

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

June 6, 2011

A. CALL TO ORDER

The June 6, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President. Supervisor Latimer said that Supervisor Jessie Medlin was absent from the meeting because he was ill.

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 Absent
- 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. CITIZEN COMMENTS

Supervisor Allen Latimer asked if anyone was present in the audience to address the Board of Supervisors. No one came forward.

E. APPROVAL OF MAY MINUTES

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

The official minutes of the Board of Supervisors were read for the month of May 2011. Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to accept the minutes of the Board of Supervisors for May 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-----ABSENT
- Supervisor Eugene C. Thach-----YES
- Supervisor Bill Russell-----YES
- Supervisor Allen Latimer-----YES
- Supervisor Tommy Lewis-----YES

See Exhibit E

F. CONSENT

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

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda as follows and to delete Item F.7.c, Sandbourne Road North located in Braybourne Main-Sandbourne West on the Road Department Changes to 2011 Asphalt Overlay List and 4-Year Road Plan:

1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of April and paid to Humana:

Funding Request	Date Paid	Amount	Claim Type
Date			
4/1/11	4/1/11	\$74,192.22	Administration Fees
4/5/11	4/12/11	\$48,043.24	Medical
4/5/11	4/12/11	\$1,001.00	Dental
4/5/11	4/12/11	\$15,865.81	Pharmacy
4/11/11	4/12/11	\$53,058.92	Medical
4/11/11	4/12/11	\$89.50	Dental
4/11/11	4/12/11	\$12,110.74	Pharmacy
4/18/11	4/19/11	\$81,241.78	Medical
4/18/11	4/19/11	\$8,332.26	Dental
4/18/11	4/19/11	\$18,309.32	Pharmacy
4/25/11	4/26/11	\$47,817.97	Medical
4/25/11	4/26/11	\$20,450.70	Dental
4/25/11	4/26/11	\$17,755.88	Pharmacy
	TOTAL	\$398,269.34	

2. Justice Court Report

Criminal Cases Filed	92
Civil Cases Filed	505
Traffic Tickets Filed	689
Total Cases Filed	1,286
State Assessments	\$52,197.50
County General Fund	\$93,323.32
Total Collections	\$145,520.82

3. Bailiff Pay- Liz Medlin - \$285.00

4. Publication of Board Proceedings

5. Office of Finance & Accounting

- a. **Budget Amendments**-Detailed in Exhibit F
- b. **Payment to Released Inmate**-\$385.99-Nikie Williams

6. Make Part of Minutes

- a. **Department of Justice Letter-Redistricting Plan**
- b. **General Engineering Services Agreement with Waggoner Engineering, Inc.**
- c. **Road Department:Report on Inspection of Railroad Grade Crossings**
- d. **Traffic Report-Starlanding & Wilson Mill Rd.**

7. Department of Road Management

a. Road Report and Work Schedule

b. Road Bond Report

c. Changes to 2011 Asphalt Overlay List & 4-Year Road Plan

ADDITIONS:

<u>ROAD</u>	<u>LOCATION</u>	<u>COST</u>
Bright Road	Malone – Jaybird	\$166,192
Tchulahoma Road	Byhalia – Green T	<u>\$ 19,960</u>
		\$186,872

DELETIONS:

<u>ROAD</u>	<u>LOCATION</u>	<u>COST</u>
Lakeside Road	Hwy 61 – Green River	\$157,870
Deleted Sandbourne North	Braybourne Maine – Sandbourne West	<u>\$ -9,067</u>
		\$157,870

d. State Aid Utility Permit: AT&T Fiber Optic – Hwy 301 S. Sta. 0+00 – Sta. 168+96

8. Board of Adjustments: Appointments

a. Accept Resignation Of Bennie Norwood

b. Appoint Lee Smart-7355 Allison Rd., Olive Branch, MS, 38654

9. Tax Assessor’s Office: Petition for Reduction of Assessment-Variou (2)

10. Chancery Clerk Allowance - \$1,350.00

11. Grants Administration – Accept Grants

a. Household Hazardous Waste - \$35,700 (County - \$8,925)

**b. Homeland Security Regional Task Force - \$308,660 DC Task Force
\$34,900 (No County Funding)**

12. Inventory Control Dispositions – Final

a. DC Animal Service

Asset #	Serial #	Description	Reason for Disposition
37081	2822279197	Canon Camera	Lost-lost form done 2008
34416	121807370	Nokia Phone	Ruined-Found in flower bed

b. Extension Svc

Asset #	Serial #	Description	Reason for Disposition
004013	C-110-18074	Projector	Broken (Mark IV Opaque (Bulbs obsolete)

c. Facilities Management

Asset #	Serial #	Description	Reason for Disposition
34848	533454F	Trane 3ton A/C	Broken
39781	904078141	Goodman 5ton A/C	Moved from rental property
40151	903010183	Goodman 5ton A/C	Moved from rental property

The motion passed by a vote as follows:

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

See Exhibit F

G. OLD BUSINESS

H. NEW BUSINESS

1. Nesbit Volunteer Fire Dept.: Proposed Fire Station

Chief Larry Loomis of the Nesbit Volunteer Fire Department appeared before the Board of Supervisors. Chief Loomis said he wanted to ask the Board to consider a donation toward the construction of a new fire station. He said he knows the property where the fire station is located is not in Desoto County's name so the county will be unable to help with a donation. He said that he understood if the Nesbit Fire Station is taken in through annexation, the building and land would go back to the county because the Nesbit Volunteer Fire Department is not in a Fire Protection District.

Chief Loomis said he would like to request the Board of Supervisors to waive all building permit fees for the Nesbit Fire Station building and associated construction.

Supervisor Bill Russell asked why the county would not donate to the construction of the new fire station for Nesbit Volunteer Fire Department. County Administrator Michael Garriga stated that in the past, the county was able to donate to the construction of Lewisburg, Love and ACI volunteer fire departments because the county owned and still owns those properties. Mr. Garriga said the Board may want to write for an Attorney General's Opinion for further clarification, but both he and the Board Attorney researched the matter and they could find no legal authority to authorize the county to help donate funds for the construction of the fire station since the county does not own the property where the proposed station is located.

Supervisor Bill Russell said he knows Walls Volunteer Fire Department will ask the county for help and he wants to make sure the Board treats everyone the same.

Board Attorney Jody Neyman said he could find no legal authority stating that the county can donate funds for construction to build on property that is not county-owned. He said as the law stands the county could not donate money for the construction of the fire station.

Supervisor Allen Latimer said that Chief Loomis contacted him and then he talked to Mr. Garriga. He said Mr. Garriga told him the county could not donate to the fire station. He said he wants to treat all the fire stations the same. Mr. Latimer said he would like to have the Board Attorney write for an AG Opinion to see if there is a way to help.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to retain and authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to seek an Attorney General's opinion on whether the county can assist with funding of the construction of a volunteer fire department facility that is located on property not belonging to the county. The motion passed by a vote as follows:

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

Supervisor Bill Russell then made the motion and Supervisor Allen Latimer seconded the motion to waive the building permit fees for the Nesbit Volunteer Fire Department. The motion passed by a vote as follows:

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

Chief Loomis said that Southaven annexed a part of their property and the Board of Supervisors helped the fire department recover some of the fees they lost as a result and he wanted to express his appreciation for the Board's help.

2. Dept. of Emergency Services: National Weather Service Presentation

Richard Okulski and Jim Bells from the National Weather Service appeared before the Board of Supervisors. Mr. Bells stated that the National Weather Service has a national pledge program that has set a standard where communities do the best they can to protect each other from floods and destruction. He said for the National Weather Service to be able to recognize the community in this way, took a lot of work from the Emergency Services Department. Mr. Bells presented a plaque to DeSoto County for exemplary service to the community.

The Board of Supervisors credited DeSoto County Emergency Services for their hard work and organization in receiving this recognition.

Mr. Bells said preparedness starts with leadership. He agreed with Supervisor Russell about the DeSoto County Emergency Services Department and said they are very good to work with. He said the National Weather Service has an opportunity to see many communities all over the United States and he wants the Board to know this award is a good thing for the citizens of DeSoto County and he wants the citizens to be proud of this accomplishment.

3. I-69 Corridor Alternatives Analysis: Mass Transit Study

Richard Allen of Mississippi Department of Transportation approached the Board of Supervisors regarding the I-69 Corridor Alternative Analysis Mass Transit Study to give a presentation at the Board's request.

Mr. Allen said this project has been going on for over a year. He said they have asked for the entities involved to give them a response on whether they want the mass transit or not. He said the Mayor of the City of Hernando responded to the letter and indicated that Hernando was interested. He said he had not received a response from any other city in the county and it will take several jurisdictions working collectively to make this work.

Supervisor Bill Russell asked if the group has talked to the other mayors. Mr. Allen said all the mayors attended the meeting and they all received his letter. Mr. Allen said the only response was from Hernando Mayor Chip Johnson.

Supervisor Tommy Lewis asked if the county will have the numbers on the match for the Board to consider as well.

Mr. John Houghton said they have been assisting MDOT with the study. He said they recognize the growth in the area and he said Senator Cochran made \$70 million available for transit improvements in north Mississippi because of the growth. Mr. Houghton said the study area is from Tunica to Memphis and the funds are administered by the Federal Transit Authority, and it is up to the local jurisdictions to determine if they want to move forward.

Mr. Houghton said, over a 12-month period, they conducted six meetings regarding the study where they discussed the project's goals and they now need to determine if the project is feasible. Mr. Houghton said the study consists of bus, rail, and more types of transportation. Mr. Houghton said they also looked at where the system would be routed and the proposed alternative was bus rapid transit with local east-west service. He said the focus is on regional travel and it is a 43-mile corridor with 13 stops. Mr. Houghton said there would be park and ride lots that would run from 6:00 a.m. until midnight Monday through Friday and 6:00 a.m. to 8:00 p.m. on Sundays and it would involve state of the art vehicles and stations. Mr. Houghton presented estimated rider ship numbers through 2018.

Supervisor Bill Russell then asked Mr. Houghton to clarify if the ridership numbers assumed that the local routes are established. Mr. Houghton said yes.

Supervisor Russell said he does not see how the Board can decide on this until they get a response from all of the cities.

Supervisor Eugene Thach said he has been to a number of these meetings and the chief question asked is about funding.

Supervisor Russell said that from what he knows about a bus service, it is a losing business in most cities. Mr. Houghton said that is correct. He said a bus service is a public service and the local fares cover about 20% of the cost of the service.

Supervisor Russell said he understands that the bus service contributed to Atlanta's growth and there are benefits to it. We need to get information from the cities before the Board of Supervisors can respond.

Mr. Houghton showed a spreadsheet of data of the start-up phase, the build-out phase and for operations and maintenance. He said the funding options could be split between the local and federal participants.

Supervisor Russell then asked Mr. Houghton who would operate the service. Mr. Houghton said that, if people are interested, a local committee would need to be formed to help make that determination. Mr. Houghton said that they are presently preparing a financial plan but action is required to preserve the allocated federal funds. Mr. Houghton said the Board would need to develop a local committee to determine phasing and how to finalize the project and cost sharing and funding. He said they would work to shift the earmark/allocation to the Federal Transit Authority 5309 Program and work to add the project to the MPO long-range transportation plan. Mr. Houghton then said that they would also work toward applying to the Federal Transit Authority for grant funding for engineer design and environmental review.

Supervisor Russell said he is all for the proposal however, he said, whether the county can afford it, is up to the voters. Supervisor Russell said he would want to have referendum on the issue. He then encouraged the Board to take this the Council of Governments (COG). Supervisor Russell then said that if the cities do not buy into the project, he does not think it would work. Supervisor Russell said if all the cities are committed, we can move forward.

Supervisor Latimer said if the cities do not participate, it would not work. Supervisor Latimer then said if the cities are not committed, he does not see how the county can become involved. Supervisor Latimer asked who would own the buses and who would pay for the service if it is ultimately run by MATA in Memphis. Mr. Houghton said the participants would have to pay for it. He then said different regions handle it differently and said there are options for funding, but if the local jurisdictions do not want the service then, there is no point in moving forward. Mr. Houghton then said the federal money is at risk.

Supervisor Latimer said he has received several calls from constituents and they advised him that they do not want the bus service.

Supervisor Russell said he is interested in seeing the service go forward and he has several constituents that are interested in public transportation. He then said that there is a lot of interest among the elderly for this service. Supervisor Russell stated that he would like the Board to have the Director of Planning to poll the cities to determine if they want to participate in the service.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to instruct Director of Planning Jim McDougal to contact the mayors to see if they want to participate in a bus service for Desoto County. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis-----YES

Supervisor Latimer said we hope to get a response from the cities since they have not yet responded to Mr. Allen’s inquiry.

4. Justice Court: Amnesty Report

Justice Court Clerk Shirley Beshears presented a summary of the amnesty program as fully described in Exhibit H.4. Ms. Beshears said the program ran from March 1 to April 15, 2011 and it was very successful. She stated that her office collected \$170,892.67 from January through May and they also held two Saturday court days due to the success of the program, and they hope to have another program as early as October of this year.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept the Justice Court Amnesty Report in the DeSoto County Justice Court and as fully described in Exhibit H.4. The motion passed by a vote as follows:

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

See Exhibit H.4

5. Tax Exemptions

President and CEO of the DeSoto County Economic Development Council, Jim Flanagan appeared before the Board of Supervisors to present tax exemptions for their consideration.

a. Ashland Oil

Mr. Chris McGee, Plant Manager for Ashland Oil, appeared before the Board of Supervisors regarding a tax exemption. Mr. McGee said their company is expanding and asked the Board of Supervisors to consider a five-year personal tax exemption. He said their expansion was for approximately 50% of the plant and they are converting from temporary to full time employees. They are also recruiting temporary candidates to work into full time positions.

Supervisor Allen Latimer said the Board appreciates Ashland being in DeSoto County. He reminded him that the county taxpayers provide the benefits they enjoy under the exemption and he asked that Ashland Oil consider giving people from DeSoto County an opportunity for employment when they consider candidates.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve a five-year personal property tax exemption for Ashland Oil in the amount of \$1,554,474. The motion passed by a vote as follows:

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

See Exhibit H.5.a

b. Rite-Hite

Louis Patron, Vice President of Operations and David Forest of Rite Hite Products, Inc., appeared before the Board of Supervisors regarding a real and personal tax exemption and they requested a ten-year personal property exemption. Mr. Patron said the company moved into the building in

November of 2009. He said they added 20 more jobs and have 20 more positions to fill this month. Mr. Patron stated that is company makes loading dock equipment.

Supervisor Allen Latimer said that 20% of the employees are from DeSoto County. Mr. Patron said many employees are from Memphis and stayed with Rite-Hite when they moved to DeSoto County.

Supervisor Latimer said the tax breaks enjoyed by Rite Hite come from the citizens of DeSoto County and the Board of Supervisors appreciates the company considering DeSoto County residents when they hire employees.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve a ten-year personal property tax exemption for Rite-Hite for \$1,220,800. The motion passed by a vote as follows:

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

See Exhibit H.5.b

c. Siemens Industry Inc.

Rick Amazon of Siemens Industry, Inc. appeared before the Board of Supervisors to discuss their operating a distribution center in DeSoto County.

Supervisor Latimer said he hoped Siemens would consider local people when they hire. Mr. Amazon said that they are currently hiring temporary employees to consider for permanent positions.

Based upon the previous memorandum of understanding, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve a ten-year real and personal property exemption for Siemens Industry, Inc., for \$22,084,915. The motion passed by a vote as follows:

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

See Exhibit H.5.c

6. Inventory Control

a. Inventory Control Guidelines

Inventory Clerk, Charmaine McCool, discussed the possibility of amending the County's inventory control guidelines. She said under the current guidelines if she has an asset that costs \$550 at one time and then a few years later the cost may drop to \$200, they still have to keep account for it. Ms. McCool said they have been consistent by putting these items on inventory and want to continue with that procedure. She presented a written policy for the Board's approval that will take this from a practice to a policy for inventory.

Chief Financial Officer Tom Arnold said if this policy is approved, it would apply to everyone across the board. Mr. Arnold said this request would apply to cameras, computers and televisions that cost less than \$250. He said although these items are not required to be inventoried but the Inventory Clerk currently inventories them. Mr. Arnold said state law allows a county to be more restrictive than the guidelines, but does not allow them to be less restrictive. He said that this is a

request to change the policy to coincide with the actual procedure that inventory control currently follows with all items being listed on inventory except peripheral or ancillary items.

Supervisor Bill Russell questioned the policy and the definition of peripherals. Mr. Arnold clarified that the peripherals include items such as a keyboard, mouse and other such attachments.

Supervisor Russell asked for clarification on the intent of the policy. Director of Procurement Vanessa Lynchard said if items cost less than \$250 are not on inventory, it slows down the inventory process. She further explained that there may be three monitors in an office and two items have an inventory sticker and one does not, the one that does not have the sticker will require research to see if the sticker was accidentally omitted and cost more than \$250 or if the item cost less than \$250. Ms. Lynchard said it is very difficult to do the inventory without being consistent on those types of items.

Mr. Arnold requested the Board consider clarifying this procedure by adopting the policy.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to adopt the inventory policy as presented by the Chief Financial Officer and Inventory Clerk and directed them to ensure it is within law. The motion passed by a vote as follows:

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

See Exhibit H.6.a

b. Declare Items Surplus: Law Library

Inventory Clerk, Charmaine McCool said she received a call from Attorney Bill Ballard regarding a list of obsolete books that are currently at the law library. Ms. McCool said Mr. Ballard said he approached several law schools and other organizations to see if they have a need for the obsolete books. Ms. McCool said Mr. Ballard said no one is interested, but he will continue to try to find others who may be interested in taking the books.

Board Attorney Jody Neyman confirmed that all of the information contained in these books can be accessed online.

Supervisor Tommy Lewis said he would like to exhaust all efforts to donate the books before destroying them.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded to approve declaring the list of books for the law library as described in Exhibit H.6.b as surplus and authorize a transfer of the books to another entity. The motion passed by a vote as follows:

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

See Exhibit H.6.b

c. Dept. of Emergency Services: Accept Restricted Donation from DC Greenways

Emergency Services Director Bobby Storey said Emergency Management Services is in need of an airboat to assist them in their job. He said there are certain places an airboat would allow them access that they cannot presently get to. Director Storey said DeSoto County Greenways has an airboat and a tracker boat that they are willing to donate to Emergency Management Services. Director Storey said Greenways is asking that EMS allow them access to the boats on occasion as

the need arises. Director Storey said the boats would definitely be an asset to the county and assist EMS in their job.

At the recommendation of the EMS Director, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to accept the donation of an airboat from DeSoto County Greenways to Emergency Services as follows and in “as is” condition:

1 each 2008 Polarcraft Airboat	SN PLR49311L708
1 each 2007 Haul Rite Trailer	SN 198EG11157CF70046
1 each 2009 25 HP Mercury Outboard Motor	SN OR335996
1 each 2011 Boat Trailer TRLS	SN 4TM29MD29AB001037
1 each 2011 15 ft. Tracker Boat	SN BUJ0116E011

The motion passed by a vote as follows:

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

See Exhibit H.6.c

7. Office of Finance & Accounting: Claims Docket

Chief Financial Officer Tom Arnold presented a bill for approval that is not on the claims docket. The bill is for \$250 for the registration fee for the Coroner’s Association seminar for Coroner Jeffrey Ponders.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the clerk to write a check for \$250 for the Coroner’s Association seminar for DeSoto County Coroner Jeffrey Ponders. The motion passed by a vote as follows:

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

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.

Supervisor Bill Russell asked if partial payments are being made to TDL. Director of Facilities Management Kenny Evans confirmed that partial payments are being made.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

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

See Exhibit H

8. Advertising DC Resources

a. Arkabutla Physically Challenged Hunting Assoc.

Supervisor Allen Latimer said that flooding had ruined deer stands used by the Arkabutla Physically Challenged Hunting Association. He said they are currently raising funds and may ask for assistance in the future if they are unable to raise the entire amount.

b. Olive Branch Police Event

This item was held over.

9. County Coroner: Unclaimed Body

Vanessa Lynchard said that DeSoto County Coroner Jeffrey Pounders notified the County Administrator’s office that a male body identified as Paul Hammerman died at his apartment in Hernando of an apparent heart attack. She said that no has claimed the body and Mr. Pounders has been unable to locate friends or family of Mr. Hammerman. She stated that Mr. Hammerman’s date of birth was June 8, 1956, and the date of death was on or around May 18, 2011. She said that Mr. Pounders told her that the contents in the apartment would probably not render \$500. The morgue held the body as long as they could therefore; Mr. Pounders was forced to telephone the Supervisors for approval to cremate the body. The purpose of this action today is to ratify the Board’s prior approval.

In accordance with Section 41-39-5 of the Mississippi Code, which states any coroner acquiring possession of a dead human body which is not claimed for burial or cremation within forty-eight hours of its acquisition shall give written notice thereof to the Board of Supervisors. If the body thereof shall not be claimed within five days the board of supervisors shall authorize and direct the burial or cremation and burial of the residue of such dead body. The reasonable expense of such burial or cremation and burial of the dead body shall be borne by the county of residence or settlement of the dead body thereof is located. It shall be the duty of the board of supervisors to make arrangements for the cremation and burial of the dead body and the expense of such shall be borne by the county of residence, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve disposal of the unclaimed body identified as Paul Hammerman. The motion passed by a vote as follows:

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

See Exhibit H.9

10. Office of Procurement: Bids Under Advisement

a. Inmate Supplies

The Director of Procurement asked to carry this item to a later date.

b. Jail Construction

Director of Administration and Procurement Vanessa Lynchard presented the bid tabulation for the construction of the DeSoto County Jail Facility in connection with Bid File 11-200-004. Mrs. Lynchard stated that the Board of Supervisors has been working on this project for over two years and the County completed its planning for financing and working bid specifications for construction of the project. She stated that the bids were opened on May 12, 2011, and the County received seven bids that were lower than the total allocation for the project, and they were:

Organization	Bid Price
Flintco Construction	\$13,847,000

Inman Construction	\$14,239,000
Murphy and Sons	\$13,563,900
Panola Construction	\$13,718,000
Smith Doyle Construction	\$14,610,000
W.G. Yates & Sons	\$14,394,000
Zellner Construction	\$14,107,000

Mrs. Lynchard stated that on May 13, 2011, the Office of Procurement received a faxed notification from the second lowest bidder, Panola Construction protesting the bid of Murphy and Sons Construction and requesting Murphy's bid be rejected because one of its sub-contractors did not have a valid certificate of responsibility. Mrs. Lynchard stated that after receiving the protest she contacted the Mississippi State Board of Contractors and confirmed that the certificate of responsibility from Murphy's proposed contractor, Giles Fire Protection had expired in July 2010; however she stated that Attorney General Opinions 2008-00416 and 95-0375 allow for the substitution of a subcontractor after bids are opened prior to the awarding of the contract and as a consequence she determined that Murphy and Sons had until the bid award to provide a valid certificate of responsibility for its proposed subcontractor. She stated that she advised Panola and Murphy of her determination. Mrs. Lynchard further advised that on May 31, 2011, she received a valid Certificate of Responsibility number for Giles Fire Protection from Murphy and Sons.

Mrs. Lynchard advised the Board that on May 13, 2011, she received a second bid protest from Flintco Constructive Solutions, protesting the bids of Murphy and Sons and Panola Construction Co., Inc. based upon their alleged non-conformance with Specifications 00020 and 00100. Mrs. Lynchard advised the Board that those specifications required the prospective General Contractor to submit proof of its construction of two (2) separate successful correctional facilities projects with a minimum construction value of \$8,000,000 each within the last five years, and required all bidders to provide and list their relative experience information with their bid. Mrs. Lynchard stated that the project's bid specifications also stated that bidders who did not provide their relative experience information within their bid envelope were subject to having their bids rejected.

Mrs. Lynchard stated that she reviewed Flintco's protest of Murphy and Sons' bid, and after examining Murphy's bid, she confirmed that Murphy did not provide a list of their previous experience in their bid as required by bid specifications. Further, there was no proof submitted by Murphy and Sons of their completion of any correctional facilities as required by the bid specifications, and that as a consequence, Murphy and Sons' bid failed to meet the project's bid specifications.

Mrs. Lynchard then advised the Board that she then reviewed Flintco's protest of Panola Construction's bid. She advised the Board that after reviewing Panola's bid that their bid did list their experience and also listed the completion of two (2) correctional facility projects; however, she stated that the two (2) projects listed by Panola did not meet the required threshold of \$8,000,000 per the bid specifications. Mrs. Lynchard stated that of the two (2) jail projects listed by Panola the first was \$6,453,092 and the second was \$3,922,500, and as a consequence, Panola Construction's bid clearly failed to meet the bid specifications.

Mrs. Lynchard then advised that before preparing a response for Flintco's protest, she investigated the County's bidding obligations. She added that she did so because the Board has made it clear that it is committed to saving every penny of taxpayer money while following the laws, rules and guidelines associated with any County business, including bidding. She stated that she reviewed the Procurement Manual published by the Mississippi Department of Finance and Administration and according to Section 3.202(5) "bids are to be evaluated based on the requirements set forth in the Invitation for Bids" and "no criteria may be used in evaluation that are not set forth in the Invitation for Bids" and that Mississippi Code 31-7-13(d)(i) states that "no agency or governing authority shall accept a bid based on items or criteria not included in the specifications." Mrs. Lynchard then stated she reviewed various Mississippi Attorney General Opinions. She stated the Opinions 95-0375, 95-0581, and 2008-00418 all state that a Board of Supervisors cannot waive bid specifications if doing so would destroy the competitive nature of the bid. She added that the County has had prior experience with Murphy and Sons and Panola as well as a host of other general contractors who were unable to bid because they did not meet the specifications, and that at least four of the remaining higher bidders did meet the bid specifications. She added that in her opinion, if the County were to accept the bid of a company that did not meet the bid specifications, it would be unfair to those companies that did not bid because of the bid requirements and to those

bidders who did qualify by having the required experience. Mrs. Lynchard stated that in her opinion after reviewing the applicable law and regulations the county could subject itself to liability if it were to accept the bid of Murphy and Sons or Panola Construction because their bids did not meet the County's bid specifications. Mrs. Lynchard then stated that Mississippi Attorney General Opinion 2009-0495 states "that all bidders must be treated alike." She then stated that in her opinion an award against the bid specifications would not be treating a company who was not qualified the same as a company who was qualified. Mrs. Lynchard then stated, that as a consequence of her research, the protest of Flintco Constructive Solutions was with merit and she would recommend to the Board that the bids of Murphy and Sons and Panola Construction be considered as non-responsive and not eligible for a bid award.

Mrs. Lynchard then stated that on June 2, 2011, she received an email from Preston Wyile with Murphy and Sons stating that since the Desoto Co. Jail project falls under Murphy's classification (building construction) and it is more than 50% of the project, Murphy and Sons were qualified to bid and enter into a contract on the project according to item no. 5 of the Rules and Regulations of the State Board of Contractors. Mrs. Lynchard stated that she then contacted the State Board of Contractors by phone and talked to Mr. Charlie Sharman. She stated that Mr. Sharman advised her that the item cited by Murphy is one of the State Board's requirements for a contractor to procure and use a certificate of responsibility but it in no way relieves the contractor of their responsibility to follow the bid specifications in a bidding project. Mrs. Lynchard stated that after investigating the matter and due to the timing of the email, she responded to Murphy's inquiry on June 3, 2011, by email and regular mail and her response to Murphy and Sons was enclosed in the Board's packet for today's meeting.

Mrs. Lynchard stated that on June 3, 2011, she received an email from Murphy and Sons' attorney, Ben Murphy, stating that in his client's opinion the bid specification requiring previous experience in building correctional facilities is both arbitrary and capricious. She stated that in response to that assertion, she researched the issue and she found authority stating that the county can and should specify anything they feel is important to achieve the goals and objectives of a project in the bid specifications and that, in her opinion, the County specifying two projects within five years as a threshold is fair and reasonable. She stated that Section 3.202(5) of the State Procurement Manual states that bid specifications must be "objectively measurable." She added that the same section says that the Invitation to Bid shall set forth the evaluation criteria to be used. Further, she found legal authority stating that there is no prohibition for a public entity to consider experience when determining the lowest and best bid. Mrs. Lynchard then stated that Mississippi Attorney General Opinion 1983 WL 43165 states that experience can be used in evaluating prospective bidders by a public entity, and, in her opinion, it certainly infers that experience can be used in the bid specifications for this project.

Mrs. Lynchard then stated that she reviewed the Procurement Manual in Section 3.401.02 which discusses the standards of responsibility for considering bids. She stated that this Section states that in considering bids a governing entity must determine if a prospective contractor has "available and appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them and you can ask for their capability to meet all contractual requirements." The bid specifications set by the Board clearly indicate how this experience factor will be gauged when the Board laid out the requirement for experience with two jail projects in the last five years each with a minimum of \$8,000,000 for each project.

Mrs. Lynchard then read Mississippi Attorney General Opinion, dated April 16, 1991, (WL577514) into the record as follows:

Clearly, a fundamental prerequisite to a county board of supervisors' consideration of any particular bid is to make a determination that such bid substantially conforms in all respects to the bid specifications and other legal requirements. Among other things, that means there can be no material deviation from the advertised specifications which infringe on the competitive character of the bid and has no effect as to give one bidder an advantage or benefit over the other bidders. It further states the Board cannot accept a bid that does not meet the minimum specifications advertised.

Mrs. Lynchard then read Mississippi Attorney General Opinion 2010-00101 into the record as follows:

With respect to whether the governing authority is authorized to select a bid other than the lowest bid received, Section 31-7-13(d) specifically states that "other relevant provisions may be included in the best bid calculation." Furthermore, we have consistently opined that a public body may consider factors, other than the dollar amount of the bid in making its determination of the "lowest and best bid." MS AG Op., MS AG Op., Povall (February 17, 2004); MS AG Op., Thomas (July 14, 2000). Public entities are obligated to carefully scrutinize each bid for not only the amount of the bid, but for the quality of the bid. MS AG Op., Hill (January 6, 2004). In fact, the Mississippi Supreme Court has recognized that public entities "may take into consideration factors such as the bidder's honesty and integrity, the bidder's skill and business judgment, the bidder's experience and facilities, the bidder's conduct under other contracts, and the quality of the bidder's previous work." MS AG Op., Jacks (August 22, 2008)(citing Parker Bros. v. Crawford, 68 So.2d 281, 285 (Miss. 1953)).

Mrs. Lynchard then read Mississippi Attorney General Opinion 1984 WL 247503 into the record as follows:

It is the responsibility of the Jackson County Board of Education to take and receive bids which are in compliance with the advertisements required by § 31-7-13 of the Mississippi Code of 1972. When these bids are received it is necessary to determine that all bidders have had an opportunity to be competitive and that they have bid upon substantially the same quality and for substantially the same conditions. It is the responsibility of the Jackson County Board of Education to determine whether or not the bids are responsive to the advertisements and upon finding that they are in fact responsive, and therefore competitive, then the board should determine, from all aspects shown upon the bid, which is the lowest and best bid.

Mrs. Lynchard then read Mississippi Attorney General Opinion 1983 WL 43165 was read into the record as follows:

Specifically, the Attorney General was asked, "...The form of the bid as required by the architect included a statement of the bidder's construction experience. The low bidder entered a bid of \$1,644,000.00. That bidder indicated that he has had nine months experience in the construction business. He has never constructed any similar new construction and his only experience comparable to the proposed project would be the rehabilitation of 80 units for the Picayune Housing Authority.....Does the Housing Authority have the right to award this bid to the second bidder if the board determines that its bid is the lowest and best bid based upon the job experience of the second bidder?" The Attorney General responded, "In response to your inquiry, it is the opinion of this office that the Tennessee Valley Regional Housing Authority may lawfully accept the second lowest bid on the project in question provided the factual determination is made that the accepted bid is the lowest and best bid and that the reasons for not accepting the lowest bid are set forth in the minutes of said authority."

Mrs. Lynchard stated that both she and Mr. Garriga had investigated the two Mississippi correctional facility projects that Flintco Constructive Solutions listed in its bid application. Mrs. Lynchard stated that she spoke with the Adams County Correctional Facility Manager's office and they advised her that their facility was well constructed and they were satisfied with Flintco. She stated that they further advised her that after construction, they asked Flintco for its advice for an intercom system Adams County was installing and Flintco provided them advice. Mrs. Lynchard added that the architect for the Adams County Facility, Joe Haines of DLR Group, advised her that in his experience Flintco was a capable company with a good record of service. Mrs. Lynchard then stated that for these reasons she recommends that the Board find that the Flintco Constructive Solutions bid in the amount of \$13,847,000 was the lowest and best bid for the construction of the DeSoto County Jail Facility since the bids from Murphy and Sons and Panola Construction were not in compliance with the bid specifications and cannot be considered for failing to meet the jail specifications. Mrs. Lynchard then made all documents cited in her presentation part of the record.

Supervisor Bill Russell then stated that Mrs. Lynchard presented these facts to the jail committee. Mr. Russell stated that it was the recommendation of the Jail Committee and the architect, Evans, Taylor, Foster, Childress, to award the bid to Flintco Constructive Solutions because it was the lowest and best bid in the opinion of the Committee. County Administrator Michael Garriga then presented a written copy of the recommendation of the DeSoto County Jail Committee

recommending that the bid of Flintco Constructive Solutions be found the lowest and best bid for the construction of the proposed Desoto County Jail. The committee report was then made part of the record.

Supervisor Bill Russell then asked DeSoto County Jail Consultant Irb Benjamin to discuss the jail committee's findings and comment on the project's specifications. Mr. Benjamin stated that when the committee first started the effort to hire an architect and contractor for the project, the Jail Committee said that they wanted an architect and a contractor with experience in constructing jail projects. Mr. Benjamin said when we originally started working on this project the architects wanted someone who had experience with jails. Mr. Benjamin said that in his experience, there are many legal requirements regarding jails that are constantly changing and in his experience, you need a contractor with a history of constructing jails to make sure those requirements are met. He stated that a good builder of schools doesn't mean they're good with jails. He then said when the committee considered the bid specifications he recommended a minimum threshold for costs of past projects due to the size and cost of this project and he also recommended the number of jobs and the time period for the specifications because it is common in jail projects. Mr. Benjamin said he feels they held true to the course.

Supervisor Eugene Thach asked Board Attorney Jody Neyman if his firm had looked at the legality of the process. Mr. Neyman said that his firm had researched the issues that have been raised and that the legal authorities cited by Mrs. Lynchard were correct and on point.

Supervisor Allen Latimer stated that he reviewed the Jail Committee report and then read that the report says "prior to the bid opening all prospective bidders, including Murphy and Sons and Panola Construction, were afforded an opportunity to contest the specifications prior to submitting a competitive bid." Mr. Latimer asked Mr. Benjamin if everyone had the opportunity to question the bid specification if they thought the specs were not fair. Mr. Benjamin answered "yes" and he then stated that if the question had been asked they would have brought the matter in question back before the Jail Committee.

Supervisor Latimer stated that we want to make sure everybody in the community trusts our government and had heard that questions have surfaced in the community that the specifications were written just to favor certain companies. Mr. Latimer then asked Mr. Benjamin if that was the case. Mr. Benjamin stated that is totally wrong. He said we had no contractor in mind when we set the bid specifications but when you set criteria you either meet it or you don't. He then said that these specifications were written to benefit DeSoto County and we wanted to be sure that we ended up with a quality product. Mr. Benjamin then said the specs were written to be wide open to anyone who wanted to participate within the specifications and there was no intention to favor any contractor.

Supervisor Eugene Thach asked if the other bidders met the qualifications. Mr. Garriga said four of the seven bidders met the qualifications and three did not.

Supervisor Latimer then asked if anyone from the public wished to speak regarding the issue. Gary Murphy asked to speak.

Gary Murphy stated that he is the President of Murphy and Sons and they are taxpayers here in DeSoto County. He said the only specification they did not meet was not a material specification but the requirement for experience in building jails prevents a lot of people from bidding. Mr. Murphy then said the County is paying an architect to inspect the project and his company is fully bonded to cover things if there are any problems. Mr. Murphy stated that the experience requirement has not been a part of other bids they had submitted to the County. Mr. Murphy said that Flintco is an Oklahoma company and he thinks with this economy the project should go to a Mississippi Company. Mr. Murphy stated he would not have had a problem with Panola Construction getting the bid if they had a lower bid because they are a Mississippi Company. He stated that he objected to the County having to pay \$300,000.00 more for a jail. He then said the only qualification his company did not meet was the experience in building jails. He said they have qualified on other projects all day long and they should not have been eliminated for that alone. Mr. Murphy then said that he remembered former Board Attorney Bill Austin once said that you can get any answer you want from an AG opinion depending on how you write it. He suggested the County take that out of the specification, throw out the bids and rebid the project. He said it is not fair to

exclude them for that and the problem could be eliminated by rebidding the project and to do so would be the best solution.

Supervisor Russell asked if it is standard on bids that if you have questions or issues with the bid documents that you can amend the specifications. Board Attorney Jody Neyman stated that it is an option on any bid but there are certain legal standards that have to be met. Mrs. Lynchard then stated that Mississippi Code section 31-7-13 sets out the authority to amend a bid.

Supervisor Russell said he wished that Mr. Murphy had brought this to the Board's attention when the bid specifications were first released. Supervisor Russell then said he did not believe the county would have changed the specifications on that point because our consultant says asking for experience on jail projects is standard. Supervisor Russell then said that he would like to see all the money and the business stay in Mississippi, but when something is spelled out on the front page of the jail specifications you just can't ignore it as part of the bid package. Supervisor Russell said that jails are unique and the laws regarding them change almost monthly. Supervisor Russell stated that he understands that Mr. Murphy's company has a bond and the County can sue for deficiencies, but by then the jail would already be built. Supervisor Russell then said that he trusts the county's consultant when they urge experience in building jails is necessary. Supervisor Russell said he appreciates Murphy and Sons being at the meeting, and he said the Board hopes to do business with Murphy and Sons in the future.

Preston Wylie of Murphy and Sons said he wanted to speak to the Board about communication during the bid process. Mr. Wylie said he is the one who put the project together and submitted the bid. Mr. Wylie stated he never once heard the architect say that his company had to send in their qualifications. Instead, they said we were just welcomed to bid on the project. He said he asked about a pre-bid meeting and they said there would not be pre-bid construction meeting for this project. Mr. Wylie then said the requirement for qualifications was never conveyed to anyone, except through the line written in the specifications. He said typically that information would be posted and his company was not allowed to ask questions.

Supervisor Russell then asked if Murphy and Sons was told they could not ask questions regarding the project. The project architect Michael Childress of Evans Taylor Foster and Childress Architects spoke and stated that all bidders could ask questions regarding the project and the bid qualifications. He stated that their company had received approximately 50 questions from prospective bidders and in response to those questions an addendum was made. Mr. Childress stated his firm never received a question from Murphy and Sons regarding the project or its bid specifications. Mr. Wylie said they did have a list of questions. Mr. Wylie said he asked his secretary to call the architect to ask their questions. Mr. Wylie stated that his secretary was told that the time period to ask questions was closed. Mr. Wylie said that it was on the Friday before the bid opening which was on May 12, 2011. He said that was about five days before the bid opening.

Mr. Childress said the specifications clearly stated that questions regarding the bidding process were to be stopped seven days before the bid opening. He said there was ample time to submit questions for this project prior to that time. Mr. Childress added that there was extra time between the publication of the bid and the opening of the bid cutoff to allow bidders to ask questions. Mr. Childress then stated that the period for questions ended seven days prior to the bid opening to allow time for bidders to review and respond to the addendum. Preston Wylie then asked if that was in violation of state law to set a time to cut-off bidders to ask questions. Mr. Neyman responded that it was legal for the County to do this as long as there was a reasonable time period for bidders to submit questions, the cut-off date was for a reasonable time period and the bidders were advised in writing of the cut-off date in the bid specifications. Mr. Childress then stated that at some point you have to draw the line to end bid questions.

Gary Murphy said he has never had anything like this happen. He said he has never seen anything like this. He said, in his experience if a bid is taken, opened and read out, you're qualified. He said he does not see how he cannot qualify for the bid. Mr. Childress stated the bid process for this project had been thoroughly reviewed and approved by DeSoto County Board Attorney prior to the bid to make sure that all legal requirements were met and that the bid process was fair to all prospective bidders. Mr. Childress then stated that he understood that prequalifying for the bid was prohibited. He said the bid requirement gave ample time for questions and the time period was

clearly stated in the bid package.

Mr. Wylie then said that all of the general contractors do the same thing. None of them do anything different. He said Murphy and Sons, Panola and Flintco all work with sub-contractors. He said they all typically do the same thing. He said on every portion of the job that makes the project special the contractors will all be using the same sub-contractors. Mr. Murphy then said that he would pursue legal action because this is not right in his opinion.

Mr. Childress then stated that Board Attorney Tony Nowak had reviewed the bid process. Mr. Childress confirmed that Mr. Nowak said they could not pre-qualify the bid under the State guidelines.

Mr. Wylie said the contractors are all general contractors and do not do anything differently. They all typically do the same thing. He then said that the question is who is the better manager and who has a vested interest. Mr. Wylie said Murphy & Sons is located in DeSoto County and they live in DeSoto County.

Supervisor Allen Latimer then asked if anyone else would like to speak to the Board of Supervisors on this issue.

Don Hutchinson of Flintco Constructive Solutions came forward. Mr. Hutchinson said his company has been in Memphis for twenty-five (25) years and they have done quite a few jobs in Memphis and Mississippi. Mr. Hutchison said Flintco has been around this area for a long time and they appreciate the opportunity to construct the jail. He said the issue of residency was never a requirement for the project. He said Flintco played by the rules and submitted a bid that met all the project specifications.

Supervisor Bill Russell asked if Flintco submitted any questions to the architect on this project. Mr. Hutchinson stated that they submitted their questions prior to the seven day deadline. Mr. Childress confirmed that Flintco and other bidders had submitted quite a few questions to him pertaining to the project before the seven-day cut-off.

Supervisor Allen Latimer asked if there were any more questions or if anyone else wished to speak to the Board on this matter. No one came forward.

Mr. Garriga said that in the Jail Committee's research of past projects they found that this Board had qualified contractors in the past; however, the Board did not qualify contractors on the Juvenile Detention project. Mr. Garriga stated that the County had numerous problems on that project due to the inexperience of the contractor in constructing jails that resulted in litigation and substantial costs to the County that is one reason the jail committee wanted a contractor with experience building jails.

Supervisor Allen Latimer asked Mr. Neyman "if the Board awards a contract outside our specs are we liable to companies who did not submit a bid?" In response Mr. Neyman replied that in his opinion the County would open itself to liability because if it set specifications for experience and then awarded the bid to a company who did not meet that specification, companies who might have bid but chose not to do so because they could not meet the experience qualification would have grounds to file suit for being precluded from the bidding projects. Mr. Neyman then added if the Board wishes to select a bidder who does not meet the specifications or change the bid specifications, the Board would need to restart the bidding process to avoid liability and ensure that the bidding process is fair to all prospective bidders.

Supervisor Bill Russell then made a motion based upon the recommendation of the DeSoto County Jail Committee and the Director of Procurement to find that based upon the reasons discussed, and due to the failure of Murphy and Sons and Panola Construction to meet important and material bid specifications, the lowest and best bid for the construction of the Desoto County Jail Facility was the bid submitted by Flintco Constructive Solutions in the amount of \$13,846,000 for the DeSoto County Jail Construction in connection with Bid File 11-200-004 and award the project to Flintco Constructive Solutions. Supervisor Tommy Lewis seconded the motion. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT

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

Supervisor Allen Latimer said he hopes the concerns of the public have all been aired publically and addressed.

See Exhibit H.10.b

11. Dept. of Road Management

a. Florence & Hutcheson, Inc. 2011-2012 Agreement for On-Call Traffic

At the recommendation of Road Manager Russell Dorris, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the 2011-2012 agreement for on-call services with Florence & Hutcheson, Inc., and authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

See Exhibit H.11.a

b. General Services Agreement with Neel-Schaffer

At the recommendation of Road Manager Russell Dorris, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the agreement with Neel-Schaffer for general engineering services and authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

See Exhibit H.11.b

c. Starlanding Corridor MOU & Resolution (Tulane Rd. to Getwell Rd.)

Road Manager Russell Dorris presented a revised memorandum of understanding for Starlanding Road from Tulane Road to Getwell Road between MDOT and DeSoto County.

At the recommendation of the Road Manager, Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the memorandum of understanding between DeSoto County and MDOT for Starlanding Road from Tulane Road to Getwell Road and authorize the Board President to sign the documents. The motion passed by a vote as follows:

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

See Exhibit H.11.c

d. Project Activation Request and Resolution for Starlanding Corridor

Road Manager Russell Dorris presented the documents for the Project Activation Request and Resolution for Starlanding Corridor. He said approval of the documents allows the project to begin.

At the recommendation of Road Manager Russell Dorris, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the documents for the Project Activation Request and Resolution for Starlanding Corridor and authorize the Board President to sign all related documents. The motion passed by a vote as follows:

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

See Exhibit H.11.d

e. County Engineer

1.) Holly Springs Road Wetlands-Hawks Property

County Engineer Andy Swims presented a map to show a 52-acre site that could be accessed through a parcel located on the south side on Holly Springs Road. He said this area is to be used for wetland mitigation and he is recommending using Wildlife Mississippi to manage for the project. Mr. Swims said this property would need to be designated as wetlands and need someone to manage and maintain the property.

Supervisor Allen Latimer asked if the county would have to pay for the management and maintenance of the property. Mr. Swims said yes. He said the county would purchase the land and transfer it to the group who will manage it.

Supervisor Bill Russell asked why this project would not qualify with the Greenways program. Mr. Swims said they do not have the experience or resources as this group.

Supervisor Russell asked if anyone has looked into this being a land bank. Mr. Swims said this does not qualify for a land bank.

Supervisor Russell asked if this project becomes more expensive, would it be possible to buy somewhere else. Mr. Swims said yes.

Supervisor Eugene Thach asked where the money would come from to purchase the land. Mr. Swims said the funds to pay Pickering Engineering would come from the credit of \$36,000 the county has with Pickering. The other expense is federal money.

Supervisor Tommy Lewis said the Board needs to know the price for the Marshall County land bank in considering the best option. Supervisor Lewis asked if it would land lock the property when the new Holly Springs Road is completed. Mr. Swims said he would check on that.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to proceed with obtaining an appraisal on the land and to allow Pickering Engineering and the County to negotiate with Wildlife Mississippi Group to manage and maintain wetlands mitigation on Holly Springs Road. The motion passed by a vote as follows:

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

2.) Miller Station Subdivision

Supervisor Allen Latimer said Supervisor Jessie Medlin had concerns about Miller Station Subdivision. Supervisor Latimer asked for details.

Vanessa Lynchard said Supervisor Medlin is concerned about Burlington Street. She said there are sinkholes on the road around utility cuts.

Mr. Swims said they are aware of the potholes and that this subdivision is one that was discussed with the Board of Supervisors in November. Mr. Swims said the Board of Supervisors asked him and Mr. Nowak to write a letter to Renasant Bank to request that they increase the bond and repair the roads. Mr. Swims then said that the bank responded saying they are not responsible for the roads. Mr. Swims then said it is county's position that the bank is responsible for the roads.

Board Attorney Jody Neyman said that he understood that Renasant Bank's position is that they only own the lots and should not be responsible for the roads. Mr. Neyman said Board Attorney Tony Nowak had been involved in discussions with Renasant regarding this particular subdivision and said he understands that the county has not taken responsibility of the roads and it is the Bank's responsibility because they have taken over for the developer. Mr. Neyman said that the bond expires on November 30, 2011.

David Lewis of 5757 Burlington Lane at Miller Station appeared before the Board of Supervisors. Mr. Lewis said 2010 was the last year of the four-year requirement for the developer to finish the final phase of the subdivision. Mr. Lewis said that he understood that the subdivision had been given back to the bank. He said there is a big sinkhole in front of his house. He said the road is still drivable, but in very bad shape.

Supervisor Bill Russell asked the percentage of homes built. Mr. Swims responded 54% of the homes are built. Mr. Swims verified this is before the Board because no one is claiming responsibility for the roads. Mr. Russell assured Mr. Lewis that the Board would not let this slip through the cracks. He said the Board must do what is legal.

Mr. Neyman said, before we pull the bond he would recommend that we need to consider our other options and we have given Renasant Bank notice to increase its bond and repair the roads. Mr. Neyman said that he understands that Mr. Nowak is awaiting their response. Mr. Neyman said if you pull the bond and repair the roads, the county would have to file suit against the bank for any construction costs above the bond amount. He added that in his opinion the roads are the bank's property and he is concerned that if the bond pulls the bond now the county would have to incur substantial costs in repairing the roads and it should not because it is the bank's responsibility. Mr. Neyman said the county has given the bank a deadline of June 22nd to increase the road bond and he would recommend waiting until the deadline passes before we proceed further.

The Board of Supervisors suggested waiting until the Board meeting on June 27 to discuss this item and the item was tabled to that date.

3.) NRCS Application for Emergency Work on Johnson Circle Road

County Engineer Andy Swims presented an application from NRCS for work on Johnson Circle Road. Mr. Swims said this is for emergency work on the road and the local match for the project is \$8,425 and represents 25% of the total project totaling \$33,700. Mr. Swims said the balance would be paid by NRCS.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the application for emergency work on Johnson Circle Road, based on the recommendation by the Road Manager. Included in the motion is to authorize the Smith, Phillip, Mitchell, Scott and Nowak Law Firm to pursue right of way on the project and represent the project in any manner necessary. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT

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

See Exhibit H.11.e.3.)

4.) Mallard Park

County Engineer Andy Swims said the Mayor of Walls is requesting the county pull the bond for Mallard Park Subdivision.

Supervisor Bill Russell said the county is the contractor for the City of Walls and we should advise them it is their responsibility to make the decision about the bond. Mr. Swims agreed and explained that the county has the bond in their name.

Supervisor Tommy Lewis asked if the county could transfer the bond and let Walls deal with it.

Board Attorney Jody Neyman, said it depends on the wording of the bond. Mr. Neyman said he would have to look at the bond before he could answer Supervisor Lewis' question.

Supervisor Tommy Lewis said if there needs to be a public hearing he would like to see what they could do about getting any bond transferred from the County to the governing authority.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to pull the bond for Mallard Park Subdivision at the request and direction of the Mayor of Walls, and authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to look into the county turning the money over to Walls. The motion passed by a vote as follows:

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

12. Information Technology: Telecommunications Project

I.T. Director John Mitchell said they are talking about consolidating the county phone systems to improve efficiency and lower the phone bill without increasing the budget. Mr. Mitchell said the county uses several different systems and there are many phones throughout the county. He said they have done a lot of analysis and can replace the existing phone system and still come back under budget.

Supervisor Bill Russell asked if they have talked to companies that will guarantee the service and price. Mr. Mitchell said there are companies who will do that. He said it is a two-fold project. The first is hardware to update and modernize the equipment and the second service, which means looking at reducing the phone bill and increasing service and reducing monthly costs. Mr. Mitchell said all county phone bills are sent to the I.T. Department. He said ideally, he would like to do a lease purchase where the county would own the hardware at the end of the lease, and then the county would only have to pay for maintenance and the monthly phone bill. Mr. Mitchell said there are four main areas including Hernando, Nesbit, Southaven and Olive Branch. Mr. Mitchell said, at this point, there is no increase in cost and they are anxious to start this project.

Supervisor Russell said he is excited to start this process. He asked Mr. Mitchell to be aware of elected offices that act independently. Mr. Mitchell said, currently, his office is paying their phone bills.

Mr. Mitchell said he wanted to inform the Board of this project and get the Board's blessing to proceed.

Supervisor Latimer told Mr. Mitchell the Board appreciated his hard work.

13. Chickasaw Nation Reception

Desoto Times Tribune Reporter Robert Long said the Chickasaw Nation has never been recognized by DeSoto County. Mr. Long said the Chickasaw Indians numbered in the thousands in DeSoto County. He said many of the Chickasaws could trace their existence to our area. Mr. Long said there is a reception recognizing Governor Anitobia and his wife at the home of Eddie Burke at 11:00 a.m. on July 2. Mr. Long said the Daughters of the American Revolution would host the event. He said the Chickasaw Indians fought for the American Revolutionary War and fought for the south during the Civil War. On July 3, there will be an official ceremony by the City of Hernando. This will be the first official recognition of the Chickasaw Nation in 100 years. Mr. Long said it would be great to get participation from DeSoto County.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve a resolution of support for the event to honor Chickasaw Nation. The motion passed by a vote as follows:

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

14. Travel Authorization: Washington, DC – June 15 – 17, 2011

County Administrator Michael Garriga said there were discussions regarding traveling to Washington, D.C. to pursue possible opportunities for funding for Holly Springs and Starlanding Roads.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize travel for any Board member and the County Administrator to pursue funding for Holly Springs and Starlanding Roads and authorize paying travel expenses in connection with the trip. The motion passed by a vote as follows:

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

I. PLANNING COMMISSION AGENDA – 11:00 a.m.

**DeSoto County Board of Supervisors
Planning Agenda
June 6, 2011**

CONSENT AGENDA

Minor Lots

District 4

Juanita Warfield Minor Lot (6818) – Application is for final subdivision approval of one (1) lot of 3.09 acres. Subject property is located on the north side of West Oak Grove Road and east of Baldwin Springs Road in Section 14, Township 3, Range 9 and is zoned Agricultural (A). (District 4)

District 5

Virina Archer Minor Lot (6817) – Application is for final subdivision approval of one (1) lot of 4.5 acres and one (1) lot of 5.42 acres out of 9.92 acres. Subject property is located on the north side of Bright Road and west of Laughter Road in Section 2, Township 5, Range 7 and is zoned Agricultural (A). (District 5)

Delmas Brooks Minor Lot (6821) – Application is for final subdivision approval of one (1) lot of 2.67 acres and one (1) lot of 6.21 acres out of 9.2 acres. Subject property is located on the south side of Gaines Road and west of Highway 51 in Section 12, Township 4, Range 8 and is zoned Agricultural (A). (District 5)

Mr. McDougal presented the applications above and stated they appear to be in compliance with the County’s Zoning and Subdivision Ordinances, subject to right-of-way dedication and Health Department approval. He noted that the Planning Commission voted unanimously to recommend approval of these applications.

Supervisor Lewis made a Motion to approve the Consent Agenda subject to staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

NEW BUSINESS

Subdivision Plat Vacation

Sunny Grove Subdivision Plat Vacation (6814) - Application is for vacation of the Sunny Grove Subdivision Plat of four (4) lots on 33.03 acres. Subject property is located north of Sunny Grove Cove and north of Cub Lake Road in Section 28, Township 3, Range 9 and is zoned Agricultural (A). (District 4)

Mr. McDougal presented the above application and stated the applicant is asking to vacate the Sunny Grove Subdivision Plat. The applicant owns the two rear lots, Lot 2 and Lot 3, of this platted and recorded subdivision. Three of the lots have been developed with single-family residences and Lot 1 remains vacant. In the future, the applicant wishes to sell a portion Lot 2, formerly his mother’s property, and combine the rear portion of Lot 2 with Lot 3 via a Minor Lot Subdivision application, which is submitted for review and approval as a separate application (McCoy Minor Lot, File # 6819). All property owners within the subdivision have signed a letter in support of vacating the Sunny Grove Subdivision Final Plat. He noted that the Planning Commission voted unanimously to recommend approval of the application.

Supervisor Latimer asked if there was any opposition by the Planning Commission. Mr. McDougal stated the Planning Commission voted unanimously to recommend approval of the application.

Supervisor Latimer made a Motion to approve the Sunny Grove Subdivision Plat Vacation in Section 28, Township 3 and Range 9, in Plat Book 73, pages 35-36. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

Minor Lot

David McCoy Minor Lot (6819) – Application is for final subdivision approval of one (1) lot of 23.74 acres, two (2) lots of 3 acres each, and one (1) lot of 3.29 acres out of 33.03 acres. Subject property is located north of Sunny Grove Cove and north of Cub Lake Road in Section 28, Township 3, Range 9 and is zoned Agricultural (A). (District 4)

Mr. McDougal presented the above application and stated it is the minor lot application associated with the Sunny Grove Plat Vacation. He stated the applicant wishes to sell a portion Lot 2, formerly his mother's property, and combine the rear portion of Lot 2 with Lot 3. All property owners in the vacated Sunny Grove Subdivision have signed a letter in support of the David McCoy Minor Lot. He noted that the Planning Commission voted unanimously to recommend approval of this application.

Supervisor Latimer asked who will be responsible for Sunny Grove Cove. Mr. McDougal stated Sunny Grove Cove has already been taken in by the County as a public road.

Supervisor Latimer made a Motion to approve the David McCoy Minor Lot subject to staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

Final Subdivisions

Castle Rock Creek (formerly Jordan Creek/Rocky Creek/Holliman's Hollow) Subdivision, Proposed Phasing Plan & Phase 1 Final Subdivision Plat (6816) – Application is to consider a construction phasing plan for Castle Rock Creek Subdivision including 19 lots on 64.91 acres and to consider approval of the Final Subdivision Plat of Castle Rock Creek Subdivision, Phase 1, including 5 lots on 16.35 acres. Subject property is located on the north side of County Line Road and west of Massey Road in Section 33, Township 3, Range 6 and is zoned Agricultural(A). (Districts 5)

Mr. McDougal presented the application for Castle Rock Creek (formerly Jordan Creek/Rocky Creek/Holliman's Hollow) Subdivision, including a Proposed Phasing Plan & Phase 1 Final Subdivision Plat.

Supervisor Russell asked if there is a Homeowners Association in place for the subdivision. Mr. McDougal stated there was not yet a Homeowners Association established for Castle Rock Creek Subdivision. Supervisor Russell stated since the developer will be required to sign the Residential Development Agreement bylaws for formation of a Homeowners Association will be required for Castle Rock Creek Subdivision.

Mr. McDougal stated the developer of Castle Rock Creek Subdivision has agreed to all requests made by staff for the subdivision.

Supervisor Lewis made a Motion to approve the Castle Rock Creek (formerly Jordan Creek/Rocky Creek/Holliman's Hollow) Subdivision, Proposed Phasing Plan & Phase 1 Final Subdivision application subject to the following conditions:

1. A Residential Development Agreement with the County shall be signed by the developer;
2. The MDEQ Stormwater Permit shall be revised to reflect the name "Castle Rock Creek" and submitted to the Planning Commission office prior to platting and recording of Phase 1 of the subdivision; and
3. The applicant shall submit an updated copy of the Restrictive Covenants for recording that state a minimum house size of 1,800 square feet; that the Homeowners Association will be responsible for maintaining ditches; and the requirement that the setback from Jordan Creek shall be a minimum of 50 feet or three times the distance measured from top bank to top bank, whichever is greater, per the County Engineer's requirement.

Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

Other Items:

1. Certificates of Appreciation – James McKell & Benny Norwood

Mr. McDougal and Supervisor Latimer presented a Resolution of Appreciation to Mr. James McKell for his service to the DeSoto County Board of Adjustment. Supervisor Latimer thanked him again for his service to the County.

Mr. McDougal stated Mr. Norwood was not able to attend today’s meeting but he would make sure Mr. Norwood received his Certificate of Appreciation for service to the County on the Board of Adjustment.

2. I-69/I-269 International Trade Corridor Study Update

Mr. McDougal stated staff and the consultants held an Open House on June 1, 2011 at the DeSoto Civic Center as a public informational meeting about the Corridor Study. He stated the event was attended by approximately 200 people and staff received very positive feedback from attendees.

Supervisor Russell stated he attended the Open House and was very impressed with how organized and professional the event was.

3. Consideration of Planning Commission request to hold meetings to 6:30 p.m.

Mr. McDougal presented a request by the Planning Commission to change the Planning Commission meeting time from 7:00 p.m. to 6:30 p.m., beginning with the scheduled meeting on June 30, 2011.

Supervisor Russell made a Motion to approve changing the Planning Commission meeting start time from 7:00 p.m. to 6:30 p.m. Supervisor Lewis seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>ABSENT</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

4. Rubbish Pit road repair

Mr. Ray Laughter stated the culvert is clogged at Sandidge Road at the Olive Branch Rubbish Pit. He stated work needs to be done on the ditching and limestone at this location.

Supervisor Russell asked if the repair work will be taken out of the Road Department Budget. Mr. Michael Garriga stated it would need to be taken out of the Solid Waste Millage Levee Fund.

Supervisor Russell made a Motion to approve the repairs to the Olive Branch Rubbish Pit road to be paid for from the Solid Waste Millage Levee Fund. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

5. Environmental Services Item

Mr. Ray Laughter addressed the Board concerning a burned house at 7090 Goodman Road owned by a company out of Florida named Mississippi Investments LLC. Mr. Laughter stated that they contacted the owner and he advised its representative that the house needed to be cleaned up or the County would have to proceed under the litter ordinance to remove it at the owner's expense. Mr. Laughter stated that the company's owner told him that he received the County's letter, read the litter ordinance and he did not think the county could proceed at this time because they are still due funds to be paid by the arsonist because of an order of restitution.

Mr. Russell then asked Board Attorney Jody Neyman if the county could proceed. Mr. Neyman stated that he reviewed the ordinance and after talking to Mr. Laughter he believes the landowner is relying on a provision in the litter ordinance that states the County cannot proceed on burned houses if the landowner is awaiting insurance funds. Mr. Neyman stated that he understood that there are no insurance funds but the landowner was awarded restitution by Court Order. Mr. Laughter stated that he understood that the house was burned down by an arsonist; the arsonist was arrested and found guilty.

Mr. Russell then asked if Mr. Laughter if he needed assistance from the County Attorney and Mr. Laughter stated that they needed legal advice on this issue and the matter may have to go to Court. Supervisor Bill Russell then made a motion and Supervisor Allen Latimer seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to represent DeSoto County in the matter of house located at 7090 Goodman Road owned by Mississippi Investments, LLC and to handle the matter in any matter necessary to bring the matter to a legal conclusion. The motion passed by a vote as follows:

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>ABSENT</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

J. EXECUTIVE SESSION

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

K. OTHER ISSUES

1. Homestead Objections and Disallowances

At the recommendation of the Chancery Clerk, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve an order objecting to the disallowances to homestead exemptions by Mississippi Tax Commission and an order accepting the disallowances of homestead exemptions by the Mississippi Tax Commission as detailed in Exhibit K.1. The motion passed by a vote as follows:

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

See Exhibit K.1

2. Roads: Holly Springs Road

Road Manager Russell Dorris said that Holly Springs Road would be open at 9:00 a.m. on Wednesday. He said the emergency repairs are now far enough along to open the road.

3. Board of Supervisors Travel

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve travel to the Mississippi Association of Supervisors conference for an employee including, but not limited to, Board members, County Administrator, Board Attorney and the Road Manager. The motion passed by a vote as follows:

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

4. Board of Supervisors-Organizational Chart

County Administrator Michael Garriga presented an organizational chart to the Board of Supervisors for their convenience and review.

5. Chancery Clerk Allowance

On this date, the County Administrator, Michael Garriga presented on behalf of the Chancery Court Clerk, W. E. Davis, an order of Allowances to the Board of Supervisors for the June 3, 2011 term in the amount of \$1,200. Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve these payments, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a vote as follows:

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

See Exhibit K.5

6. Emergency Services-Storm Shelter

Emergency Services Directory Bobby Storey said DeSoto County was impacted by the recent tornado. Director Storey said, again, MEMA is offering a “Safe Room” program for anyone interested. He said citizens could apply for a grant for construction of the Safe Room. Director Storey said the grant covers 75% of eligible costs up to \$4,000. He said the grant applications could be completed online through MEMA for 90 days.

See Exhibit K.6

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to recess the meeting until June 27, 2011 at 9:00 a.m. The motion passed by a vote as follows:

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

THIS is the 6th 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