

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

Tommy Lewis, PRESIDENT 2009 PRESIDING

August 3, 2009

A. CALL TO ORDER

The August 3, 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 ABSENT
- 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. APPROVAL OF JULY MINUTES

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

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the minutes with changes for the month of July, 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-----ABSENT
- Supervisor Tommy Lewis-----YES

See Exhibit D

E. PUBLIC HEARINGS

1. 9:00 a.m. - 2009 Tax Roll

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for approval of the 2009 tax rolls. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis asked if there was anyone present in opposition of the values on the tax rolls. No one came forward.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing for the 2009 tax rolls. The motion passed by a vote as follows:

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

b. Approval of 2009 Tax Roll

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the 2009 tax roll as presented by the Tax Assessor. The motion passed by a vote as follows:

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

See Exhibit E.1.b

F. CONSENT

Supervisor Bill Russell said he wanted to take the opportunity to publicly thank the Body Armor Company for the donation of a bullet proof vest donated to the Sheriff’s Department. Supervisor Russell said the donation is valued at \$551 and is very generous.

Supervisor Tommy Lewis said the County had a good month with health claims.

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#046766 issued 6/24/09
 Principal \$ 20,833.33
 Interest \$ 5,865.79
 \$ 26,699.12

b. Travel Advance – Animal Control (2)

Dontay Cooper - Animal Control - Registration, lodging and meals for a trip to Kansas City, Missouri, for Level 3 Animal Control Officer training on September 21, 2009 to September 25, 2009.

Meals for 7 days:	\$ 322.00	001-444-476
Registration fee:	\$ 575.00	001-444-587
Lodging for 6 days:	<u>\$ 559.32</u>	001-444-476

\$1,456.32

Brandi Kirby - Animal Control - Registration, lodging and meals for a trip to Nashville, TN, for Level 1 Animal Control Officer training on October 12, 2009 to October 16, 2009.

Meals for 6 days: \$ 276.00 001-445-476
Registration fee: \$ 525.00 001-445-587
Lodging for 5 days: \$ 473.93 001-445-476
\$1,274.93

Upon their return, we will ensure that they have receipts for all expenses and can account for all the funds awarded.

c. Transfer of Street Crime Unit Seized Fund

Case #	Defendant	Date Seized	County Receipt #	Amount	Date of Forfeiture
DCSC-0906191032	James McGinnis	6/19/09	22078	\$1,387.00	7/24/09
Transfer from Street Crimes Seized Fund (124-000-139)				\$1,387.00	
Transfer to Street Crimes Forfeiture Fund (124-000-238)				\$1,387.00	

2. Dept. of Human Resources

The following is a recap of all insurance claims funded for the month of July and paid to Humana:				
Funding Request	Date Paid	Amount	Claim Type	
Date				
7/1/09	7/1/09	\$67,764.89	Administration Fees	
7/6/09	7/7/09	\$15,547.57	Medical	
7/6/09	7/7/09	\$3,247.70	Dental	
7/6/09	7/7/09	\$15,439.48	Pharmacy	
7/14/09	7/14/09	\$2,321.44	Medical	
7/14/09	7/14/09	\$5,158.45	Dental	
7/14/09	7/14/09	\$15,037.78	Pharmacy	
7/21/09	7/21/09	-\$673.81	Medical	
7/21/09	7/21/09	\$4,982.85	Dental	
7/21/09	7/21/09	\$12,971.73	Pharmacy	
7/27/09	7/28/09	\$6,563.69	Medical	
7/27/09	7/28/09	\$4,902.80	Dental	
7/27/09	7/28/09	\$13,882.46	Pharmacy	
	TOTAL	\$167,147.03		

3. Justice Court Report

Criminal Cases Filed – 112 State Assessments - \$ 51,928.00
Civil Cases Filed – 489 County General Fund - \$ 90,520.17
Traffic Tickets Filed – 891 Total Collections - \$142,448.17
Total Cases Filed – 1,492

4. Bailiff Pay

Jason Motz -\$95.00 Liz Medlin - \$190.00

5. Approval of Publication of Board Proceedings

6. Grants - AOP FY08 Closeout – No. 464WL82

7. Department of Road Management

a. Road Report and Work Schedule

b. Road Bond Report

c. Addition to Asphalt Overlay

Add Oak Creek Drive, Oak Woods Drive East, Oak Woods Drive West and Thousand Oaks Drive. Approximate additional cost - \$123,000. These additional roads will keep the amount in the bounds of the original contract due under runs in fuel, etc.

These changes need to be included as an amendment to the FY 2009-2010 4-year Road Plan.

d. Surplus Equipment and Auction

<u>UNIT</u>	<u>YEAR</u>	<u>DESCRIPTION</u>	<u>S/N</u>
643	2002	Cat 420 Backhoe	FDP08064
653	2004	Cat 420 Backhoe	FDP15103
654	2004	Cat 420 Backhoe	FDP10649
670	2006	Cat 420 Backhoe	FDP24890
671	2006	Cat 420 Backhoe	FDP24883
687	2007	Cat140H Motorgrader	APM03146
688	2007	Cat140H Motorgrader	3PD18790
689	2007	Cat140H Motorgrader	APM03147
501	2004	Champion 720-A Motorgrader	23745

7. EMA – Ratify State of Emergency Resolution (6/12/09)

8. Sheriff’s Department

a. Accept Restricted Donation from Body Armor Co. – Bullet Proof Vest - \$551.00

b. Declaration of Forfeiture (2 items)

1997 Olds Cutlass Maroon in color, Vin# 1G3NG52M2V6314204, and Burga HW3 .32 Cal. Revolver handgun S# 300787

White Chevy Van Vin-1GCHG35K8TF108653

9. Tax Exemptions – Make State Tax Commission’s Approval of Exemptions Part of the Minutes

a. Prologis

b. A & B Distributing

10. Make Part of the Minutes – Inducement Agreement with Contract Bridge League

11. Chancery Clerk Allowance (2) - \$1,550.00 \$1,700.00

12. Tax Assessor – Increases and Reductions in Assessments – Real & Personal

The motion passed by a vote as follows:

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

See Exhibit F

G. OLD BUSINESS

1. Request for Qualifications – Architectural Services for Jail

County Administrator Michael Garriga presented a draft of the RFQ for the jail architect. Mr. Garriga explained the details from Exhibit G.1

Supervisor Bill Russell asked how the results would be presented to the Board. Mr. Garriga said they will accept RFQ’s until August 21 at 5:00 p.m. He said the Jail Committee will develop rating criteria for each firm. After the committee rates all of the firms, they will conduct oral interviews with the top three or four firms and select one firm to recommend to the Board.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve issuing the Request for Qualifications for architectural services for the DeSoto County Jail. The motion passed by a vote as follows:

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

See Exhibit G.1

H. NEW BUSINESS

1. IMPACT Missions – Request for Final Payment

County Administrator Michael Garriga said he received a call from David Donaldson of IMPACT Missions. Mr. Garriga said their funds are running low and the organization is upgrading their facilities to comply with new standards in state law. Mr. Donaldson requested the Board to allow the \$8,000 payment to IMPACT Missions for September to be given to them today.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve an \$8,000 allocation scheduled to be paid to IMPACT Missions in September to be paid today and authorize the Clerk to write the check. The motion passed by a vote as follows:

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

2. Inventory Dispositions

- a. IT - Preliminary**
- b. AOP – Preliminary**
- c. Circuit Clerks Office-Final**

Inventory Clerk Amy Henley presented inventory dispositions for the IT Department, the Adolescent Offender Program and the Circuit Clerks Office.

Supervisor Tommy Lewis asked if the double monitor on the IT preliminary disposition was being disposed of because it did not have a power supply. If so, should it be discarded or would it be more appropriate to buy a power supply. Ms. Henley said she would check into the issue with the IT Department.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to carry over the double monitor for IT asset number 32715, and to approve preliminary dispositions for IT and AOP and the final dispositions for the Circuit Clerks Office as follows:

IT – Preliminary

Asset #	Serial #	Description	Reason for Disposal	Location at Preliminary
31340	B77FF11	Dell Computer	Broken	IT Dept
31806	11Y2582	Lexmark Printer	Broken/Outdated	IT Dept
6233	BB5114799	Southern Systems PC	Broken	IT Dept
37105	62023YR	Lexmark Laser Printer	Broken	IT Dept
32590	8906VXV	Samsung Monitor	Broken	IT Dept
31272	0025016707	Gateway PC	Broken	IT Dept
35941	SSG72F11049	HP Inkjet Printer	Broken	IT Dept
35180	HR83S51	Dell PC	Broken	IT Dept
30532	015503008	Gateway Computer	Broken	IT Dept
33463	E85Z3861787U	Proview Monitor	Broken	IT Dept
33459	E85Z3861714U	Proview Monitor	Broken	IT Dept
35565	CAF19E0A43701142	Neovo LCD Monitor	Broken	IT Dept
32715	153280055	Double Monitor	No Power Supply	IT Dept
36683	553200553ED22	Acer LCD Monitor	Broken	IT Dept
36497	Z56062003	Server	Broken	IT Dept
30478	0014975442	Gateway PC	Broken/Parts	IT Dept
32577	A24031222494	Viewsonic Monitor	Broken	IT Dept
37130	QC2064710582	Viewsonic Monitor	Broken	IT Dept
32591	GH17H9NW507664 L	Lexmark Laser Printer	Broken	IT Dept
33425	89167N8	Lexmark Laser Printer	Broken	IT Dept
36539	721D4Y5	Lexmark Laser Printer	Broken	IT Dept
6232	USFB215230	HP Laser Printer	Broken	IT Dept
6100	JPFK010918	HP Laser Printer	Broken	IT Dept
38081	MY72D9R14B	HP Deskjet Printer	Broken	IT Dept
35593	BZ00044141969	Philips LCD Monitor	Broken	IT Dept
31767	9N40254	Lexmark Dot Matrix Printer	Broken	IT Dept

AOP - Preliminary

Asset #	Serial #	Description	Reason for Disposal	Location at Preliminary
34395	0260973374	Nokia Cell Phone	Broken	Inv Clerk
34755	01203729944	Motorola Cell Phone	Obsolete	Inv Clerk

Circuit Clerk Office -Final

Asset #	Serial #	Description	Reason for Disposal	Disposed of by	Location of Final Disp
31444	89079Y1	Lexmark Printer	Broken	JB	5R
31374	8903YLT	Lexmark Printer	Broken	JB	5R

The motion passed by a vote as follows:

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

See Exhibit H.3

3. Eudora Fire Commission – Appointments (2)

At the recommendation of the County Administrator, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to hold the appointments to the Eudora fire Commission until Wednesday, August 5th. The motion passed by a vote as follows:

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

See Exhibit H.3

4. Accounting – Claims Docket

Comptroller Tom Arnold presented late bill for issuance costs for the \$16 million General Obligation Bonds, 2009, as follows:

\$45,000.00 Smith, Phillips, Mitchell, Scott and Nowak Law Firm (Issuer Counsel)
 \$85,793.62 Butler, Snow, O’Mara, Stevens & Canada, PLLC (Bond Counsel)
 \$75,000.00 Government Consultants, Inc. (Financial Advisor)
 \$ 500.00 Spence Flatgard (State’s Bond Agency)
 \$ 3,500.00 Hancock Bank (Banking Agency)
 \$11,750.00 Moody’s Rating Group (Rating Agency)
 \$10,000.00 Standard & Poor’s rating Group (Rating Agency)

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to pay the cost of the issuance bonds as presented by the Comptroller. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

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

Accounting Clerk Stephanie Hanks presented the items on the claims docket in accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated.

Supervisor Tommy Lewis said on page 16 the charges for the rubbish pit have increased. Supervisor Lewis asked if the County would receive any monies back from the tornado event. County Administrator Michael Garriga said it does not appear that the county will receive any money.

Planning Director Jim McDougal said the chipper which belongs to the Levee Board is being used at the rubbish pit. He said the chipper broke down and there are charges on the claims docket for repair of the chipper. He said the chipper has saved the County a lot of money by keeping larger items out of the landfill.

Supervisor Jessie Medlin asked if it is okay for the County to buy parts for borrowed equipment owned by another government agency, but being utilized by the County. Mr. Garriga said the County may need to have the Levee Board buy the parts and then reimburse them and he the Board Attorney would look into the proper method have paying for parts needed for the chipper.

Supervisor Lewis said the County needs to keep good records regarding how much is going through the landfill. Mr. McDougal said they are keeping good records.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

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

See Exhibit H.4

5. DeSoto County Schools – Wilson Mill Road

There was no discussion or action on this issue. This item was held over.

See Exhibit H.5

6. Consideration to Pave Parking Lot – Agricenter on Hwy. 51

County Administrator Michael Garriga said we received two quotes to pave the parking lot at the Agricenter on Hwy. 51.

The Board of Supervisors asked if the Road Department can do the work cheaper than the quotes.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve paving and striping the parking lot at the Agricenter on Hwy. 51 up to the amount of the lowest and best bid and to approve any budget amendments necessary to complete the project. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

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

7. County Administrator

a. Olive Branch Library – Termination of Interlocal

County Administrator Michael Garriga said he received correspondence from Mayor Sam Rikard last week canceling the interlocal agreement for the B.J. Chain Library in Olive Branch. Mr. Garriga said there was damage caused to the library on June 12th the day of the tornado. Because the library is a County owned building, the County Building and Grounds Department inspected what would be needed to complete the repair on the library and they said the damage was actually routine maintenance, which was the City's obligation. The City did not feel like it was routine maintenance but eventually made the repairs. Now the City is terminating the interlocal agreement. Mr. Garriga said the City will continue to provide funding for the library for utilities but the utility accounts will be removed from the City's name. Mr. Garriga reported that effective October 21, 2009 the interlocal agreement will be cancelled. Mr. Garriga said he will look further into the issues.

Board Attorney Tony Nowak said his office corresponded by email to the attorney for the City of Olive Branch. At that time, the City Attorney thought it was routine maintenance. After the City Board discussed the situation, they decided it was not routine maintenance, but damage was caused by the tornado event, but eventually made the repairs. Now they wish to terminate the interlocal agreement and make contributions to the library board rather than assume maintenance.

County Engineer Andy Swims asked if this includes the parking lot redesign. Mr. Garriga said it is a separate agreement so he does not think it will include the parking lot.

Supervisor Jessie Medlin he received a letter from a lady at the library. There was an email from Paula May attached to the letter and it explained the City's position.

Supervisor Bill Russell said if this is the County's obligation, the County should handle it. Supervisor Russell said he wants every City to be treated the same.

See Exhibit H.7.a

b. Budget Amendments

County Administrator Michael Garriga said there are too many budget amendments being processed. Mr. Garriga said he had the Board Attorney Tony Nowak check on how budget amendments are processed in the County. Mr. Garriga said that Mr. Nowak found that the Board of Supervisors are the only ones who can legally approve budget amendments. Mr. Garriga said he plans to draft a policy for the Board's review and approval. He said he realizes there are emergency situations such as the Road Department having to purchase limestone due to the tornado event for which budget amendments had to be done. Mr. Garriga said he does not have the answer for emergency situations at this point. He said there is no doubt the County must pay more respect to the laws governing budget amendments. Mr. Garriga said there needs to be more policy and structure to the budget amendment process.

Supervisor Jessie Medlin said there used to be a lot of amendments presented to the Board by the department requesting it. Mr. Garriga said he does not think audit department would care how often the budget is amended but there should be a good reason to amend it.

Supervisor Bill Russell said we need to comply with the law and have a process to address emergencies.

Mr. Garriga said one option to allow more flexibility would be to have some line items combined.

Road Manager Russell Dorris said he does not mind asking the County Administrator for anything the Board wants him to ask for, but he does not want to be saddled with making decisions depending on two or three other people. He said the statute says the Road Manager has authority to spend money to maintain the roads. Mr. Russell said he does not want to be handcuffed by the County Administrator or purchase clerk.

Sheriff Bill Rasco said the money we have left at the end of the year is money saved in order to purchase items at the end of year. He is asking the Board to give approval to spend money to provide the services the Sheriff's Department needs to provide. He presented a letter asking the Board of Supervisors to authorize the Comptroller to approve budget amendments for Sheriff's Department for the remainder of the budget year.

Mr. Dorris said he wants to have authority to make purchases for the roads.

Supervisor Russell asked if the Board of Supervisors must approve all budget amendments. Board Attorney Tony Nowak said all budget amendments must be approved by the Board of Supervisors. He explained that this does not prohibit amendments there are times amendments are required.

Chancery Clerk Sluggo Davis said he ordered ticket books from his budget and he never knows how many the County will need. He said that Justice Court recently wanted to add on all tickets that they accept by credit cards. Mr. Davis said that is one area that is always changing and it would be hard to establish a budget to the penny needed for that line item.

Supervisor Russell said everyone is making valid points. Supervisor Russell said we are debating about what needs to be done. If the law is clear, we need to know the law and how to adjust our system to be in accordance with state law. Supervisor Russell said that part of the process is not debatable.

Emergency Services Director Bobby Storey said that EMA must have limestone when needed to address storm situations. He said he needs to ability to take care of emergencies. Mr. Storey said, keep in mind the budget is just for the taxpayers.

Mr. Dorris said, if we do not spend the money left over in the Road Department, it is there for next year. He said he wants to follow the law but does not want to be handcuffed by other departments when making decisions.

Supervisor Medlin said everyone here knows this Board wants everyone to be able to do their job. It sounds like combining line items may be a good idea.

Sheriff Rasco said he is asking for approval for the Comptroller to approve budget amendments for the Sheriff's Department for the remainder of the year.

Mr. Dorris said let's consider the difference between the Road Department budget and the other departments.

Supervisor Tommy Lewis said he does not know if we can legally honor the Sheriff's request.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the budget amendments as presented by the Comptroller and fully detailed in Exhibit H.7.b.

The motion passed by a vote as follows:

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

See Exhibit H.7.b

c. Advertising County Resources - Open House for Health Dept. & DHS

County Administrator Michael Garriga said the new building for the Health Department and DHS are open and fully operational. Mr. Garriga said they would like to have an Open House for the public to come in and look at the facilities. Mr. Garriga said he is asking for a modest allocation of \$500 from Advertising County Resources to fund the Open House.

After reviewing the request, the Board of Supervisors determined that the request funding for the Open House for the Health Department and DHS for the public, does meet the requirements to advertise the possibilities in DeSoto County.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize \$500 from Advertising County Resources for the Open House at the DeSoto County Health Department/ DHS building, after finding that it does meet the requirements to advertise the resources and possibilities in DeSoto County. The motion passed by a vote as follows:

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

8. Planning Commission – Love Station to Hear Final Application

Planning Director Jim McDougal said at the last Planning Commission meeting last Thursday, they did not have a quorum because of the weather. Therefore, they did not complete the meeting.

Mr. McDougal said one of the items was the final approval of the Love Station Subdivision. Those representatives would like for the Board of Supervisors to hear that item on the Wednesday Board Meeting. The question is whether the Board would hear the matter without the Planning Commission hearing it first. Mr. McDougal said the ordinance requires the matter to go before the Planning Commission first so the Board would need to waive the rules.

Supervisor Bill Russell asked if there were significant changes from the first plan to the current plan and if Mr. McDougal thinks the Board should bypass the Planning Commission in this matter.

Mr. McDougal said the Planning Commission delayed the approval to get more information from the developer. They wanted information about water service in the subdivision but have not yet received it.

Supervisor Tommy Lewis said he thinks the Board should not continue to delay the developer since the issue is not his fault.

Supervisor Russell said the Planning Commission could not have heard the issue because they did not have all of the paperwork from the water service. If they do not comply with the Planning Commission request, he is not willing to hear it.

Supervisor Lewis said he thinks the issue is whether they can afford to bring water to the subdivision.

After discussing the issue, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve hearing the Love Station final application on Wednesday, August 5, 2009 at the Board of Supervisors meeting. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis-----YES

9. Election Commission – Lease Agreement for Office Space

County Administrator Michael Garriga said he has been working with the City of Hernando for office space for the Election Commission. He said Senator Wicker has moved from the Gale Center and that space is now available. Mr. Garriga said rent for this space is \$1,500 per month and includes utilities. He said if this space is approved, the lease with Daniel Murphy and Joe Frank Lauderdale will be terminated for storing election equipment which is \$700 per month. He said there is ample space for offices as well as storage in the new facility. Mr. Garriga said the net affect of the lease will be \$800 per month. Mr. Garriga said there are two clauses in the lease that our attorney has determined should be amended. He said he will meet with the City of Hernando have those clauses stricken from the lease and move the Election Commission as soon as possible if the Board approves the lease.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the lease agreement with the City of Hernando for space at the Gale Center at \$1,500 per month including utilities effective August 3, 2009, until July 31, 2012, subject to the amendments requested by the Board Attorney. The motion passed by a vote as follows:

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

10. Copy Machines-Acceptance of Equipment and Authorize to Bid for Sale of Copiers

Purchasing Clerk Vanessa Lynchard said the County owns Imagistics copiers that became County property when the lease expired. She said the Board Attorney has done a lot of work to ensure that the final paperwork has been properly handled to give the County title and ownership of the copiers. She submitted a bill of sale from OCE’ Imaging for the copiers. Vanessa said, if the Board chooses to do so, the County can sell those copiers for a profit.

At the recommendation of the Purchasing Clerk, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve to accept the Imagistics copiers from OCE’ Imaging into County inventory and declare them surplus, and authorize bidding for the sale of the copiers. The motion passed by a vote as follows:

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

See Exhibit H.10

11. Purchasing – Sole Source for Defibrillators for EMS

Vanessa Lynchard said that EMS needs to purchase new defibrillators as a sole source. She said this is necessary due to unit breakage and being outdated.

The units they are requesting will be purchased from ZOLL. Vanessa said that currently Baptist Hospital uses two systems but when the lease expires with Physio Control in five years, it will not be renewed. Therefore, the Physio system will not be supported by Baptist after five approximately years. Vanessa presented a sole source affidavit to the Board from EMS Director Bobby Storey of EMS explaining how this purchase qualifies as a sole source. She said the Zoll system can connect with the Baptist Hospital system immediately to receive pre-hospital EKG’s. The ZOLL system allows for continued indefinite support. She said this system will allow the

patient to bypass the admission process when being admitted to Baptist Hospital and go directly to the cath lab. The ZOLL unit has a life span of seven to eight or more years.

Vanessa asked Mr. Storey if there is any other source to purchase the GE ZOLL System. Mr. Storey said no.

Supervisor Bill Russell asked if the old defibrillators can still be used. Mr. Storey said yes, but a paramedic must be in charge and cannot hook up to the hospital. He said some ball teams and parks need defibrillators. He said the health, safety and welfare of the citizens of DeSoto County would be much better served with the ZOLL units

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the sole source purchase for defibrillators for the EMS department from ZOLL Corporation as detailed and described in Exhibit H.11. The motion passed by a vote as follows:

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

See Exhibit H.11

I. EXECUTIVE SESSION

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

J. OTHER ISSUES

1. Youth Services - Parking

Representatives from Youth Services appeared before the Board of Supervisors to discuss a problem they are having with parking at the building.

County Administrator Michael Garriga said he will look into the issue.

2. Roads – Private Roads

Road Manager Russell Dorris asked if the County has a policy for naming private roads. Mr. Dorris said he knows of no way to name a private road. He said he thinks E-911 can put up a private road sign for E-911 purposes. He said any such sign can give a road name with the word private written below the road name.

No motions were made nor votes taken on this issue.

3. Park Funds – District 5

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Clerk to write the check in the amount of \$5,000 to the City of Hernando Youth Sports Football from the District 5 Park Fund, subject to the Board Attorney’s determination that such a donation is legal, and to approve any budget amendment necessary for the expenditure. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis-----YES

4. EMA – Emergency Proclamation – July, 2009

County Administrator Michael Garriga presented a request for a proclamation of emergency for the areas hit by the tornado on July 30, 2009 for a period of seven days.

Supervisor Jessie Medlin asked if the Road Department is still providing extra help in the tornado area. Road Manager Russell Dorris said they have almost all of the employees, except for a skeleton crew, working in that area.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the proclamation of emergency for a period of seven days or otherwise for the areas affected by the tornado July 30, 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-----ABSENT
Supervisor Tommy Lewis-----YES

5. Space Center

Board Attorney Tony Nowak said they had a potential tenant for the building. He said, in order for that tenant to occupy the building, they need to run an additional power line. They want to know if the Board will approve a utility easement.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the utility easements shown in exhibits J.5 to bring additional power to the Space Center Building.

The motion passed by a vote as follows:

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

See Exhibit J.5

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until August 5, 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 3rd day of August, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors