

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

BILL RUSSELL, PRESIDENT 2010 PRESIDING

November 3, 2010

A. CALL TO ORDER

The November 3, 2010, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, Board President.

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

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

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION

Planning Director Jim McDougal explained that since there was no Planning Commission meeting last week there was no need for an agenda. Mr. McDougal said there are a couple of items to present to the Board from the Planning Department.

1. Environmental Services: Household Hazardous Waste Day-Update

Environmental Services Manager Jim Bearden said there was a great turn out for the Household Hazardous Waste Day held last Saturday. Mr. Bearden said a total of 444 vehicles dropped off hazardous waste and they turned away seven vehicles from Shelby County. He said there were other vehicles from outside the county who were helping DeSoto County relatives clear out hazardous waste, and they did allow them to drop it off there.

Mr. Bearden thanked DeSoto County employees Ray Laughter, Bill White and David Wright for volunteering to help. He said they worked very hard and only took a small break to quickly eat a sandwich. Otherwise, they were busy the entire day and it was a very long day. He said he has not received this much help from county workers since his first time to do the program in 1998. He said the pictures the Board is seeing on the overhead from the event were taken by Ray Laughter. He said that Ray had a friend from Fox 13 News who ran a segment on the event which reached a lot of people. Ray also posted the event on Facebook and got 1,000 hits.

Mr. Bearden also thanked the newspapers for the articles about Household Hazardous Waste

Day. He said Channel 3 also ran a segment on the event. Mr. Bearden said there are many other people who helped in many other ways. He thanked Mr. Mickey Kendricks for driving the forklift all day. Mr. Bearden said the waste is a nasty mess to work with and everyone pitched in and did a great job.

Mr. Bearden advised that the costs for the event are not in yet. He spoke to one of the people who are disposing of the waste and they said they have not even been able to process all of it yet. He said there were a lot of batteries dropped off which kept them from being taken to the rubbish pit. He said batteries and tires are a real issue for the rubbish pit.

Mr. Bearden said there was a special person at the Board Meeting today and introduced Mr. Mickey Kendricks (James Michael Kendricks). Mr. Bearden said Mr. Kendricks has volunteered to help with the Household Hazardous Waste Day since 1998. He drives the fork lift all day and deals with all the nasty mess that is dropped off. Mr. Bearden expressed his appreciation to Mr. Kendricks and said he is the first to arrive and the last to leave every year. Mr. Bearden presented a Certificate of Appreciation on behalf of the DeSoto County Board of Supervisors in recognition of Mr. Kendricks' dedication and hard work toward making the Household Hazardous Waste Day a success.

Mr. Bearden said they had closed the event when another truck appeared with a load of hazardous waste. He said they stayed and took care of that truck as well.

See Exhibit D.1

2. Code Enforcement: Stormwater Reports

Planning Director Jim McDougal passed out the stormwater reports for the month of October to the Board of Supervisors.

Mr. McDougal said they are participating in discussions regarding the corridor studies and hope to have a contract by December 1, 2010.

E. CONSENT

The Board of Supervisors considered the items on the Consent Agenda. Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda as follows:

1. Accounting: Budget Amendments

2. Tax Assessor: Correction of Duplicate Assessment

Parcel 4171-000 in the name of Mazuma Capital be refunded and the 2009 taxes for Parcel 2209-001 in the name of L & T Construction be accepted.

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

See Exhibit E.1

F. OLD BUSINESS

1. Olive Branch Food Pantry Parking Lot

County Administrator Michael Garriga said this item was held over so that Supervisor Jessie Medlin could participate in the discussion.

Road Manager Russell Dorris said he presented the estimate to pave the parking lot at the Olive Branch Food Pantry and originally the funds would come from the District 1 park fund. On Monday the Board of Supervisors discovered that other buildings have been paved from other sources.

Supervisor Medlin said the lady at the pantry called him and told him about the issues with the parking lot. Supervisor Medlin said he told Kenny Evans to get with Michael Garriga to decide where the money would come from. Supervisor Medlin said Kenny thinks he has enough money in the budget to do the work.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize the County Administrator to discuss the funding for paving the parking lot at the Olive Branch Food Pantry with Kenny Evans and if Mr. Evans cannot provide funding, to get it from the District 1 Park Fund. The motion passed by a vote as follows:

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

See Exhibit F.1

2. Chappell Creek Subdivision

Board Attorney Tony Nowak said in the last Board Meeting, the Supervisors voted to subpoena David Meadows to appear before the Board because he impermissibly removed a culvert from within a subdivision subject to the Board's jurisdiction. Mr. Nowak presented the Board Order directing the clerk to issue the subpoena for the Board of Supervisors' approval.

Supervisor Jessie Medlin asked for clarification because he was not present at the last Board Meeting due to the death of his brother.

Mr. Swims said he has contacted Mr. Meadows several times. Mr. Meadows says that he will correct the work but never does. He has had ample opportunity to resolve the issue.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to adopt the following order: Order of the Board of Supervisors of DeSoto County, MS, directing the Clerk to issue a Subpoena to David Meadows for the purpose of appearing before the Board to discuss replacing a culvert that he removed for another property near a home he just built and as fully described in Exhibit F.2. The motion passed by a vote as follows:

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

See Exhibit F.2

G. NEW BUSINESS

1. Redistricting Update

Chris Watson appeared before the Board of Supervisors to discuss redistricting in DeSoto County. Mr. Watson presented an outline regarding preliminary plans for redistricting including holding public meetings for the purpose of hearing the public priorities for redistricting and the steps needed in drawing lines in the county. He said the time for

redistricting is rapidly approaching. Mr. Watson said that time is a “monster” in the redistricting effort because there is a lot to accomplish in a short time.

Mr. Watson said the purpose of the public meetings is to give people the opportunity to provide input into the redistricting process before any redistricting plans are drawn, and to make sure the county does not develop a preconceived plan that does not address the public’s concerns and then reveal it to the public.

Mr. Watson talked about issues to address during the public meetings.

- 1.) Mr. Watson said DeSoto County has experienced a tremendous amount of growth and changes from 2000 to 2009 according to the American Community Survey data.
- 2.) The legal criteria concerning redistricting – Equal population distribution (one man, one vote), Voting Rights Act considerations, creating a fifth justice court/constable district, and Preclearance matters.
- 3.) The necessary data inputs into the redistricting process: Public input, existing district geography, residency of incumbents, block level population and racial data. He said they do have data for the county overall, but not at the block level.
- 4.) Criteria considered when drawing districts: one man, one vote, legal obligations, incumbents and their districts; and creating responsible compact districts. He said in some cases, it is possible to move the entire precinct.
- 5.) The public needs to know the difficulty of the timing issue, the release of census data, and the timing of election, and the county’s plan of action.
- 6.) The census data will be released in February and redistricting will proceed very quickly. Based on the census data and the information we have obtained from the public, meetings and other applicable sources.

Mr. Watson discussed issues the public may offer:

- 1.) The public may express concerns over having to vote at different places (county vs. municipal elections).
- 2.) They may express a desire to keep neighborhoods together, i.e. not split subdivisions between two or more districts.
- 3.) They may express a desire for a certain level of representation, i.e. a minority group may want to explore creation of a minority district.
- 4.) They may have questions regarding the process.

Mr. Watson said when meeting with the public, the Board cannot make promises or guarantees because redistricting is not possible to finally plan until the census data comes out.

Supervisor Bill Russell asked how many meetings they need to have and where will the meetings be held. Mr. Watson this is a big county so he recommended holding two or three meetings in different parts of the county. Mr. Watson suggested holding one in Olive Branch and one in the central and western parts of the county. He said the Board knows their constituents better than he does so he would yield that choice to them. Supervisor Russell said he was thinking maybe four meetings which would be a meeting in each of the larger cities. Mr. Watson said there is no hard and fast rule, just good business. He said the meetings are helpful when the Justice Department looks at the plan.

Supervisor Eugene Thach agreed. He said if the people do not attend the meetings, at least the Board has done all they can do to inform them about redistricting.

Supervisor Jessie Medlin said he thinks a meeting needs to be held in the Board of Supervisors

room. There are some people who can attend here easier than one of the cities.

Supervisor Allen Latimer said it is important that the public knows what is going on with redistricting. They need to know everything that is going on and he hopes at least two of the meetings are held at night.

Supervisor Thach said he thinks all of the meetings should be held at night.

Supervisor Latimer said he would like to start setting meeting dates because Thanksgiving and Christmas Holidays are ahead and people will be spending time with families and some will be traveling. The public will need to know well enough in advance.

Supervisor Russell asked the Board about the number of meetings and where they could be held.

Supervisor Thach said he thinks there should be one meeting in each supervisor district because the citizens are attached to their district.

Mr. Watson said then the Board would have given everyone ample opportunity to attend a meeting.

Supervisor Medlin said with Christmas and Thanksgiving everyone is busy.

Supervisor Russell said since Walls is small it could be combined with Horn Lake.

Supervisor Latimer said he liked Supervisor Thach's idea better.

Supervisor Thach said Mr. Watson and Mr. Garriga can work out the meeting details for each district.

Supervisor Tommy Lewis said the Board can take public comments.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to hold a public meeting regarding redistricting in each supervisor district and to host one meeting during a Board of Supervisors meeting. The motion passed by a vote as follows:

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

Supervisor Medlin told Mr. Watson it would be nice if the county and cities could vote at the same place for each election. He said he knows the cities and county determine their own locations, but it sure would be nice.

Mr. Watson said he understands that is an issue and would be a good thing for the voters. He has already been thinking about that but in some cases it will not work.

See Exhibit G.1

2. Sheriff's Dept: Addition to Building

Sheriff Bill Rasco said there is a house located on the new jail site that he wants to use for the Special Investigations Division. Sheriff Rasco said Kenny Evans got a quote to add on to the building in an amount of \$29,604 for the rough framing. He said the inside of the building can be finished later by the trusties. This would get the Special Investigations Division out of the rented building. They are already going to have to relocate so the proprietor can remove asbestos from the building.

Supervisor Allen Latimer asked if Mr. Evans got only one quote. Sheriff Rasco said yes, but he got two other verbal quotes as well.

Procurement Director Vanessa Lynchard said two written quotes are required if the amount is \$5,000 to \$50,000. Also, the Board approved bringing all quotes between \$24,000 and \$50,000 to the Board for approval.

Board Attorney Tony Nowak said it is best to have the three quotes presented to the Board in writing all at one time for the Board of Supervisors to consider. Then all three can be referenced to in that meeting.

Vanessa said the specifications and wording must be the same for all quotes.

Sheriff Rasco said he will present the quotes for consideration at a later date.

Later in the meeting, County Administrator Michael Garriga asked if the purchase order can be issued so this will not have to come back before the Board for approval if the Board approves it contingent on getting the other quotes.

Mr. Nowak said it would be better to have all the information in order and in hand before making a decision.

The Board of Supervisors held the item over until November 15, 2010.

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. Crime Stoppers

Supervisor Bill Russell said that David Holland of Crime Stoppers notified him that he sold his home and moved to a smaller one. Since the program is run from Mr. Holland's home, he asked if the county had extra space that he could use for the Crime Stoppers program. Mr. Holland said he only needs to operate about four to six hours per week.

County Administrator Michael Garriga said he and the Board Attorney researched to make sure it is legal for a private entity to use county property for their business.

Board Attorney Tony Nowak said since the county can donate from general funds, they should be able to offer space as an in kind contribution, as well.

Supervisor Russell asked Mr. Garriga to contact Mr. Holland to see exactly what he needs. Supervisor Russell said if the county does not have space, it is okay with him if Mr. Holland uses the conference room in the Board of Supervisors office. Mr. Garriga said there may be some issue with phone bills and other expenses and he will talk to Mr. Holland to get more details.

Supervisor Jessie Medlin said he is concerned that the county keeps taking on folks to help them and then the county is responsible for them.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to allow County Administrator Michael Garriga to look into space for the Crime Stoppers program and report back to the Board. 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

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until November 15, 2010, 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 3rd day of November, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Bill Russell, President
DeSoto County Board of Supervisors