr. Baldwin then gave his phone to Mrs. Blackburn. Mr. Blackburn said he was sitting beside Mrs. Blackburn and could hear every word that Mr. Ponders said. Mr. Blackburn said Mr. Ponders said, with an attitude, he did not understand the question. Mr. Ponders was irritated at receiving the phone call. Mrs. Blackburn asked Mr. Ponders about the normal time frame to expect the death certificate. Mr. Ponders started talking down to Mrs. Blackburn and told her they needed to send him a letter requesting the information. He told her they would receive a full report after Mr. Ponders receives it from the state. Mr. Ponders told Mrs. Blackburn not to call him back and not to call Jackson. He said, at a time like this, tact needs to be used. There needs to be someone between Mr. Ponders and the people. Mr. Blackburn said he immediately called Jackson and talked to Sam Howell. Mr. Howell said he would be sending the report to Mr. Ponders in five business days. Mr. Blackburn said, after an event like this, families have many issues to take care of. He said the mission statement on the wall in the Jackson office talks about dealing with families and responding in a timely manner. Mr. Blackburn said that was not what happened with them. He said this is not the way elected officials should deal with people. Mr. Blackburn said he does not want other people to be treated or spoken to the way they were.

Supervisor Allen Latimer said he was once told the hardest thing that could happen is to outlive your children. He expressed sympathy from the Board of Supervisors to the Blackburns and their family. Supervisor Latimer said that County Administrator, Michael Garriga, called him and the coroner after meeting with Mr. and Mrs. Blackburn in his office to discuss the situation. Supervisor Latimer said Mr. Ponders has not yet received the information he needs from Jackson to process the paperwork. Supervisor Latimer said they asked Mr. Ponders to respond as quickly as possible and Mr. Ponders promised to do so.

Supervisor Jessie Medlin said Mr. Garriga also spoke to him about the situation and now after

seeing him, he realized he knows Mr. Blackburn. Mr. Blackburn has always been respectful and a good man.

Mr. Garriga said he has had conversations with Mr. Pounders about this situation. Mr. Garriga said when Mr. Pounders receives the information he will expedite it as soon as possible. He said Mr. Pounders could not appear today because he could not comment on an ongoing investigation. Mr. Blackburn said he would stay in touch with Mr. Garriga through this process.

E. CONSENT

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

Supervisor Jessie Medlin asked why the county was wiring money for the bond payment. Mr. Garriga said some of the banks prefer that procedure. Supervisor Medlin said we do not always do it like that. Mr. Garriga said is quicker and easier and some banks prefer that form of payment.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda as follows:

1. Make Part of Minutes

- a. Florenson & Hutcheson-Traffic Report-Starlanding & Wilson Mill Rd.**
- b. Department of Justice – Preclearance Letter Voting Precincts & Polling Places**

2. Office of Finance & Accounting:

- a. Approve Contract for Sheriff Accreditation**
- b. Approve Wiring of Funds for Debt Service Payment**

Principal	\$ 910,000.00
Interest	\$ 404,087.50
Paying Agent Fee	<u>\$ 750.00</u>
Total	\$1,314,837.50

- c. Budget Amendments-Detailed in Exhibit Redistricting**

3. Constable Annual Financial Report: Kenneth Lee Hodge, Jr. - \$32,145.00

4. Safety Report (2)

5. Chancery Clerk Allowance (2) \$1,350.00 \$1,966.66

6. Grants Administration

- a. Accept TICP Award-Homeland Security - \$62,080 (No match)**
- b. Accept JABG Grant for Youth Court (80/20 Match)**

7. Appointments – Inventory Clerk

- a. Appoint Charmaine McCool**
- b. Remove Amy Henley**
- c. Assistant Inventory Clerk-Amy Henley**

8. Office of Procurement

a. Authorize Bid for Tax Assessor Appraisal Services

b. Procurement Card Activity Report

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. Bass Landing Agreement

Board Attorney Tony Nowak updated the Board regarding working with the Greenways program in an effort to turn the Bass Landing area into a greenway. Mr. Nowak said Larry Jarrett has begun to work on the project.

Supervisor Allen Latimer asked who is responsible for cleanup of the recent flooding issues. Mr. Nowak said the Levee Board would be responsible.

Supervisor Bill Russell asked Mr. Nowak to verify procedures for future events to see who is responsible. Mr. Nowak said he would provide that information.

No action was taken on this item.

2. Miller Station Subdivision Phase II

DeSoto County Engineer Andy Swims appeared before the Board of Supervisors regarding Miller Station Subdivision Phase II and said it is a continuation of the discussion from the last Board meeting. Mr. Swims said he previously asked the Board about pulling the bond on that subdivision. He said they waited to get a response from Renasant Bank.

Supervisor Latimer asked the amount of the bond. Mr. Swims said the bond is for \$61,300 and is enough to do the necessary work.

Supervisor Bill Russell asked the percentage of completed houses. Mr. Swims confirmed 54% are complete.

Mr. Swims said Miller Station Group LLC developed the subdivision. He said the developers made an agreement to deed the property “in lieu of foreclosure” to Renasant Bank.

Supervisor Russell said this subdivision was not under a development agreement. He asked what happens to promises that were included in those developments such as parks, playground equipment etc. He asked if the county could hold the banks accountable for those promises.

Board Attorney Tony Nowak said it depends on the situation. Mr. Nowak said, in this circumstance, the developer was bankrupt and they turned the roads over to the bank. Mr. Nowak noted that the Bank’s legal counsel has submitted a letter reaffirming that the Bank does not intend to fix the roads and asserting its position that it is the party responsible for the roads.

Supervisor Jessie Medlin asked when the bond is due. Mr. Swims said the bond is due November 30, 2011. He said they asked for a bond increase to \$91,950.

Supervisor Medlin said there was a problem extending the process for two years because the

bank said they would not do anything until the county forces them.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to ask the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to talk to the bank's legal counsel and tell them it will be discussed in the July 5th Board meeting and the county needs an answer on their plans to fix the roads, or to consent to the pulling of the bond, by that date. 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

G. NEW BUSINESS

1. United Way Presentation

This item was held over until July 5, 2011.

2. Debris Removal from School Building at Hwy 305 & Holly Springs Rd.

Mr. Bill Allen appeared before the Board of Supervisors to request the county's assistance in removing a large amount of rubbish in the old school building in Cockrum located at Highway 305 and Holly Springs Road. Road Manager Russell Dorris has estimated the cost to complete the project to be \$1,679. Mr. Allen said the old school building was built in 1928. The old material has been inside for 15 to 20 years. Mr. Allen said they are cleaning it out to turn it into a civic center. He said they want to put a playground on the north end of the building. A committee from Mississippi State will send a team to design the building so it could be renovated. He said the current problem is the trash inside the building. He said this is public property. Mr. Allen said they would like to get the material piled outside so it can be loaded and removed from the property. He said it is about 2 or 3 truckloads of material that need to be removed. Mr. Allen said he is asking for approval to have trash trucks come onto the property to remove the items.

Road Manager Russell Dorris said he believes the trash will have to be placed on the road right of way and that the County could not go on the property to clean it up. Board Attorney said Mr. Dorris is correct. The county cannot go onto the private property. They will have to bring the materials to the road in order for the county to pick it up, or the county can place a receptacle at the property for public use; meaning anyone else in the county would be able to use the receptacle as well.

After discussing the issue of ownership of the property, Supervisor Allen Latimer confirmed the material from the building will be placed on the side of the road and the county will pick up the debris from the right of way. Mr. Nowak confirmed that the county may elect to place a receptacle in that place for anyone in the county to use. He said to do so it must be a public receptacle.

Mr. Bill Allen asked if they should place the debris in a container or just put it in a pile. After discussion, the Board said they would determine the best option.

No motions were made nor votes taken on this item.

See Exhibit G.2

3. Dept. of Emergency Services

a. FEMA Public Assistance Applicants – Agent Designation

Chief Deputy Director of Emergency Services Chris Olson presented a State of Mississippi FEMA Local Disaster Agreement and asked for approval for Tim Curtis to be designated as the county representative. Mr. Olson said this would allow Mr. Curtis to take care of the paperwork needed in connection with the recent storm disaster.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to designate Tim Curtis as the county representative for the 1972 –DR-MS State and Local Disaster Assistance Agreement authorize the Board of Supervisors to sign the agreement. 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.3.a

b. Grant for Bridgetown Fire Dept.

Chief Deputy Director of Emergency Services Chris Olson presented a Supplemental Rural Fire Truck Acquisition Assistance Program Application for the consideration of the Board of Supervisors.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize applying for the Supplemental Rural Fire Truck Acquisition Assistance Program for Bridgetown and authorize the Board President to sign all documents. 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.3.b

c. Equipment for Regional Response Team

County Administrator Michael Garriga said DeSoto County is the lead agency for the Regional Response Team comprising of several counties. Mr. Garriga said they provide grant administration for the regional team. He said, as part of the responsibilities, the county receives the equipment purchased with grant funds. This includes equipment purchased for other entities with the grant funds. Mr. Garriga said there is a piece of equipment for the Regional Response Team and it must be given to another member of the team which is Batesville. He said we do not want it on DeSoto County's insurance and it be located at another entity. Mr. Garriga said Homeland Security requires that this equipment must be given to another county.

Board Attorney Tony Nowak said he spoke with EMS Director Bobby Storey and he said there is a form to use for transferring the equipment. DeSoto County would make the purchase but title would be transferred to the other entity.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to hold this item over until July 5, 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

See Exhibit G.3.c

4. 10:00 a.m. - Tax Exemptions

a. FedEx Ground

David Foell of FedEx Ground Package System, Inc. appeared before the Board of Supervisors to requesting a Tax Exemption for an expansion to their facility. Mr. Foell said they did a \$7.9 million building expansion last year. He said they are adding a call center that will add 12 to 15 extra jobs in addition to the jobs listed in the attached application. He said they currently have 433 employees. He said 228 employees are part time and 185 employees are salaried. He said they are expecting 15 to 20 jobs in the next three years. Mr. Foell said 56% of the employees are hourly and 53% are residents of DeSoto County.

President and CEO of the DeSoto County Economic Development Council, Jim Flanagan said the Tax Advisory Committee heard the request and is recommending a 5 year personal property tax exemption.

Supervisor Allen Latimer thanked Mr. Foell for their efforts to help Desoto County residents by providing jobs in the county. He said Northwest Community College has a training facility and asked if FedEx needs are being met through that curriculum. Mr. Foell said the NWCC curriculum meets their needs very well. He said they recently took a vocational tour of their building.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the request from of FedEx Ground Package System, Inc. for a five year personal property tax exemption. 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.4.a

b. Future Electronics

Mr. David Barnett with Future Electronics and Attorney Mark Aquadro appeared before the Board of Supervisors to discuss a tax exemption for Future Electronics. Mr. Aquadro said Future Electronics is requesting a five year personal property tax exemption for a renovation necessary to run the facility and to retain about 300 jobs in DeSoto County.

Mr. Barnett said much of the expansion is to upgrade their systems to Windows 7.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve a five year personal property tax exemption for Future Electronics. 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.4.b

5. IT Department

a. Phone System Conversion

Director of IT, John Mitchell, said at the last meeting the Board discussed converting the phone system. Since that meeting, he has been working with vendors for quotes on a phone system. Mr. Mitchell said the numbers indicate that the county can save a substantial amount of money every year by upgrading the phone system. He said he would like to ask for approval to request bids for

a new system. Mr. Mitchell said, currently the county pays approximately \$13,000 per month for service and approximately \$1,200 for maintenance. Mr. Mitchell said the budget is \$15,000 per month. Mr. Mitchell said a new system could cost as little as approximately \$6,000 per month. He said for the amount of money the county is currently paying for the system and service, the new system and service could be purchased at the rate that is currently spent each month. Mr. Mitchell said, after five years, the county would own the system.

Supervisor Bill Russell asked if Mr. Mitchell is talking about replacing the phone system in all county buildings. Mr. Mitchell said this would include anything under his budget. It would include, the courthouse, administration building, EMA, Tax Collector, Justice Court in Southaven etc.

Supervisor Russell asked if this is a central office based system. Mr. Mitchell said yes, but it would be centralized in the county rather than the phone company.

Supervisor Jessie Medlin asked the total cost of the system. Mr. Mitchell said estimates are between \$300,000 and \$400,000. He recommended paying that through a lease purchase so there are no extra costs.

Supervisor Russell asked if it would use fiber. Mr. Mitchell said it would be transferred by metro ethernet. Supervisor Russell then asked if the estimates included conversion and Mr. Mitchell said yes.

Supervisor Tommy Lewis said at some point, the county had someone come in to evaluate our service. He asked if that contract was expired. Vanessa Lynchard said yes.

Supervisor Lewis asked if this includes everything. Mr. Mitchell it includes everything in his budget.

Supervisor Allen Latimer asked if the rates are lower on the system.

Supervisor Russell asked if it includes maintenance. Mr. Mitchell said it would for the life of the lease.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to authorize soliciting bids for a phone system for county offices included under the IT budget. 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

b. Contract with IBM

IT Director John Mitchell requested approval for a maintenance agreement with IBM for equipment for \$6,690.24. He said the funds are in the IT budget.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the schedule for Service Elite with IBM and authorize the Board President to sign the agreement as detailed in Exhibit G.5.b. The motion passed by a vote as follows:

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

See Exhibit G.5.b

6. Office of Finance & Accounting: Supplemental Claims Docket

Finance Clerk Stephanie Hanks, and Chief Financial Officer Tom Arnold, 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.

Supervisor Tommy Lewis asked about page 86. Ms. Hanks said that is the total of the entire bridge fund combined.

Supervisor Allen Latimer asked about page 89, for the E-911 building. He said he thought it was funded by a grant. Mr. Arnold said the county pays the note and E-911 reimburses the county for the payment.

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 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.6

7. Board Attorney

a. MOU for FY11 JAG Grant

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work with the City of Olive Branch on an MOU for the FY 2011 JAG grant. The motion passed by a vote as follows:

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

See Exhibit G.7.a

b. Renew Animal Services Veterinarian Contract

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work on renewing the Animal Services contract in connection with the veterinarian. The motion passed by a vote as follows:

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

See Exhibit G.7.b

8. District 5 Park: Hernando Youth Sports

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve an allocation of \$3,000 and one load of 610 limestone from the District 5 Park Fund to the Hernando Youth Sports for the District 5 Parks Program as authorized under the terms and conditions under the local and private legislation authorizing the donation. The motion passed by

a vote as follows:

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

See Exhibit G.8

9. Office of Procurement

a. Purchases Over \$25,000

(1.) Sheriff’s Dept.

Vanessa Lynchard presented a request for the purchase of a vehicle from the Sheriff’s Department. The quotes were over \$25,000.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the purchase of a 2011 Ford F150 XLT Crew Cab 145” Wheelbase at \$25,858.65. 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.9.a.(1)

(2.) EMA

Vanessa Lynchard said the EMA Department requested to purchase a used 2009 excavator through Homeland Security grant funding. The quotes received are greater than \$25,000.

Supervisor Jessie Medlin asked for what this equipment would be used. Chief Deputy Director Chris Olson said it would be used for cleaning up after damage after a storm. He said it would travel with the Task Force Team.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the purchase of a Kubota Excavator KX121R3AT3 for \$32,000 being the lowest and best quote received. 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.9.b.(2)

b. Sole Source: EMA

Vanessa Lynchard presented an affidavit for a sole source for the Department of Emergency Services to purchase a specialized medical kit for use in treating infants and children for resuscitation. She said the kit utilizes a specific color code system for use in determining treatment based on the child’s size. She said EMS and Procurement searched and were unable to locate any other vendor who could provide this technology. Vanessa said the Board Attorney has looked into the request and approved it as a sole source.

Board Attorney Tony Nowak said this is a unique technology manufactured by Broselow and is available only from Armstrong Medical Industries.

In accordance with Section 31-7-13 which outlines the provisions for obtaining a sole source purchase for equipment and in accordance with Section 31-7-115 which states that records must be kept of any sole source purchase and available to the auditor, Supervisor Bill Russell made a motion and Supervisor Eugene Thach seconded the motion to approve the sole source purchase of four (4) Broselow Pediatric Resuscitation Kits from Armstrong Medical Industries at a cost of \$1,950.00 each. 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.9.b

c. Bids Under Advise ment

Director of Procurement Vanessa Lynchard presented the following bids for the Board’s consideration.

(1.) Uniforms-Road Dept. & Facilities Management

Vanessa said this bid is for uniforms for the Road Department and Facilities Management as described in Exhibit G.9.c.(1). She recommended Paramount Uniforms for the Road Department for a term of one year with three, one year renewal options, in the total estimated amount of \$25,066.20. She said the actual usage would vary depending on the number of employees served. Vanessa said this would represent a 4.02% budget decrease if the same number of uniforms is purchased as was purchased last year. She said the Road Department was unsure whether they wanted to purchase or rent uniforms so the bid reflects both options and she identified the categories for renting versus purchasing. Vanessa said Ameripride is the best and lowest bidder to meet the specifications and recommended them for the award for the Facilities Management Department.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve Paramount Uniforms for the DeSoto County Road Department and Ameripride for Facilities Management for uniform rental. 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.9.c.(1.)

(2.) Electronic Recycle

Vanessa Lynchard presented the bids for electronic recycling as described in Exhibit G.9.c.(2.).

Ray Laughter of the Environmental Services Department said the county started electronic recycle in March 2007. In January 2008, a second recycling trailer was added in Olive Branch right before the digital TV’s went into effect. Therefore, they received a large number of the old model for recycling.

Mr. Laughter explained certain electronic recycle items are cost neutral. The county will neither be charged nor receive compensation for the disposal of those items. Mr. Laughter said the vendor would pay the county for certain disposed items. Those are as follows:

Desktop PCs .15 per lb.; Fax unit .10 per lb.; Laptops .15 per lb.

Mr. Laughter said there are some items that the county pays to have disposed. Those are generally items containing glass. Included in this category are microwave ovens, but the county works has found a way to work with another recycle company to treat microwaves as a white good and therefore the county will receive compensation for the disposal. Although the price fluctuates for microwaves, the average compensation is twelve cents per pound. Other items the county will pay for are monitors at five cents per pound and televisions at twelve cents per pound. In addition, the Household Hazardous Waste Day would now include the electronic recycle trailer. The new service will charge a flat rate of \$500 for electronic recycle day. Mr. Laughter said electronic recycling cost the county \$17,522 in the last 12 months. The total of the service under the new bid will be \$7,860.60 based on past collections. Mr. Laughter recommended the bid from Creative Recycling Services for electronic recycling for the next 12 months with three, one year rights to renew. He said the new bid represents a savings of \$9,661.40 during the next twelve months.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the bid for Creative Recycling Services for electronic recycling for the county for the next 12 months with three, optional one year renewal terms. 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.9.c.(2.)

(3.) Inmate Supplies

Vanessa Lynchard presented the bids for inmate supplies for the DeSoto County Jail as detailed in Exhibit G.9.c.(3). Vanessa said this is the first time bids have been solicited for inmate supplies, but they have been purchased for many years. She said Sheriff Rasco wanted to make sure that money could be saved if possible by bidding the items. Vanessa said Sheriff Rasco has always been open to any budget savings that may be available. So realizing that certain vendors specialize in different areas of the inmate supply needs, the items were broken into logical categories. By bidding in this process, the supplies resulted in an overall savings to the county. She said they looked at the bids and feel that the savings achieved by separating the items would be much greater than the cost of issuing extra purchase orders. Vanessa said this is a great example of departments who are open to exploring cost saving measures.

Vanessa recommended Bob Barker as the lowest and best bidder in Category A for personal hygiene.

Vanessa said that Charmtex was the actual low bidder on paper for clothing. She said it appeared the Charmtex items were different than the items bid and found they were two piece items rather than one piece items. The Sheriff's Department went to one piece inmate items due to issues with the two piece items. The Sheriff was willing to look at the two piece items if savings could be achieved. She said they received items from Charmtex and the colors did not match the uniforms currently being used at the jail. The colors were so different it would create confusion and the cost of replacing all items was not cost effective. Therefore, they determined the Charmtex bid did not meet specifications for clothing. Therefore, the recommendation is for the next lowest and best bidder of Bob Barker for the clothing items.

Vanessa explained Category C for footwear. She recommended Shoe Corporation of Birmingham as the lowest and best bidder for footwear for inmates excluding socks.

Vanessa recommended Charmtex as the lowest and best bidder for linens in the jail.

Vanessa recommended Bob Barker for Category E for bedding in the jail.

She said Category F is for miscellaneous items and recommended Charmtex as the lowest and

best bidder.

Vanessa recommended Charmtex as the lowest and best bidder for socks in the jail.

In addition, the recommendation includes alternate bidders for these items is as follows:

Category	1 st Alternate	2 nd Alternate
A	Charmtex	Pacific Care Products
B	ICS	Charmtex (when bid specs are met)
C	Bob Barker	Charmtex
D	ICS	Bob Barker
E	Charmtex	ICS
F	Bob Barker	ICS
Socks	Bob Barker	Charmtex

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the recommendations for award for inmate supplies. 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.9.c.(3)

10. Dept. of Road Management: Finding of Fact – 7842 Tucker Drive

Road Manager Russell Dorris asked the Board of Supervisors to consider the conditions at 7842 Tucker Drive. He said there is an unsafe hole in the backyard at that residence. Mr. Dorris said damage to a drainage system and drainage impedance which would adversely affect the health, safety and welfare of the citizens of DeSoto County as outlined in Mississippi code section 19-5-92. Mr. Dorris presented pictures of the area to help give the Board of Supervisors a better understanding of the conditions in the area. Mr. Dorris recommended repairing the hole once the new authority as passed by the Legislature becomes effective July 1. He said this is a very dangerous situation.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept the finding of fact that the conditions at 7842 Tucker Drive would adversely affect the health, safety and welfare of the citizens of DeSoto County, and to authorize the Road Manager to do the work when the authority to do so takes effect July 1, 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

See Exhibit G.10

11. Benefits Committee Report

County Administrator Michael Garriga updated the Board of Supervisors on the status of the insurance and broker process. Mr. Garriga said they completed the solicitation of qualifications and received 11 proposals. They are in the process of evaluating those proposals.

12. Legislative Briefing

County Administrator Michael Garriga said at the last meeting the Board of Supervisors authorized travel to Washington to secure funding for several county projects. Mr. Garriga said

they met with the staff of several of our delegation. He said they did not receive any assurance that funding will be available in the near future, but they hope to get help later. Mr. Garriga said they talked about receiving some money under an umbrella to give the county flexibility in using the federal money.

13. Pre-Budget Discussion

County Administrator Michael Garriga said he and the Chief Financial Officer Tom Arnold have been working on the budget and wanted to present an overall status of the county's debt and surplus and revenues. Mr. Garriga said he would like to review this with the Board before sending the information to the county offices.

Mr. Garriga thanked Mr. Arnold for his assistance. He said the county's financial status is very good. He said the Board has flexibility to use money according to needs of the county.

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. Sheriff's Department: Inmate Medical Review

Sheriff Bill Rasco notified the Board of Supervisors that since SAS took over the Sheriff's Department medical review the county has been billed \$996,553 but the claims have been reduced and only \$500,006 had to be paid. He said they are doing a very good and he appreciated the savings experienced by the Sheriff's Department.

2. Inmate Bracelets

Board Attorney Tony Nowak said the Board previously approved a contract for inmate bracelets. He said there is no obligation to the county. Mr. Nowak said, under this agreement, the Sheriff will have use of 100 gis tracking bracelets. This is part of a grant program administered by the City of Memphis.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the agreement with the City of Memphis for use of tracking bracelets for inmates through the DeSoto County Sheriff's Department. 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. Jail Construction Project

There were citizens in attendance who wished to address the Board of Supervisors regarding the jail construction. Supervisor Allen Latimer asked that anyone interested in addressing the Board on the issue to come forward.

Mr. Stan Quarles of the Bridgetown area told the Board of Supervisors they have been one of the best Boards he has seen in a long time. Mr. Quarles said his concern is about giving the contract to Flintco for the construction of the jail. He said he had been in the fire protection business before retiring and he worked with contracts. Mr. Quarles said he is here to ask the Board how in

they can vote to spend \$300,000 more with a company in Oklahoma when they have one of the best contractors right here in DeSoto County who has done a lot of work on county buildings. He said we need this money in DeSoto County more than they need it in Oklahoma. Mr. Quarles said DeSoto County subcontractors need the work. He said, obviously no one cares, because the Board has sent this work to Oklahoma rather than a local company, simply because that company has done two \$8 million jail projects. He said this requirement was added to disqualify local construction companies. Mr. Quarles said when he read this in the newspaper he immediately said this was wrong. He said he guarantees Gary Murphy can put in the jail. Mr. Quarles said he hates to see the project going forward and this not being straightened out. Mr. Quarles said, in his opinion, something is just not right.

Supervisor Allen Latimer said he believes good government has to be open and available to the citizens. He said at the last meeting the Board discussed giving everyone an opportunity to ask questions about the bid specifications.

Gary Murphy of Murphy and Sons Construction said he was not aware of the time limit for questions. He said he had a list of questions and they could not get answers because the right to ask questions was terminated seven days before the bid opening.

County Administrator Michael Garriga said there was ample time for every firm who wished to submit questions to do so but Murphy and Sons failed to submit questions.

Architect Mike Childress of Evans, Taylor, Foster, Childress confirmed the cutoff date to present questions was seven days before the bid opening and that requirement was listed in the specifications. This allowed sufficient time for responses to be provided to all potential bidders.

Mr. Murphy said it was in the specifications that the experience may be grounds for a bid to be rejected. Mr. Murphy said nothing he has ever built for the county had this requirement for experience. He said this jail is the same as a school but with better locks. Mr. Murphy said he could move his company to Memphis, but chose to live in DeSoto County. He said he has never asked for a tax break. This requirement for experience cut out many people.

Supervisor Latimer said he has talked to citizens who seem to think the requirement for experience building two jails at \$8 million in the last five years was listed to disqualify some contractors and prefer others. Supervisor Latimer asked the architect why the requirement was in the specifications.

Mr. Childress responded the requirement was discussed and approved by the Jail Committee. He said the jail is not the same as a school and if someone escapes from a jail another person's life could be lost. He said there are life-saving issues in building a jail that are unique. If someone is inadvertently locked in, the county would have to spend money defending that. To say that a jail is just a school with better locks makes it obvious that a contractor does not know about jail construction. If someone escapes, harm could be done to citizens. Building a jail is much more complicated than building a school. Therefore, prior experience is important. Mr. Childress said the county did not put that requirement in the juvenile facility project because that was a simple project.

Supervisor Eugene Thach asked Mr. Childress his experience with building jails. Mr. Childress said he has 25 years' experience building jails totaling 21,000 beds and over \$9 billion total costs.

Mr. Garriga said regarding the juvenile facility, there were liquidated damages with the previous contractor. The jail is a technically advanced system. The county had to invest additional money in security issues with the juvenile center.

Supervisor Eugene Thach asked where the request for experience came from. Mr. Garriga said the requirement came from Jail Consultant, Irb Benjamin, himself, the Jail Committee and the Design Team.

Mr. Murphy said the sprinkler system is a responsibility for the architect to approve. He said the sprinkler system was the architect's problem in the juvenile facility, not the contractor's responsibility and the party at fault didn't get paid, so there was no loss to the county.

Board Attorney Tony Nowak said it was much more complicated than saying someone did not get paid. There were costs and losses incurred by the County.

Mr. Clay Meadows addressed the Board of Supervisors and said he does not know Mr. Murphy. Mr. Meadows said he is here to say the jail is a hot topic with the citizens. He said he wanted to know the facts. Mr. Meadows asked how many buildings Murphy and Sons built for DeSoto County. Mr. Murphy said they have built a lot of county buildings.

Mr. Meadows asked if there have been problems with any of those buildings based on construction issues. No one responded.

Mr. Quarles said, not only is \$300,000 too much, but Mr. Murphy should have had a five percent preference because he is a contractor in the State of Mississippi.

Mr. Donnie Chambliss asked where we are in terms of moving forward.

Board Attorney Tony Nowak said, at this point, the Board of Supervisors has awarded the bid. Mr. Nowak said Flinco's construction contract has been submitted for approval by the Board of Supervisors and we are going through it now.

Mr. Chambliss said, from a citizen's view, it does seem to be a little arbitrary and nebulous to require two jails at \$8 million in five years.

Supervisor Bill Russell said he was on the Jail Committee. He said that requirement was part of the bid package and if anyone had questions about the specifications, they could have sent them in for the committee to consider a possible revision. Supervisor Russell said he does not understand why Murphy and Sons or Panola Construction would bid on a project without questioning the requirement about experience. Supervisor Russell said Murphy and Sons did not send any qualifications at all with their bid. He said Panola Construction sent qualifications that did not meet the minimum threshold. He said Murphy and Sons did not respond to the request for qualifications at all. Supervisor Russell said if someone does not comply with the bid specifications, legally the Board could not consider the bid. He said they are an ethical Board and they must protect the citizens of DeSoto County. Supervisor Russell said people have accused the Board of Supervisors of bid rigging and that is simply not the case. He said there is no evidence of that because it did not happen.

Mr. Chambliss thanked the Board for their response.

4. Chickasaw Nation Recognition

Board President, Supervisor Allen Latimer reminded the Board of Supervisors that on Saturday, July 2, at 10:30 a.m. there would be a reception open to the public at the home of Mr. Eddie Burks in honor of the Chickasaw Nation. On Sunday at 2:00 p.m., there will be a ceremony at the courthouse. He asked the Board members to try to attend.

5. Telephone Data Plans

The Board of Supervisors requested that Director of IT John Mitchell become involved in the issue of calling plans to DeSoto County residents.

5. MAS Convention

Supervisor Eugene Thach presented a report on the MAS convention held recently. He said many changes have taken place and it was a good conference. Supervisor Thach said the supervisors received updates regarding expectations of government and heard ideas from other counties. He said DeSoto County is in very good shape comparatively. Supervisor Thach said the county is in good shape financially and the county roads are in very good shape. He said they seem to believe the economy is going to get worse.

6. Jail Construction: Consideration of Past Performance of Contractor

County Administrator updated the Board of Supervisors on the status of the bid award for the construction of the DeSoto County Jail. Mr. Garriga presented a memo to the Board of Supervisors requesting they review the county’s history in doing business with Panola Construction and issues resulted from the construction of the county administration building.

The exhibits referenced in Mr. Garriga’s memorandum were presented to the Board. The exhibits are incorporated by reference and are on record with the County Administrator’s Office.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to make the memo dated June 27, 2011 from County Administrator Michael Garriga to the Board of Supervisors regarding previous experience with Panola Construction as consideration to reject their proposal for the jail construction bid a part of the minutes. The motion passed by a vote as follows:

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

See Exhibit I.6

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to adjourn the meeting until July 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 is the 27th day of June, 2011 these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors