

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2009 PRESIDING**

**November 2, 2009**

**A. CALL TO ORDER**

The November 2, 2009, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

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

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

**B. INVOCATION**

Supervisor Allen Latimer presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF OCTOBER MINUTES**

The official minutes of the Board of Supervisors were read for the month of September, 2009 pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve the minutes of October, 2009. The motion passed by a vote as follows:

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

**See Exhibit D**

**E. CONSENT**

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

Supervisor Allen Latimer said the fund balance on health claims is continuing to decline. Supervisor Latimer asked is there danger of having to move money to that fund in the coming year and then being short in funding on the Board’s goals.

County Administrator Michael Garriga said the balance is declining and it is being closely monitored. Mr. Garriga said the recommended balance is approximately six months of claims and the current balance is above that amount. He said there is no current danger of having to move money into that fund. Mr. Garriga said there is a concern in the future. Mr. Garriga said it was discussed during the renewal period last year. He said the options to fix the problem are to reduce coverage or increase the amount we are contributing.

Supervisor Tommy Lewis said the Council of Governments is now looking into a program with the cities which could save money on insurance for all jurisdictions. He said they are trying to determine if the county insurance can be combined with the cities' insurance plans in order to save money by having only one plan for all employees.

Supervisor Allen Latimer said he appreciates the effort and is happy to hear we are working toward that goal. Supervisor Latimer said he also appreciates the graphs provided monthly by the Human Resources Department regarding the insurance claims. He said the graphs give a very good picture of the status.

Supervisor Jessie Medlin clarified that the resolution with Seven States in Southaven is for the power plant. Mr. Garriga responded yes. Board Attorney Tony Nowak said this resolution is regarding the fee in lieu of tax agreement. Mr. Garriga said the money was received from Seven States last Friday and the county will be disbursing the pro rata shares to the other jurisdictions on the next claims docket.

Supervisor Medlin asked if the cities opted out of the previously approved EMA grant. Mr. Nowak said the cities did opt out of the grant so we will not move forward.

Sheriff Bill Rasco said he talked to Southaven and they didn't want to participate. Mr. Nowak said actually all of the cities opted out. Sheriff Rasco said the notice was too short and there was not enough time for them to gain a full understanding of the grant.

Supervisor Medlin said he hated to pass up a grant.

Supervisor Bill Russell said he received calls from the E-911 Commission members and they are concerned about the grant. He said their concern is with the state controlling the radios and also charging for each radio. He said he thinks the Board needs to have a better understanding of the issues and suggested forming a committee.

Mr. Garriga said forming a committee is one option for the Board to consider. He said he thinks E-911 stays on top of the issues and he will do whatever he can to stay on top of the issue as well.

Supervisor Russell said there seem to be different opinions between E-911 and EMS and there are other issues that need to be addressed before going forward with the communications issues.

Supervisor Latimer said the MDOT agreement for Starlanding Road states they have 30 months to complete the environmental impact studies and that is two and one half years. He said we do not even know where the road will be on the east side.

Mr. Nowak said it is his understanding that MDOT is studying a wider area than necessary for the corridor and that should accommodate most any path.

Supervisor Latimer clarified that basically they will be laying out the plans for the corridor. Mr. Nowak said that is correct.

Supervisor Lewis said they are staying as close to the section line as possible.

Supervisor Latimer said from Highway 51 to the west is already laid out. He asked if there needs to be a study done there. Mr. Nowak said MDOT has determined the study must be done by them because it is required by the federal government. Supervisor Latimer asked if we could ask them to start on the west side where the road is already laid out.

Supervisor Russell asked if they can give the Board the results when they are half way finished or must they wait until it is entirely complete.

Supervisor Latimer said he would like to get something started on the west side instead of waiting for thirty months. He said if we get the west side of the study, we can move forward.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

**1. Accounting**

**a. Ratify Note Payment**

**\$5,000,000 Miss Development Bank Promissory Notes**

Hancock Bank Ck#049048 issued 10/27/09  
 Principal \$ 20,833.33  
 Interest \$ 5,468.33  
 \$ 26,301.33

**2. Dept. of Human Resources**

<b>Funding Request</b>	<b>Date Paid</b>	<b>Amount</b>	<b>Claim Type</b>
<b>Date</b>			
10/1/09	10/1/09	\$67,199.15	Administration Fees
10/5/09	10/6/09	\$59,516.45	Medical
10/5/09	10/6/09	\$7,707.75	Dental
10/5/09	10/6/09	\$17,626.59	Pharmacy
10/12/09	10/14/09	\$44,244.51	Medical
10/12/09	10/14/09	\$5,745.55	Dental
10/12/09	10/14/09	\$14,917.40	Pharmacy
10/20/09	10/21/09	\$67,974.40	Medical
10/20/09	10/21/09	\$3,095.10	Dental
10/20/09	10/21/09	\$13,539.54	Pharmacy
10/26/09	10/27/09	\$58,546.82	Medical
10/26/09	10/27/09	\$6,395.50	Dental
10/26/09	10/27/09	\$15,437.18	Pharmacy
	<b>TOTAL</b>	<b>\$381,945.94</b>	

**3. Justice Court Report**

Criminal Cases Filed – 125	State Assessments -	\$ 75,181.37
Civil Cases Filed – 596	County General Fund -	\$112,142.51
Traffic Tickets Filed – 1,188	Total Collections -	\$187,323.88
Total Cases Filed – 1,909		

**4. Bailiff Pay (1) - Liz Medlin - \$190.00**

**5. Approval of Publication of Board Proceedings**

**6. Make Part of Minutes**

- a. Agreement with Delta Computers for Circuit Court Web Site**
- b. Resolution with Seven States Southaven**
- c. Agreement with MDOT – Starlanding Corridor**
- d. Resolution Authorizing Application for Public Safety Grant**  
 (Cities declined to participate)

**7. Department of Road Management**

**a. Road Report and Work Schedule**

**b. Road Bond Report**

**c. Additions to DC Road Map and Register**

Frontage Road                      Tunica County Line-Hwy 61 @ Hwy 3                      9,727 ft. length                      30 ft. width

**8. Tax Exemptions: Make Final Approval From State Tax Commission Part of the Minutes**

- a. Metro Investment Co.
- b. Trane, Inc.
- c. Diamond Comic Distributors
- d. Ashland, Inc.
- e. Excel. Inc.
- f. Sigma Supply Inc.
- g. Nu Horizons Electronics
- h. U.S. Express Inc.
- i. Aerospace Products International Inc.
- j. Motorsports, Inc.

**9. Grants: Accept Solid Waste Grant**

**10. Sheriff’s Aviation Unit: Restricted Donation from Tom Ferguson - 3,000 gallon fuel tank**

**11. Purchasing - Solicit Bids**

- a. Pharmaceuticals
- b. Surplus Vehicles

The motion passed by a vote as follows:

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

**See Exhibit E**

**F. OLD BUSINESS**

**1. Jail Committee Report – Architectural Services**

County Administrator Michael Garriga presented a memo on behalf of the Jail Committee. He said the committee was asked to evaluate each team based on their qualifications. Mr. Garriga said the ratings were as follows:

- 1.) Evans, Taylor, Foster, Childress
- 2.) Spirit Architecture
- 3.) Clemons-Rutherford & Associates

Mr. Garriga said, in addition, the Board requested cost estimates from each firm. He said, due to the professional standards of architects, they are prohibited from giving cost estimates. Mr. Garriga said architects, engineers and others have codes of conduct and their fees cannot be part of the proposal of qualifications because it compromises their ethical standards. Mr. Garriga said once the firm is selected, the fee negotiations can begin.

Board Attorney Tony Nowak said the Board will negotiate with the most qualified vendor.

Supervisor Allen Latimer said he understood that if a particular vendor’s fees were too high, the Board could make another selection. Mr. Nowak said if they do not agree on costs, the Board can move on from there.

Supervisor Latimer said he was under the impression that Spirit Architecture will have someone on the job site more than the other architects. He said that firm is located here and can be more available on the project. Supervisor Russell said all of the firms pledged to have project

managers during the interview process. Mr. Nowak said the standard AIA contract has an area outlining the requirements for the architect to have project management, including on site inspections.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the recommendation of the Jail Committee to select architects for the jail expansion as follows and to authorize negotiations with those firms in the order presented:

- 1.) Evans, Taylor, Foster, Childress
- 2.) Spirit Architecture
- 3.) Clemons-Rutherford & Associates

The motion passed by a vote as follows:

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

**See Exhibit F.1**

## **G. NEW BUSINESS**

### **1. Civic Center Debt Refinancing**

Demery Grubbs of Government Consultants and Elizabeth Garner of Butler, Snow, O'Mara, Stevens & Cannada, PLLC appeared before the Board of Supervisors to discuss debt refinancing for the DeSoto Civic Center.

Mr. Grubbs said the county currently has two variable rate bond issues. One is for the DeSoto Civic Center and one is the pool loan program in which the county is currently a participant. Mr. Grubbs said they would like to refund the bonds in order to change the rate to a fixed rate on the Civic Center for two reasons. Mr. Grubbs said in the future inflation will affect the rate causing variable rates to increase and variable rates are more vulnerable. Mr. Grubbs proposed to change the rates under the 20% debt limit. He said historically, cities use the 20% debt limit because it is paid from special revenues. In this case, the county has special revenues because of the 2% tourism tax. Mr. Grubbs said this will not affect the county's 15% debt limit. He said there is a healthy debt balance in the county's loan capacity. Mr. Grubbs presented and recommended three resolutions for approval by the Board of Supervisors.

Supervisor Bill Russell asked if he knows what the new rate will be. Mr. Grubbs said no. They hope to get around 4%. Supervisor Russell asked our current rate. Mr. Grubbs said over 5%, but that is a variable rate.

Supervisor Allen Latimer clarified the Civic Center will still pay the bond. Mr. Grubbs responded yes.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the resolutions for the refinancing of the DeSoto Civic Center summarized as follows and detailed in Exhibit G.1:

- 1.) Authorize Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Government Consultants and Morgan Keegan to issue and handle the bond refinancing resolution.
- 2.) The bond resolution.
- 3.) The sales parameter resolution.

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES  
Supervisor Eugene C. Thach-----YES  
Supervisor Bill Russell-----YES

Supervisor Allen Latimer-----YES  
Supervisor Tommy Lewis-----YES

**See Exhibit G.1**

## **2. Accounting**

### **a. Budget Amendments**

Comptroller Tom Arnold presented budget amendments for approval for expenditures on this docket. Mr. Arnold also presented the park fund balances for the 2010 fiscal year.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the budget amendments as presented by the Comptroller and fully detailed in Exhibit H.2.a. The motion passed by a vote as follows:

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

**See Exhibit H.2.a**

### **b. Claims Docket**

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

Supervisor Jessie Medlin asked about the cost of moving the Election Commissioners' copy machine. Vanessa Lynchard explained it is part of the contract because it can be a danger to the copy machine if it is jarred, turned over or damaged through moving it.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Allen Latimer made the motion and Supervisor Bill Russell 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-----NO  
Supervisor Eugene C. Thach-----YES  
Supervisor Bill Russell-----YES  
Supervisor Allen Latimer-----YES  
Supervisor Tommy Lewis-----YES

**See Exhibit G.2.b**

## **3. HR: Tuition Reimbursement**

Human Resources Director Janna Rogers presented a recommendation for tuition reimbursement for county employees. Ms. Rogers said this will have minimal cost impact to the county. She said the policy requires employees to get prior approval for tuition reimbursement which allows the cost to be budgeted. Ms. Rogers said there is one employee in a graduate program and one employee in an undergraduate program.

Supervisor Tommy Lewis asked if this recommendation is consistent with other jurisdictions. Ms. Rogers said this is common in other organizations, but she did not check the local cities.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the recommendation of the Human Resources Director for the tuition reimbursement policy change as follows:

Human Resources is recommending a change to the Tuition Reimbursement policy.

**Current Procedure**

Per the Personnel Manual, Section 14.300, employees eligible for tuition reimbursement receive reimbursement based on the final course grade as follows:

Course Grade	Reimbursement Percentage
A	100%
B	80%
C	60%
D	0%
F	0%

**Recommendation**

A change in reimbursement structure will assist those employees who are continuing their education while full-time employees with Desoto County. Often, these individuals work full time while attending class full time. The current reimbursement schedule penalizes these individuals when they cannot maintain an "A" average in all coursework.

**We recommend changing the reimbursement schedule to 100% reimbursement if the final course grade is an "A", "B" or "C".** Final grades below "C" would remain as ineligible for reimbursement. The effective date for the change is recommended as of Monday, November 2, 2009.

**Recommended reimbursement schedule**

Course Grade	Reimbursement Percentage
A	100%
B	100%
C	100%
D	0%
F	0%

**Recommended changes to the Personnel Manual are as follows:**

14.300 Educational Advancement. In the event that an employee wishes to participate in college or vocational school courses, or correspondence courses that are directly related to the employee's job and may be considered to broaden the employee's knowledge and ability as related to his/her specific work for the County, the cost of tuition, or a portion thereof, may be paid by the County, upon prior written request to the County Administrator by the Department Head and approval by the County Administrator. The County will set a limit on funds available for this purpose on an annual basis, and may allocate the same among the various Departments of the County.

- 14.301 The employee shall pay the full cost of tuition for courses taken and shall retain and submit receipts for the tuition to the County for reimbursement on the following scale:
  - 14.301.01 One Hundred percent (100%) of the cost for an "A" , "B" or "C" final grade in the course;
  - 14.301.04 No reimbursements shall be made for a final course grade lower than a "C".
- 14.302 If the employee shall fail to complete the course of study successfully, the employee shall be and remain liable for the entire costs of the course.
- 14.303 The employee shall be solely responsible for all incidental costs involved in pursuing his/her continuing education, including travel expenses, book costs, lab fees, child care and the like.
- 14.304 Educational leave, as provided in Section 11.600 of this Personnel Manual may be utilized by employees taking educational advancement courses.
- 14.305 Employees wishing to participate in this program should obtain further information, including applications, from the County Administrator's Office.

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**

**4. Impact Missions Request**

County Administrator Michael Garriga said he received a request from Dr. David Donaldson, the President and CEO of Impact Missions. Mr. Garriga said Dr. Donaldson requested the

county to send the remaining budget balance to Impact Missions. Mr. Garriga said the county set aside an allocation this year. He said at the beginning of the fiscal year, the Mission asked for a substantial portion of that allocation. Mr. Garriga said they are requesting the remainder of the allocation for their emergency cash reserve fund. Mr. Garriga said that Dr. Donaldson said the Mission Board is making the request and he was not aware of that Board requirement until now.

Supervisor Jessie Medlin said he is concerned they will come back later requesting more funds.

Supervisor Tommy Lewis asked if the county has received the Missions' audit. Mr. Garriga said yes and everything is in order.

Supervisor Medlin said his only issue is their board can vote to change and not provide emergency shelter later in the year. It could cause the county to be in a situation of trying to find an alternative in order to keep the shelter open. Supervisor Medlin said they are not borrowing money so why would they need a contingency fund.

Supervisor Allen Latimer asked if we receive audits from other nonprofit organizations. Mr. Garriga said we are receiving some audits. He said that next year audit requirements will be part of the budget process.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until Wednesday, November 4<sup>th</sup>. 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**

## **5. Sheriff: Alternative Sentencing**

Sheriff Bill Rasco said there are several people incarcerated because of not paying child support. He said they can lose their jobs by being in jail and then cannot pay the support.

Sheriff Rasco presented a plan to have the incarcerated people who currently have jobs to wear an ankle bracelet so they can work as opposed to going to jail and possibly losing their job. Sheriff Rasco said it currently costs \$29.76 per day to house an inmate and the ankle bracelets are \$12.00 per day. He said the program is monitored by the vendor and the vendor provides information regarding the inmate to the Sheriff's Office. Sheriff Rasco said the inmate will be responsible for partial reimbursement for the cost of the ankle bracelet. He said currently, many may not have a job. Sheriff Rasco said employers will be informed of this issue.

Supervisor Bill Russell asked if the Chancery Court is the only court that handles Child Support cases. Sheriff Rasco responded that it handles the large majority of such cases.

Supervisor Russell said this is a good program.

Board Attorney Tony Nowak said NACo came out with a report for alternative sentencing and this was one example of how to save money at the jail. He said there is an article in the latest NACo News Magazine.

Sheriff Rasco said they are already working with this vendor for the juvenile program. He said that Judge Lynchard is willing to try the program.

Supervisor Tommy Lewis asked if Sheriff Rasco knows how many beds were taken at the jail for this type of sentencing this past year. Sheriff Rasco said a significant amount but he does not have the information with him.

Supervisor Allen Latimer asked if the county pays Communicare a lot of money to take care of the mental patients and, if so, why these patients are not staying on their medications. Mr. Nowak said it has been his experience that many mental patients do not have the means or desire to stay on their medication.

Mr. Garriga said that the county does not provide the level of care as some counties. He said there are other jurisdictions that provide much more for the patient's needs. Mr. Garriga said there are options. Mr. Garriga said that Dr. Roberts of Communicare has approached him about the county building a facility and leasing it back to Communicare.

Sheriff Rasco said the jail is not equipped to provide the care required for these patients and his staff is not as trained to take care of them as mental health facilities. Sheriff Rasco said there is no intermediate facility for care. He said he would ask the Board Members to come to the jail and observe the mental patients.

Supervisor Russell said we need to determine if housing mental patients at the jail is a county responsibility or a state responsibility. He said if it is a state responsibility, we need to get the senators and representatives to look at the jail. If it is a county responsibility, we need to take care of the mental patients even if it means a tax increase. He said we have buried our heads in the sand for too long.

Mr. Nowak said it is a combination of responsibility of the state and county. Mr. Nowak said the law states the patient will go to the jail when they are taken in on a writ. Chancery Clerk Sluggo Davis said, at one time the state had bed space, but not enough staff to accommodate the patients.

Supervisor Russell said we need to consider providing for the mental patients as we are going through the jail expansion process.

Supervisor Medlin said the county probably cannot build a jail big enough to take care of all of these needs.

Supervisor Russell said he would wait for the Board to determine if the housing of mental patients is a priority for the architects to consider for the jail expansion.

Supervisor Medlin said he wants to take care of the patients and build and staff the jail that is needed. He said he wants to be cautious about overbuilding and then the state feel too comfortable that the county will take care of everything and they do not do their part in addressing the problem.

Sheriff Rasco said maybe Mr. Garriga could look at how other counties handle this issue and report back to the Board.

Mr. Davis said his association looks at this issue every year and he thinks there are facilities in Corinth and Copiah Counties and they seem to be on the right road. Mr. Garriga said Harrison County and the Department of Health partner with the mental care in that county.

## **6. Corps of Engineers – Parking Lot**

Board Attorney Tony Nowak said this issue is regarding the Corps of Engineers asking the county to help with a parking lot for the Greenway project. Mr. Nowak said he needs to request an Attorney General's opinion regarding that matter.

Supervisor Bill Russell said they need to know what the county is requiring.

Planning Director Jim McDougal said he needs to know if the building permits and site reviews will be required to come through his office.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to write for an Attorney General's opinion on whether the county can assist with work on the parking lot property owned by the Corps of Engineers. 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-----ABSENT

**7. Tax Exemption – Freeport Exemption – Motosports, Inc.**

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until Wednesday, November 4<sup>th</sup>. 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**

**8. Public Hearing: Debris Removal Program**

County Administrator Michael Garriga said there is no requirement to call an official public hearing for the debris removal program, but it is always good to hear from the public on any issue.

Clinton Nichols said the area where he lives got considerable damage from the results of two tornados. Mr. Nichols said their area wanted to thank the Board for helping with the limbs and trees that were blown down. He said people were actually trying to help while others wanted to make money. He said their area has many trees and there is a lot of damage from the storm. Mr. Nichols said he appreciated the county’s help in removing the debris.

Supervisor Allen Latimer said he understood that in an emergency situation, the county will still provide limb pick up. Mr. Nichols said there were two tornados back to back and that is an unusual situation. He said this particular area is old and was farmed in the past. Mr. Nichols said there are many large trees that neither he nor other residents can handle. They do not have the proper equipment.

Supervisor Jessie Medlin said he thinks that Mr. Nichols is for the limb pick up program.

Mr. Nichols stated that some people do not have the money to hire someone to clear the debris. Mr. Nichols said his homeowners insurance only paid \$500 toward debris removal.

Supervisor Latimer said he thinks storms and tornados are a different situation. He asked Mr. Nichols if he would be in favor of a tax increase to keep the service if it came to that. Mr. Nichols said this was an unusual year because there were two storms in a short period of time.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to set a Public Hearing for the debris removal program for November 16<sup>th</sup> at 10:00 a.m. The motion passed by a vote as follows:

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

**See Exhibit G.8**

**9. IT Dept./Animal Shelter: Hughes Network System Contract**

At the recommendation of the Board Attorney, Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve the contract with Hughes Network systems to provide internet service at the DeSoto County Animal Shelter and authorize the Board President to sign a resolution in support of the contract. 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**

**10. Board Attorney: Attorney General’s Opinion – Purchasing**

Board Attorney Tony Nowak recommended requesting an Attorney General’s opinion on a conflict between a prior opinion and instructions from the State Auditor’s office on the county’s authority to purchase products that are on a bid. Mr. Nowak said, in the past, the Attorney General has opined that the county can purchase from a different vendor other than the successful bidder if they find a better price. This instruction from the State Auditor based on case law conflicts with the prior understanding.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to ask for an Attorney General’s opinion on the County’s authority to purchase products from a vendor other than the low bidder in relation to term contracts, when a better price can be obtained. 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. Sheriff’s Dept. – Amend Copy Contract to Add Print/Scan Function**

Vanessa Lynchard explained that the Sheriff’s Department has found it would be beneficial to use a print-scan capability on their copy machine. Previously they did not choose that option and the option is available at the same price as the bid price. The scanner print unit would result in an extra \$15.94 per month for the duration of the equipment lease.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to amend the county lease with RJ Young for copiers and increase the lease amount by \$15.94 per month for the duration of the lease. 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.11**

**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. Bond Resolution – Bond Refinancing Pool Loan**

Demery Grubbs of Government Consultants said the county is participating in a pool loan program and currently has approximately \$5 million in outstanding notes at a variable interest rate. Mr. Grubbs said the county has saved money on those variable rates and now we would like to make the rate a fixed rate. He said this is similar to the action taken by the county for its variable rate bond for the Civic Center.

Mr. Grubbs presented a resolution to authorize Butler, Snow, O'Mara, Stevens & Cannada, PLLC and Government Consultants to proceed with the bond refinancing.

Supervisor Jessie Medlin asked what the current rate was for the variable rate. Mr. Grubbs said two and one half to three percent, but because it is a variable rate, it can change at any time.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to authorize the Board President to sign an engagement resolution and to hire Butler, Snow, O'Mara, Stevens & Cannada, PLLC and Government Consultants to initiate steps to refinance a county variable rate pool loan into fixed rate financing as described in Exhibit I.1. The motion passed by a vote as follows:

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

**See Exhibit I.1**

**2. Humana – H1N1 Flu Vaccine**

Human Resources Director Janna Rogers said Humana contacted the HR Department regarding the flu vaccine for the H1N1 flu. Humana informed Ms. Rogers that the county insurance will pay for the vaccine.

**3. Delta Council Report**

Supervisor Eugene Thach said he got a report from the Delta Council and they are doing good work. He said the bridge in the delta will be completed next year. Mr. Thach said they are working very hard.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until November 4, 2009, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 2<sup>nd</sup> day of November, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

\_\_\_\_\_  
Tommy Lewis, President  
DeSoto County Board of Supervisors