

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2004 PRESIDING**

**January 4, 2005**

**A. CALL TO ORDER**

The January 4, 2005, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Eugene Thach, Board President.

Chief Deputy Charlie Brown 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

**B. INVOCATION**

County Administrator Michael Garriga presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF MINUTES**

The official minutes of the Board of Supervisors were read for the month of December 2004, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors, for the month of December 2004. The motion passed by a unanimous vote.

**E. OLD BUSINESS**

**1. Horn Lake Creek Interceptor Sewer**

- a. Approval to Accept Donation of Vehicle**
- b. Approval to Donate Vehicle to Nesbit Fire Department**

Board Attorney Tony Nowak reminded the Board that the Horn Lake Creek Basin

Interceptor Sewer wants to donate a 1997 Ford pickup truck that was declared surplus property by the Interceptor Sewer District to the Board of Supervisors and request that the Board of Supervisors donate the truck to the Nesbit Volunteer Fire Department. Mr. Nowak advised the Board of the restriction to donate the vehicle to the Nesbit Fire Department based on Mississippi Code Section 82-1-89. Mr. Nowak said the Attorney General suggested the County should write for an official opinion.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize the Board Attorney write for an Attorney General opinion on the donation of any vehicle to volunteer organizations. 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 Allen Latimer asked why the Horn Lake Creek Basin Interceptor Sewer cannot donate the truck to the Nesbit Volunteer Fire Department. Mr. Nowak said that the same restrictions would apply.

See Exhibit E.1

## **2. 301 Ball Park – Approval to Spray & Fertilize**

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until January 18, 2005. The motion passed by a unanimous vote.

See Exhibit E.2

## **3. Road Inspection Report – District 5**

In accordance with Section 65-7-117 of the Mississippi Code which states that each member of the Board of Supervisors shall inspect every road and bridge in the County under the jurisdiction of the County not later than December 31, 1989, and thereafter, not less than one each fiscal year. Each member shall file with the Clerk of the Board, a report under oath of the condition of the roads and bridges inspected by him with recommendations by him for a Four-Year Plan for construction and major maintenance of such roads and bridges. In accordance with Section 65-7-117 Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Road Condition List for District 5 for Fiscal Year 2005 . The motion passed by a unanimous vote.

See Exhibit E.3

## **F. NEW BUSINESS**

### **1. Election of Officers**

In accordance with Section 19-3-7 of the Mississippi Code of 1972, the members of the Board of Supervisors shall meet on the first Monday in January and shall organize by electing one of their number to be President, and by electing one of their number to be Vice President, and being so organized, and attended by the Sheriff and Clerk, the board may proceed to discharge its duties.

Supervisor Eugene Thach, Board President for 2004, opened the floor for nominations for

President. Supervisor Bill Russell nominated Supervisor Tommy Lewis to serve as Board President for the calendar year 2005. Supervisor Allen Latimer seconded the nomination. Supervisor Thach asked if there were any more nominations for President. There were none. Supervisor Thach called for a vote and the nomination passed by a unanimous vote.

Supervisor Bill Russell nominated Supervisor Jessie Medlin as Vice President for the Board of Supervisors for the calendar year 2005. Supervisor Allen Latimer seconded the motion. Supervisor Eugene Thach asked if there were any other nominations. There were none. Supervisor Thach called for a vote the nomination passed by a unanimous vote.

Supervisor Eugene Thach said that he enjoyed the past year as President of the Board of Supervisors and appreciated the assistance from the Board. Supervisor Allen Latimer thanked Supervisor Thach for the help that he had given him during the past year.

Supervisor Tommy Lewis took the position of President and thanked the Board of Supervisors for their confidence.

## 2. Reappointments

County Administrator Michael Garriga said that the Board has a statutory requirement to reappoint certain County personnel. Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to reappoint the personnel required by Statute as follows:

<b>APPOINTMENT</b>	<b>CURRENT APPOINTEE</b>	<b>BOND</b>
*Board Attorney	Chamberlin Nowak Law Firm	No Bond
Civil Defense Director	T.H. Walker	
Comptroller	Tom Arnold	
Cooperative Extension Service		
County Director/Agronomic Crop	Sandy Slocum	
4H Equine Agent	Sandy Slocum	
County Horticulture Agent	Joy Anderson	
4-H Youth Agent	Carol Sicilia	
*County Administrator	Michael Garriga	Indefinite
County Engineer	Andy Swims	Indefinite
County Consulting Engineer	Daniel L. Murphy	Indefinite
*County Road Manager	Russell Dorris	Indefinite
Equal Employment Opportunity Officer (EEOC)		
	Ann Richmond	None Required
EMS Director	Bobby Storey	
Fire Service		
Coordinator	Bobby Storey	
Arson Investigator	Mike Hancock	
Homeland Security Coordinator	T. H. Walker	None Required
Inventory Clerk	Amy Henley	Indefinite
Asst. Inventory Clerk	Joyce Herring	Indefinite
Asst. Inventory Clerk	Margi Calvi	Indefinite
Asst. Inventory Clerk	Kim Northcutt (CM)	Indefinite
Asst. Inventory Clerk	Sue Williams (DSO)	Indefinite
Justice Court Clerk		
Deputy Clerk	Linda Aldridge	Indefinite
Deputy Clerk	Teresa Johnson	Indefinite
Deputy Clerk	Bertha Kimble	Indefinite
Deputy Clerk	Anise Jamison	Indefinite
Deputy Clerk	Teresa Rogers	Indefinite
Deputy Clerk	Deborah Rutherford	Indefinite
Deputy Clerk	Sherri Lee	Indefinite
Deputy Clerk	Pamela Johnson	Indefinite
Deputy Clerk	Betsy Glisson	Indefinite
Deputy Clerk	Brook Castetter	Indefinite
Deputy Clerk	Charlene Tully	Indefinite
Deputy Clerk	Diane Bunyard	Indefinite
Deputy Clerk	Samantha Gamble	Indefinite
Memphis Area of Government Rep.	Eugene C. Thach	
Mental Health Representative	James Sims	
Purchase Clerk	Jeannine Ruby	

Asst. Purchasing Clerk		Pat Stewart
Asst. Purchasing Clerk		Karen McNeil
Receiving Clerk		Ann Richmond
Asst. Receiving Clerks	Bldg. & Grnds	Donica Witt
	Central Maint.	Gail Bernard
	Chan. Clerk	Peggy M. Starkey
		Nancy Graham
	Circuit Clerk	Rikki Ogle
		Chesley Lynch
	Courthouse/Admin.	Amy House
		Denise Dingman
	DCAOP	Bryan Ayers
DHS/Child Support		Denise Riley
		Jeanie Weathers
	E-911	Debbie Dunaway
	Ext. Service	Myra Wells
		Debbie Rouse
Family & Children		Teresa Fleming
	Justice Court	Pamela Johnson
		Charlene Tully
	Metro Narc.	Tammie Mannon
	EMS & Fire	Kim Cox
	Sheriff Dept.	Michelle Laughter
		James Dunn
		Vida Bowles
	Tax Collector–Southaven	Tracy Riley
	Olive Branch	Debbie Wiygul
	Youth Services	Stuart Stevens
Risk Manager	Safety Officers	Tim Curtis
		Jim Greene
Safety Officer		Jim Bearden
Veterans Service Officer		N.C. Ferguson, Johnny Rainey
Youth Court Prosecutor		James Franks

\*Term appointments made at the beginning of each term of office.

The motion passed by a unanimous vote.

### 3. Solid Waste Bids

Jim McNaughton of Butch Lambert and Associates presented the bids that were opened December 16, 2004, for DeSoto County solid waste disposal. BFI Waste Services and Inland Services submitted bids. Mr. McNaughton, for further background information, said on September 16, 2004 the County accepted RFPs for disposal services and received three competitive proposals. Mr. McNaughton said, in reviewing the RFPs, they found that to make an informed decision they needed to know collection costs. Mr. McNaughton said the bids are good for 180 days and the December 16<sup>th</sup> proposals are good for 180 days or until June 16<sup>th</sup>.

Mr. McNaughton said that Butch Lambert and Associates feel Inland Services is a qualified company. Supervisor Bill Russell asked if Inland Services does business in this area. Mr. McNaughton said that Inland Services does business in Louisville and Charlotte and they would provide excellent references. Mr. McNaughton said that Inland Services is spreading out to the municipal sector and to private companies.

Supervisor Allen Latimer asked where the rubbish is hauled. Mr. McNaughton said that Butch Lambert and Associates asked each company to give their hauling rates and collection rates to BFI South Shelby, Cook/McBride and WMI Tunica landfills.

Supervisor Tommy Lewis asked if the bid is based on the same level of services. Mr. McNaughton said there are 10,225 residential units with the cities opting in or out. Mr. McNaughton said that Horn Lake may be taken out of the contract, reducing the residential units to an estimated 9,000. Supervisor Bill Russell asked if the residential units decrease would this rate hold. Mr. McNaughton said yes, there is an option that a lower rate could be proposed if the number of residential units changes.

Mr. McNaughton said that Inland Services Corp. proposed \$8.06 per residential unit per month to the BFI South Shelby Landfill and BFI Waste Services proposed \$6.97 or \$1.09 less.

Supervisor Jessie Medlin asked when the last rate increase took place. Director of Operations and Compliance Jim Bearden said January 1, 2004, but the rate increases today. Supervisor Medlin asked if the rate was increased by approximately 2%. Supervisor Lewis said the rate is going up 15 cents a month.

Mr. McNaughton said that Inland Services Corp. \$8.06 proposal to the BFI South Shelby Landfill would be a \$988,962 estimated annual cost. BFI Waste Services \$6.97 proposal to the BFI South Shelby Landfill would be an \$855,219 estimated annual cost.

Mr. McNaughton said that Butch Lambert and Associates asked for bids on an alternate level of service, where the County bills the resident directly, to see if there are any significant cost savings. Mr. McNaughton said BFI Waste Services bid \$6.27 to the BFI South Shelby Landfill for this alternate proposal and Inland Service Corp. bid \$7.84. Supervisor Russell asked if this alternate proposal includes the expense to the County. Mr. McNaughton said yes.

Mr. McNaughton said that the proposed rates included Emergency Operation rates shown per hour as a safety net for what the contractor can charge the County during emergency operations. He said if the County wanted to use the contractor they could, but this emergency operation rate protects the County as a maximum the contractor can charge. The emergency operations rate per hour is proposed as follows:

	Rear Loader with 3 Man Crew	Knuckle Boom with Operator	Shuttle Trailer or Roll-off Truck	Two-man Crew
BFI Waste Services	\$99.79	\$87.79	\$59.97	\$69.97
Inland Service Corp.	\$65.00	\$100.00	\$50.00	\$75.00

Supervisor Eugene Thach asked if there is an emergency operations rate charged now. Mr. McNaughton said there is not an emergency operations rate charged now and there are no requirements for the County to use this contractor. Supervisor Russell asked, if emergency operation rates are not included now, what did the County do in the emergency situation last year. Jim Bearden said the County used a dozen 30 yard dumpsters with knuckle trucks, the Road Department and volunteers. Mr. Bearden said effective the first of the year, collection for homeowners is \$7.60 based on a 2.5% increase in disposal and collection. Supervisor Russell asked if the increase is based on the cost of living. Mr. McNaughton said yes, the cost of living for January 2006. Supervisor Russell asked what formula is used. Mr. McNaughton said the Consumer Price Index. Jim Bearden said there is a 63 cent savings in the proposal from this year. Mr. McNaughton said the proposals included Optional Recycling Services as follows:

	Once Per Week Collection	Every Other Week Collection
BFI Waste Services	\$3.69	\$2.89
Inland Service Corp.	\$2.08	\$1.19

Supervisor Russell asked if recycling collection would be at the same collection time as household garbage. Mr. McNaughton said not necessarily. Supervisor Russell asked why this rate is less. Mr. McNaughton said because there is not as much to collect. Supervisor Thach said the recycling service uses a pick-up truck. Mr. McNaughton said there is one main truck and recycling is a more efficient operation. He said there would be a 50/50 split between the County and BFI.

Mr. McNaughton said the proposals included a County Facility Collection Service – small dumpster. Inland Service Corp. did not bid a rate and BFI Waste Services proposed \$834 per month.

Supervisor Russell asked if the contract is a monthly total contract if awarded to one company. Mr. McNaughton said yes, BFI Waste Services honors the contract for small containers and rubbish sites unless they qualify the proposal otherwise.

Mr. McNaughton said that BFI Waste Services would provide the closure of the rubbish landfill operation at no charge, if the County provides the dirt. Supervisor Jessie Medlin asked if the County has been receiving any money and if there will be royalty fees. Jim Bearden said no, that has to be worked out.

Mr. McNaughton said that Inland Service Corp. proposed an alternate rate of \$19,000 per month. Mr. McNaughton said that BFI Waste Services disposal service fee per cubic yard \$1.75 rate averages 16,631 cubic yards per month. Mr. McNaughton said, if you look at the levels of service the County is using and recap annual expenses, BFI Waste Services total rate is \$1,204,470 and Inland Service Corp. alternate flat rate of \$19,000 per month is \$1,216,000 total. Mr. McNaughton said we have two good proposals with the same rate essential savings to the County. Mr. McNaughton said that as you start drilling down there are issues to work out to determine the optimal benefit to the County.

Mr. McNaughton said Butch Lambert and Associates request to meet with BFI Waste Services, Inland Services Corp., BFI South Shelby Landfill, WMI Tunica Landfill and the Solid Waste Committee and return a recommendation to the Board.

Supervisor Thach said a concern over time has been the collection of unused chemicals and paints. Supervisor Lewis asked if there is room for negotiations on those types of collections. Jim Bearden said the grant money is gone. Supervisor Lewis said that it is worse on our water supply to dump the chemicals on the ground. Jim Bearden said that for the past three years the County has been turned down on the household waste grant. He said the County has an application in this year. Supervisor Russell asked if it is possible to add this during negotiations. Mr. McNaughton said yes. Supervisor Medlin said that once a year pick up is good if that is all you can do, but a place to take chemicals would be good and the County could pay for their disposal. Mr. Bearden said there are four places that take motor oil, but paint is a different situation. Supervisor Lewis added that car batteries are a problem. Supervisor Medlin requested that a meeting be scheduled to discuss this issue and he said he would like to participate.

Supervisor Latimer asked if a dumpster for paint cans would be helpful. Supervisor Lewis said that a rubbish pit may help. Supervisor Russell asked if this would be acceptable to the public or do we need to have pickup at houses twice a year. Supervisor Latimer said that when people are ready to clean out they want to get rid of the paint cans then.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to take this item under advisement. The motion passed by a unanimous vote.

#### **4. Election Commissioners – Approval to Work Independently**

Election Commissioner Carl Payne appeared before the Board of Supervisors requesting approval for the Election Commission to work in the absence of a quorum. Mr. Payne said that the Attorney General requires the Board of Supervisors approval for the Election Commission to act independently except where a quorum is required.

Supervisor Jessie Medlin asked if the Election Commission works independently when they are purging books. Mr. Payne said yes and when they prepare for an election.

Supervisor Medlin asked if a vote is taken when the quorum is required. Mr. Payne said yes. Supervisor Medlin asked where the minutes are kept. Mr. Payne said in the Election Commission area of the Administration Building.

Supervisor Bill Russell asked who approved the per diem payments. Mr. Payne said the Board of Supervisors. Mr. Payne added that, at the end of the month, the Election Commissioners provide a time sheet. Board Attorney Tony Nowak said there are a maximum number of days based on the number of registered voters allowed by statute.

At the recommendation of the Election Commissioners, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to acknowledge the Board of Supervisors finding that it is appropriate to have the Election Commissioners acting independently and approve payment to the Commissioners not to exceed the maximum number of days allowed by statute. The motion passed by a unanimous vote.

Supervisor Eugene Thach asked if someone reviews the time sheets. Mr. Payne said that they are given to the Circuit Clerk. Supervisor Russell said that the constables pay is approved by the Justice Court Clerk. He said the Board of Supervisors does not have a way to monitor the work of the Election Commission. Mr. Payne said that when the Election Commission votes, those minutes will be sent to the Board of Supervisors.

See Exhibit F.4

## 5. Approval to Renew Jail Physician Contract

County Administrator Michael Garriga said that, with the Board's approval, he talked to Dr. Bray and Dr. Bray agreed to the existing \$75,000 a year contract as the jail physician, with three changes as follows:

- 1) A \$40 per examination of mental patients for the evaluation of committal process.
- 2) Removal of the minimum 12 hours requirement per week on site.
- 3) A 3% cost of living raise.

Supervisor Eugene Thach asked how many patients are evaluated for the committal process. Chancery Clerk Sluggo Davis said 60-100 a year. Mr. Garriga said that the filing fee is \$80 and Dr. Bray would get half. Board Attorney Tony Nowak said the issue was discussed during negotiations and an AG opinion said that she was not paid the \$40 per examination. Mr. Garriga said that now would be the time to make any contract changes. Mr. Garriga added that Chief Deputy Charlie Brown is satisfied with the current situation.

Mr. Garriga said the Dr. Bray is required to spend 12 hours per week on site. Mr. Garriga said that Dr. Bray said sometimes it is more than 12 hours, but removing this requirement would give her more flexibility. Chief Deputy Charlie Brown said that they would prefer to have someone there. Board Attorney Tony Nowak said that the contract states to devote the time that is necessary to do her duties.

Board Attorney Tony Nowak said that the contract expired December 31, 2004 and a new contract is needed to authorize her to continue to work under the terms of that contract until such time the Board of Supervisors approves another contract.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to continue paying Dr. Bray under the terms of the contract that expired December 31, 2004, until such time the Board of Supervisors approves another contract. 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 Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to take this item under advisement. The motion passed by a unanimous vote.

See Exhibit F.4

## 6. EMS

### a. Approval to Renew Contract for EMS Medical Director

Fire and EMS Director Bobby Storey appeared before the Board of Supervisors requesting approval to renew the contract with Dr. Frank Adcock as the EMS Medical Director. Mr. Storey said that Dr. Adcock has been with EMS for several years and the contract has not changed. Mr. Storey said that Dr. Adcock meets with EMS once a month and rides with an ambulance twice a month. Dr. Adcock observes what DeSoto County EMS personnel are doing under his license.

Board Attorney Tony Nowak said the contract expired in September 2004 and the motion should include ratifying the contract to provide service since September 2004.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the contract with Dr. Frank Adcock as the EMS Medical Director for the term January 1, 2005 to December 31, 2005 for \$45,000 per year paid in equal monthly amounts and to ratify the contract to include service since September 2004. The motion passed by a unanimous vote.

See Exhibit F.6.a

### b. Approval of Lease Agreement Renewal with Stan Elam

Fire and EMS Director Bobby Storey appeared before the Board of Supervisors requesting approval of the Lease Agreement with Stan Elam for the radio tower used for fire service frequency in DeSoto County. Supervisor Eugene Thach asked why the tower cannot be moved. Mr. Storey said that they tried unsuccessfully when they met with the 911 Board.

Supervisor Bill Russell asked if the Lease Agreement was for \$1200 a year. The Board Attorney said yes.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Lease Agreement renewal with Stan Elam for rental of a radio tower in the amount of \$1200 for the period from January 1, 2005 to December 31, 2007. The motion passed by a unanimous vote.

See Exhibit F.6.b

## 7. Accounting

### a. Approval to Ratify Bond Payment

Verified loan repayment documents for DeSoto County Account 05648-049, Mississippi Development Bank Promissory Note, were presented by copy to each Supervisor. Payment was made to Hancock Bank against the following accounts as follows:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
001-801-800	Principal	\$ 31,250.00
001-801-802	Interest	\$ 16,761.30
		\$ 48,011.30

Verified loan repayment documents for the \$18,000,000 MS Development Bank Special Obligation Bonds, were presented by copy to each Supervisor.

Payment for principal and interest were made through Trustmark Bank for check #007314 issued 12/29/04 against the following account:



<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
215-800-802	Interest	\$ 26,744.97

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to ratify the bond payments as described above. The motion passed by a unanimous vote.

See Exhibit F.7.a

**b. Approval to Ratify Insurance Claims**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to ratify the insurance payments as described in Exhibit F.7.b. The motion passed by a unanimous vote.

See Exhibit F.7.b

**c. Approval of Quarterly Budget Allotments**

Comptroller Tom Arnold presented the Quarterly Budget Allotments to the Board of Supervisors. Mr. Arnold pointed out the DeSoto County Regional Utility Authority was added.

In accordance with Section 27-1-32 of the Mississippi Code of 1972, which allows the Board of Supervisors to set aside, appropriate and expend moneys from the general fund for the purpose of supplementing the budget of the offices of Sheriff, Tax Collector and Tax Assessor, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the quarterly allocations for the Sheriff, Tax Assessor, and Tax Collector, as recommended by the Comptroller, as follows:

<b>Tax Assessor</b>	
Department 103	\$257,134.00
<b>Tax Collector</b>	
Department 104	\$250,407.00
<b>Sheriff's Department</b>	
Department 200(Sheriff)	\$ 169,615.50
Department 201(Aviation)	12,856.00
Department 202(Patrol/Law Enforcement)	1,410,979.83
Department 220(Custody of Prisoners & Jail)	758,458.50
Department 222(Prisoners Medical Expense)	269,315.75
Department 223(Juvenile Detention)	113,079.50
Department 225(Rescue Unit)	<u>3,550.00</u>
Total	\$2,737,855.08
<b>DeSoto County Regional Utility Authority</b>	
383-342-799	\$504,589.00

The motion passed by a unanimous vote.

See Exhibit F.7.c

**d. Approval of Repayment of Interfund Loan**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the recommendation of the Comptroller to do an interfund loan from the Circuit Court Administrator Fund, and to transfer funds to General County Fund as follows, until

sufficient tax revenue is received in these funds:

From:	Circuit Court Administrator	025-000-149	\$6,600.00
To:	General County Fund	001-000-054	\$6,600.00

The motion passed by a unanimous vote.

See Exhibit F.7.d

**e. Approval of Late Bill**

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to authorize the Clerk to write the check to pay the late bills to the Constables as follows:

CONSTABLE	CRIMINAL	CIVIL	TOTAL
Chris Sing	\$150	\$ 2,000	\$ 2,150
Floyd Medlin	\$ 60	\$ 755	\$ 815
Lee Hodge	\$ 190	\$ 740	\$ 930
Joe Holmes	\$ 305	\$ 1,685	\$ 1,990

The motion passed by a unanimous vote.

See Exhibit F.7.e

**f. Claims Docket**

The claims docket was presented by Tom Arnold and Stephanie Hanks of the Accounting Department. Mr. Arnold said that the cell phone bill from Animal Control employee Anna Weakley for \$246.33 was paid last Thursday, but there was not enough time to reprint the docket.

Supervisor Medlin questioned the \$7,696 bill for Timothy E. Spencer. Later in the meeting, Mr. Arnold said this bill was for a facial reconstructive doctor for one prisoner.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Tommy Lewis 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

**8. Approval of Travel**

In accordance with Section 25-3-41 Mississippi Code of 1972, as amended, any official or employee of DeSoto County, Mississippi is hereby authorized to travel during the period of January 4, 2005, to February 7, 2005, as necessary, and incur travel expenses in the performance of their official duties for DeSoto County; that all such travel is hereby authorized contingent on funds being available in the departmental budget of the individual traveling.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize DeSoto County employees to travel during the period of January 4, 2005 to February 7, 2005, as necessary, and incur travel expenses in the performance of their official duties for DeSoto County. The motion passed by a unanimous vote.

## **9. Approval of Publication of Board Proceedings**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the publication of Board Proceedings, in accordance with Section 19-3-33 of the Mississippi Code, which states that the Board of Supervisors may have its proceedings published in some newspaper published in the county, and cause the same to be paid for out of the County treasury. The motion passed by a unanimous vote.

## **10. Approval of Bailiff Pay**

Pursuant to Section 25-7-27, Section 1, paragraph (e), which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, Mississippi Code of 1973, Annotated, Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to pay Joe Holmes the amount of \$120.00 for the month of December 2004; to pay Lee Hodge the amount of \$160.00 for the month of December 2004; and to pay Floyd Medlin the amount of \$120.00 for the month of December 2004; for their services as Bailiffs for DeSoto County Justice Court. The motion passed by a unanimous vote.

See Exhibit F.10

## **11. Justice Court**

### **a. Approval of Justice Court Report**

Justice Court Clerk Linda Aldridge presented the Justice Court Report to the Board of Supervisors.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the Justice Court Report for the month of December 2004, attached as Exhibit F.11.a. The motion passed by a unanimous vote.

See Exhibit F.11.a

### **b. Approval of Copy Machine Contract**

Justice Court Clerk Linda Aldridge said a small copy machine was added in the Courtroom. Ms. Aldridge said she is requesting approval of the contract which will end in June with the other leased equipment. Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the copy machine contract with CopyPlus Inc. for \$60 a month, ending in June 2005. The motion passed by a unanimous vote.

See Exhibit F.11.b

## **12. Sheriff's Employee Report**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to acknowledge receipt of the Sheriff's Department Employee Report for the month of December 2004. The report is attached and made a part of the minutes in Exhibit F.12. The motion passed by a unanimous vote.

See Exhibit F.12

## **13. Receiving Clerk Appointments**

### **a. Circuit Court – Chesley Lynch**

**b. Metro Narcotics – Tammie Mannon**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve Chesley Lynch as Receiving Clerk for Circuit Clerk and Tammie Mannon as Receiving Clerk for Metro Narcotics and remove Barbara Girner as Receiving Clerk in Metro Narcotics. The motion passed by a unanimous vote.

**14. Chancery Clerk**

**a. Chancery Clerk Allowance**

On this date, 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 December 2004 term in the amount of \$720.00. Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve this payment, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote.

See Exhibit F.14.a

**b. Order of State Tax Commission Approving Real Tax for 2004**

**c. Order of State Tax Commission Approving Personal Tax for 2004**

Chancery Clerk Sluggo Davis presented the State Tax Commission’s approval of the Recapitulation of Assessments of Real Property of DeSoto County.

	Acres	Valuation
TOTAL LAND ASSESSMENT OF COUNTY.....	258,516	<u>\$668,837,631</u>
SUBJECT TO STATE TAXES AND SCHOOL TAXES (Exempt from Local Taxes).....		<u>\$ 40,192,375</u>
Subject to Levee Taxes:		
Acres.....		
TOTAL PERSONNEL ASSESSMENT OF COUNTY.....		<u>\$387,294,051</u>
SUBJECT TO STATE TAXES AND SCHOOL TAXES (Exempt from Local Taxes).....		<u>\$ 20,575,272</u>
Subject to Levee Taxes:.....		

In accordance with Section 27-35-127, and 27-35-119 Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to make the State Tax Commission Order Finally Approving the Real and Personal Tax Roll for DeSoto County part of the minutes. The motion passed by a unanimous vote.

See Exhibit F.14.b, c

**15. Board of Education**

**a. Request for Maintenance of School Bus Turnarounds**

The DeSoto County Board of Supervisors received a letter dated December 7, 2004, from the DeSoto County Superintendent of Education Milton Kuydendall requesting the County to maintain the properties which are used as school bus turnarounds. In accordance with Section 19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be maintained and improved, Supervisor Eugene Thach made the motion to maintain, and improve the properties in the Superintendent’s letter dated December 7, 2004, and to direct the Road Manager to carry out the maintenance as requested. Supervisor Bill Russell seconded the motion for the following list:

Dawn Hinton	14740 DeSoto Rd.	Olive Branch, MS	Bus 189
Betty McGee	3528 Church Rd.	Horn Lake, MS	Bus 156
End of Tulane	North of Hwy 304	Hernando, MS	Bus 4
Belinda Rines	5220 Oak Grove Rd.	Hernando, MS	Bus 93

Cherita & Jamie Threat	7161 E. Craft Rd.	Olive Branch, MS	Bus 114 & 39
Charles Taylor	10676 High Rd.	Hernando, MS	Bus 228
Unknown	14705 Norfolk Rd.	Lake Cormorant, MS	Bus 238 & 173

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 F.15.a

**b. Request for Assistance at Horn Lake Middle School Campus**

Supervisor Tommy Lewis presented a request for assistance at the Horn Lake Middle School Campus. Road Manager Russell Dorris said that DeSoto County will furnish the labor for the school bus turnaround and DeSoto County Schools will pay for the limestone needed. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve assistance with the Horn Lake Middle School campus school bus turnaround. The motion passed by a unanimous vote.

See Exhibit F.15.b

**16. Tax Exemption – Making State Tax Commissions Approval Part of the Minutes**

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve making the State Tax Commission approval of the Ad Valorem Tax Exemption for Wireless Retail, Inc. part of the minutes. The motion passed by a unanimous vote.

See Exhibit F.16

**17. Appointments – Various Boards and Commissions**

County Administrator Michael Garriga presented the Appointments to various Boards and Commissions to the Board of Supervisors for approval.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the Appointments shown in the Directory of Appointments with the following changes:

APPOINTMENT	NEW APPOINTEE	TERM EXPIRES
Board of Adjustment	Michael Hatcher	January 3, 2006
	Carlton Gatlin	January 3, 2006
	Child Rice	January 3, 2006
	Lowry Dean	January 3, 2006
	Wayne Anderson	January 3, 2006
Deputy Medical Examiner Investigator	Billy Baldwin	January 3, 2006
		Indefinite
E-911 County Dispatch	David Mitchell	
Local Emergency Planning Commission	Michael Garriga	Indefinite
	Pat Sylvester	Indefinite
	Larry Rose	Indefinite

	John Caldwell	Indefinite
	Wesley Kicker	Indefinite
Lewisburg Fire Protection District	Luther Gross	January 4, 2010
Summershill Fire Protection District	William E. Williams	January 4, 2010
Walls Fire Protection District	Jesse D. James III	January 4, 2010
Eudora Fire Protection District	Paul Leslie Riley	January 4, 2010
Handicap Compliance Grievance Com.	Jackie Hannaman	January 3, 2006
	Pat Sylvester	January 3, 2006
	Sara Watkins	January 3, 2006
	Barry Carter	January 3, 2006
	Barbara Chamberlin	January 3, 2006
DeSoto County Library Board	Annie Ruth Brown	January 4, 2010
	David Heuer	January 4, 2010
City of Horn Lake Library Board	Bess Burgess	January 3, 2006
	Anne Ashcraft	January 3, 2006
	Connie Sparks	January 3, 2006
City of Olive Branch Library Board	Lelia Payne	January 3, 2006
	Betty Collins	January 3, 2006
	Gail Massey	January 3, 2006
City of Southaven Library Board	Peggy Hall	January 3, 2006
	Donna Bouchillon	January 3, 2006
	Betty Moore	January 3, 2006
License Commission	Ed Paseur	January 7, 2008
	Vacant	January 7, 2008
	Larry Ray	January 7, 2008
	Bill Brown	January 7, 2008
	David Johnson	January 7, 2008
Park Commission	Bill Welch	January 3, 2006
	Mike Mullins	January 3, 2006
	Paul Haberstroh	January 3, 2006
	Henry Lee Ashcraft	January 3, 2006
	Danny Phillips	January 3, 2006
Planning Commission	Len Lawhon	January 3, 2006
	Julius Cowan, Jr.	January 3, 2006
	Pat Hefley	January 3, 2006
	Charles McNemar	January 3, 2006
	Leonard Lindsey	January 3, 2006
	Dennis Clemmer	January 3, 2006
	Wade Carter	January 3, 2006
	Joe Forsythe	January 3, 2006
	Leigh Graves	January 3, 2006
	Robin James	January 3, 2006
	Frank Calvi	January 3, 2006
	James Mayfield	January 3, 2006
	Jimmy Louis Maxwell	January 3, 2006
	Mike Robinson	January 3, 2006
	Paul Whitfield, Jr.	January 3, 2006
	Chamberlin-Nowak, Atty.	January 3, 2006
DCRUA	Rich Kinnell	January 3, 2010
Tax Advisory	Jim Flanagan	January 3, 2006
	Tony Nowak, Attorney	January 3, 2006
	Parker Pickle	January 3, 2006
	Anna Williams	January 3, 2006
	W. E. "Sluggo" Davis	January 3, 2006

	Michael Garriga	January 3, 2006
	Vanessa Lynchard	January 3, 2006
	Henry Ward	January 3, 2006
	Charles Burnette	January 3, 2006
	Karen Cummings	January 3, 2006
	Mayor Sam Rikard	January 3, 2006
	Harold Nichols	January 3, 2006
	Greg Guy	January 3, 2006
Walls Sewer District	Jerold Wheeler	January 3, 2010
CDBG Citizen Participation Task Force	Bill Russell	January 3, 2006
MS Area Government Representative	Sup. Allen Latimer	January 3, 2006
North Central MS Resource Conservation & Development	Sup. Bill Russell	January 3, 2006
North Delta Planning & Development	Sup. Tommy Lewis	January 3, 2006
	Charlie Reese	Minority Rep.
	Mayor Robert Smith	Municipal Rep.

And for the Board to review the revised Director and recommend any further changes found to be necessary. The motion also includes a Resolution for Mr. Wayne Hollowell who served on the Board of Adjustments for 15 years. The motion passed by a unanimous vote.

See Exhibit F.17

## 18. Central Maintenance

### a. Road Report and Work Schedule

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, Annotated, Road Manager Russell Dorris presented the Road Report for November 26, 2004 thru December 25, 2004 and the Work Schedule for the month of January 2005.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Road Manager's Road Report and Work Schedule Report. The motion passed by a unanimous vote.

See Exhibit F.18.a

### b. Road Bond Report

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the Subdivision Road Bond Report. The motion passed by a unanimous vote.

See Exhibit F.18.b

### c. Approval to Declare Mosquito Sprayer as Surplus

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve declaring Property #16165 Grizzly Sprayer S/N# 100989 as surplus property for a trade-in amount of \$500.00. The motion passed by a unanimous vote.

See Exhibit F.18.c

## G. EXECUTIVE SESSION

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

**H. OTHER ISSUES**

**1. EMS – Ambulance Mishap**

Director of Fire and EMS Bobby Storey updated the Board of Supervisors on an accident that occurred as a DeSoto County ambulance was transporting a heart attack victim to Baptist DeSoto Hospital. Mr. Storey said that a deer ran from left to right from the Gateway Tire Store on Goodman Road in the City of Horn Lake and did damage to the driver’s front corner of the ambulance.

**2. Central Maintenance – Dump Trucks**

At the recommendation of the Road Manager Russell Dorris, Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the additional purchase of four 2005 CVT713 Dump Mack at a price of \$85,972.02 in connection with Bid File No. 05-156-004 from Tri-State Mack who were not the lowest bid, but they were the best bid because of the guarantee buy back and because of the 30 day delivery rather than the 200 day delivery from the low bid.

**BID TAB SHEET**

**Equipment:** One or More 17 Cu Yd Dump Truck      **Bid File Number:** 05-156-004  
**Bid opening:** 10:00 a.m.      **Bid Opening Date:** December 9, 2004

BIDDER	MODEL OF TRUCK	BID PRICE	BUY BACK AMOUNT	BUY BACK AMOUNT	BUY BACK AMOUNT	BID AMOUNT LESS BUY BACK		
							EACH	3YR EA.
TRI-STATE MACK	2005 CVT713 DUMP MACK	\$85,972.02	\$56,900.00	\$51,200.00	\$46,500.00	\$39,472.02	100 DAYS DELIVERY	
TRI-STATE MACK	2005 CVT713 DUMP MACK	\$85,972.02	\$56,900.00	\$51,200.00	\$46,500.00	\$39,472.02	30 DAYS DELIVERY	MORE EXCEPTIONS (To our advantage)
BARLOWORLD	2006 STERLIING LT9500	\$84,823.34	NO BUYBACK TRADE-IN 50%	NO BUYBACK TRADE-IN 30%	NO BUYBACK TRADE- IN 25%		200 DAYS DELIVERY	
GENERAL TRUCKS SALES	NO BID							

**RECOMMENDATION:** Tri-State Mack Russell wishes to purchase 2 trucks.

The motion includes declaring surplus and the sale of two Volvo dump trucks contracting with Ritchie Brothers Auctioneers and four Mack dump trucks contracting with Durham Auction Co. as follows:

Auction Company	Sale of...	Gross Auction Proceeds	Commission
Durham Auction Co.	4 Mack Dump Trucks	\$385,000.00	7% With Guarantee
Durham Auction Co.	4 Mack Dump Trucks	\$385,000.00	4% Without Guarantee
Ritchie Brothers	2 Volvo Dump Trucks	\$91,634.00	7%



The motion passed by a unanimous vote.

See Exhibit H.2

### **3. Roads – Church Road**

Supervisor Allen Latimer said he attended the Board of Education teacher reception and was advised by Superintendent of Education Milton Kuykendall that the new Horn Lake High School would be ready in 2007. Supervisor Latimer said that there was \$400,000 of the \$22 million bond designated for improvements to the old school road that will not be needed.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve the \$400,000, originally designated for improvements to the old school road, to be designated for improvements on Church Road in front of the new Horn Lake High School, to authorize the Road Manager to study the DeSoto County Board of Education drawings/plans for the required improvements, and to negotiate with the City of Horn Lake and landowners for ROW acquisitions. The motion passed by a unanimous vote.

Supervisor Jessie Medlin said to make sure the Board of Education has bought the property and their intentions are to build a new Horn Lake High School at this location.

### **4. City of Horn Lake – Request for Park Benches**

Supervisor Bill Russell said that he had received a letter from the City of Horn Lake requesting DeSoto County supply two park benches for the City Park at Twin Lakes, at a cost of \$676.00. Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Clerk to write a check for \$676 from the District 3 Park Fund to purchase two park benches for the City of Horn Lake. The motion passed by a unanimous vote.

See Exhibit H.4

### **5. Consent Agenda**

Supervisor Tommy Lewis said that a Consent Agenda could be developed for items that recur monthly to streamline the Board of Supervisors meeting. Supervisor Jessie Medlin said that he wants to make sure that we are paying the bills correctly. Supervisor Lewis said that if there is an item on the Consent Agenda that needs discussion, it could be pulled out.

County Administrator Michael Garriga said that he would develop an example of a Consent Agenda for the February meeting and go through both the normal agenda and in the Consent format.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to recess until 1:30 p.m. The motion passed by a unanimous vote.

### **6. Planning Commission – Brick Structures Policy**

County Administrator Michael Garriga advised the Board of Supervisors that they were provided a map of where brick mailboxes will be allowed. Road Manager Russell Dorris said that he and the County Consulting Engineer Daniel Murphy were reviewing the State Aid policy as a basis. This item will be covered on the Planning Commission agenda.

### **7. Administration Building – Handicap Compliance**

Supervisor Tommy Lewis said that he was approached by Ms. Gooch in the hall and she complained about the handicap accessibility to the Administration Building. Supervisor Lewis said that he feels confident that the building meets the requirements, but may not be user friendly.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to adjourn the meeting until January 5, 2005. The motion passed by a unanimous vote.

THIS the 4<sup>th</sup> day of January 2005, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors