

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**DISTRICT ONE JESSIE MEDLIN, PRESIDING**

**May 21, 2012**

**A. CALL TO ORDER**

The May 21, 2012 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Deputy Carl Hurt of the DeSoto County Sheriff's Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Michael Garriga	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Supervisor Lee Caldwell presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZEN REMARKS**

Supervisor Jessie Medlin asked if anyone was present who wished to address the Board of Supervisors regarding an item not listed on the Agenda.

No one came forward.

**E. APPROVAL OF AGENDA AND DELETIONS**

Supervisor Jessie Medlin asked if there was anyone who wished to add or delete items to the Agenda.

1. Earth Day Litter Program Winners
2. Supervisor Bill Russell said he received a letter regarding the County cleaning private property.
3. Board Attorney
  - a. Youth Court: Consideration for approval of final contract with ADAPTS for monitoring services for tracking bracelets
  - b. Byhalia Creek Farms: Request to combine two parcels to change lot lines for utility purposes
  - c. Sheriff's Department: Authorization to work with Memphis on data sharing agreement for incident reports

d. Sheriff's Department: Authorization to review contract with Securis Technology for hardware and software

4. Chancery Clerk: Accept Petitions of Candidacy of Election Commissioners

5. Potential Litigation: a matter of litigation was identified by County Administrator Michael Garriga and he suggested the item be discussed in a closed determination to determine if it qualified for discussion in executive session.

6. Office of Finance & Accounting: Late bill for Shred-It

7. Office of Procurement: Accept bid specifications and solicit bids for inmate furniture at the new jail

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the additions to the Agenda.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

### **1. Earth Day Litter Program Winners**

Vanessa Lynchard reported that the Earth Day Litter Program was very successful. It was open to the DeSoto County Schools and two schools participated, Lewisburg Middle School and Southaven High School. Vanessa said Supervisor Harvey Lee served as one of the judges.

Vanessa said that one of the teachers from Lewisburg Middle School, Emily Frayser, included litter control and education in the curriculum, which was a very good way to get the students involved. Four of the winners were teams from Lewisburg Middle School.

The first team was represented by Emily Caster, Brycen Galbraith and Jewelia Glenn. The team presented handouts and explained a poster board with litter information. They gave statistics on littering. They also suggested ways to keep yards and other areas clean. They said they picked up trash at a local Wal-Mart and they would practice recycling.

Supervisor Lee Caldwell complimented the team on the presentation and literature they had developed. She asked if she might have the literature to use, since she is one of the committee members on the Litter Committee.

Supervisor Bill Russell said he liked the idea that the students stood in the parking lot at Wal-Mart and collected litter. He said maybe the companies would participate by printing litter messages on their bags.

Supervisor Harvey Lee said he liked the "Don't Litter" bracelets the students made and presented to the Board.

The second team was also from Lewisburg. The representatives were Samantha Tonkins and KayKay Smith, Phillips, Mitchell, Scott and Nowak Law Firm and their theme was "Save Our Planet". The team presented a poster board illustrating the damage litter causes to the environment and other litter facts, which included a chart that gave examples of the most common litter problems.

The Lewisburg team said they had game shows and held plays to educate everyone about litter. They informed the Board that they will have an event on June 9<sup>th</sup> from 12:00 noon till 5:00 p.m. at the Bridgetown Community Center and invited the Board to attend and help support the event.

The Board of Supervisors thanked the winners for presenting their program and complimented their

work. Supervisor Jessie Medlin said the kids in DeSoto County will be the ones to inform their parents about the litter issues and he appreciated the hard work the kids did for the program. The Board asked Environmental Services Manager, Ray Laughter, to review the ideas and implement them.

The Board of Supervisors asked to take pictures with the winners.

**See Exhibit E.1**

## **2. Cleaning Private Property**

Supervisor Bill Russell said he had received a request about cleaning private property and that he had been advised by the Board Attorney that the statute had been amended. Supervisor Russell said he was not sure if the County is allowed to clean the property as requested under the new statute and requested the Board seek an Attorney General's opinion.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to write for an Attorney General's opinion regarding cleaning property in the unincorporated county.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

## **3. Board Attorney**

### **a. Youth Court: Consideration for approval of final contract with ADAPTS for monitoring services for tracking bracelets**

Board Attorney Tony Nowak reminded the Board that at the last Board meeting, the Board of Supervisors approved an MOU with ADAPTS for monitoring services for tracking bracelets for the youth court and requested his office prepare a contract consistent with the MOU. Mr. Nowak presented the contract and asked the Board's consideration to approve it. Mr. Nowak advised the Board that ADAPTS and the County's Grant Coordinator Tom Haysley had reviewed the proposed contract and approved it.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with ADAPTS for monitoring services for tracking bracelets for the DeSoto County Youth Court.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit E.3.a**

### **b. Byhalia Creek Farms: Request to combine two parcels to change lot lines for utility purposes**

Board Attorney Tony Nowak, advised the Board that a landowner who owns two lots in Byhalia Creek Farms Subdivision is requesting the Board authorize the combining of his two lots. Mr. Nowak added that the landowner wants to build his house in the middle of the two lots; the title company requires a release by the county. Mr. Nowak state that the landowner has procured releases from the utility companies and there is no need to revise the plat.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to change the lot line on property to combine the lots belonging to Mr. Kenneth Stockton in Byhalia Creek Farms.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**c. Sheriff’s Department: Authorization to work with Memphis on data sharing agreement for incident reports**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work with the City of Memphis and the Sheriff’s Department on an agreement for data sharing for incident reports.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**d. Sheriff’s Department: Authorization to review contract with Securis Technology for computer hardware and software**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review the contract with Securis Technology for hardware and software for the Sheriff’s Department.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**4. Chancery Clerk: Accept Petition for Candidacy of Election Commissioners**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the petition of candidacy for Paul M. Beale, District 1 and Barry Chatham, District 2, as Election Commissioners.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**5. Potential Litigation: A matter of litigation was identified by County Administrator Michael Garriga and he suggested the item be discussed in a closed determination to determine if it qualified for executive session.**

This item was heard in Executive Session.

**6. Office of Finance & Accounting: Agreement for Shred-It**

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the agreement with Shred-it as detailed in Exhibit E.6.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit E.6

**7. Office of Procurement: Approve bid specifications and solicit bids for inmate furniture at the new jail**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve bid specifications and authorize the Office of Procurement to solicit bids for inmate furniture for the new jail.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>ABSENT</u>

See Exhibit E.7

**F. CONSENT AGENDA**

The Board of Supervisors considered the items presented on the Consent Agenda as listed.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda items as follows:

- 1. Sheriff’s Department: Authorize Board President to Sign State Inmate Housing Reimbursement Agreement**
- 2. Office of Finance & Accounting: Budget Amendments**
- 3. Establish as Part of the Formal Record and Enter into the Board’s Minutes: Contract Administration**
  - a. Modified Preventive Maintenance Agreement with Memphis Communications Corp for DHS Postage Machine**
  - b. Project Agreement and Operation and Maintenance Agreement between the US Dept. of Agriculture, NRCS and DeSoto County Board of Supervisors for Emergency Watershed Plan, Horn Lake Road**

**4. Office of Procurement: Procurement Card Report for May, 2012**

Date out	Time out	Time in	Vendor	Dept	Employee	Description of Purchase	Total Receipt	Issues if any
5/1/2012	na	na	ShiftPlanning	240	Chris Olson	Scheduling	\$450.00	none

**5. Department of Emergency Services: Safety Officer’s Report**

**6. Road Department: (a.) Safety Officer's Report (b.) Additions to Official DeSoto County Road Map and Register**

**7. Chancery Clerk Allowances (2)** \$350.00 \$1,766.66

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit F**

**G. OLD BUSINESS**

**1. Emergency Services Steering Committee Report – Eudora Fire Station**

County Administrator Michael Garriga reminded the Board that in a previous meeting, the Board of Supervisors had asked him to review priorities for the Eudora Fire Department in order to make it compliant. Mr. Garriga referred to the back page of the exhibit for the estimated site and building cost. He advised the Board that he had talked to Architect Doug Thornton, and the total estimated price for the work is \$391,865.00 and the square footage was reduced from \$120.00 to \$110.00. He further advised the Board that it is a metal building with a brick façade.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept the recommendation of the Emergency Services Steering Committee and to authorize Doug Thornton to proceed with the design and preparation of building specifications in order solicit bids for the renovation and addition to the Eudora Fire Station as further described in Exhibit G.1.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit G.1**

**H. NEW BUSINESS**

**1. Mississippi State University Extension Service**

**a. Resignation of Office Associate**

**b. Approval/Consideration of Pro Forma Order for open position of Office Associate**

At the recommendation of the Director of the Extension Service Office Joy Anderson, Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to accept the resignation of Kim Daniels, 4-H Office Associate, and to approve the Pro Forma Order as presented by Ms. Anderson and authorize proceeding with filling the vacant position of 4-H Office Associate as set forth in the proposed order.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>

Supervisor Lee Caldwell, Fourth District  
Supervisor Harvey Lee, Fifth District

YES  
YES

**See Exhibit H.1**

## **2. State Aid Engineer**

### **a. Starlanding Corridor Project – Contract & Resolution for Professional Services**

State Aid Engineer Tracy Huffman presented a Resolution to approve preliminary engineering services contract for Starlanding Road Project STP-0906-00(005). Mr. Huffman said the contract review for the environmental phase (Phase One) of the project is now complete by MDOT and ready for execution by the County. Mr. Huffman reminded the Board that this project is in connection with the development of an improved transportation facility to connect Tulane Road to Getwell Road generally along the existing alignment of Starlanding Road.

Supervisor Jessie Medlin asked if right of ways were involved in the contract. Mr. Huffman said they would define the right of ways at a later time, but no right of ways would be obtained until this phase of the project is finalized. The work related to rights of ways and design will be provided as subsequent phases to the project but are not covered in the scope of work being approved today. Mr. Huffman added that the local match would not exceed 20% of this contract amount.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the resolution approving preliminary engineering services contract for the Starlanding Road Project, STP-0906-00(005) and authorizing the Board President to execute the contracts on behalf of DeSoto County, Mississippi and to approve a resolution for this project.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit H.2.a**

### **b. State Aid Project LSRP-17(1) – Dean Road Project: Acceptance of Board Order**

At the recommendation of the State Aid Engineer, Tracy Huffman, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept the Board Order for completion of State Aid Project LSRP-17(1) for the Dean Road Project.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit H.2.b**

## **3. Office of Finance and Accounting: Supplemental Claims Docket**

Chief Financial Officer Tom Arnold, of the Office of Finance and Accounting, presented the claims docket to the Board. Mr. Arnold read the items on the claims docket individually and the Board discussed these items.

Supervisor Mark Gardner asked about the items on page 4 for uniforms for the County. He asked if there would be any efficiency to be gained by using one vendor and the same types of shirts and other

clothing for all departments who require uniforms.

Procurement Director Vanessa Lynchard said bidding is done for a lot of departments like the Road Department, Sheriff's Department and Facilities Management. She said there is no policy in place for other County departments and they make their own purchases. Vanessa said elected officials have their own autonomy with purchases.

Supervisor Gardner asked that this item be looked at to see if efficiency could be gained by bidding all uniforms for County departments and by developing a policy.

County Administrator Michael Garriga said he could develop a policy to identify county departments that might require uniforms.

Supervisor Jessie Medlin said the IT Department could use name tags instead of buying t-shirts.

Supervisor Gardner asked why the aviation department purchases uniforms under EMS on page 39. Mr. Garriga said that Chris Olson, Chief Deputy Director of EMS, is qualified to fly the helicopter for the county.

Supervisor Gardner asked about the claim on page 42 for the Adult Drug Court. Mr. Garriga said the county is a conduit for that money. They cover their expenses.

Supervisor Gardner asked about the item on page 52 for pants and t-shirts and page 58 for radios. Mr. Arnold said page 52 is for trusty uniforms and the page 58 for radios, would be reimbursed to the county by the UASI grant. He said they are trying to make radios compatible.

Supervisor Gardner questioned a claim for \$7,000 for dirt for the rubbish pit. Mr. Arnold said they have to maintain the pit by covering periodically with dirt. Supervisor Gardner asked if they could use dirt that the county may be moving for certain projects. He gave the new jail expansion as an example of moving that dirt to the rubbish pit and it would save money.

Supervisor Gardner asked why there was a claim to pay former County Consulting Engineer Daniel Murphy. Mr. Arnold said the Dean Road LSBP project was just closed out and that is the final payment for that project.

Supervisor Gardner confirmed the item for the Olive Branch Food Pantry on page 73 was for the repairs on the county-owned building. Mr. Arnold said the claim was for building supplies and they are under budget on the repairs and expansion of the building.

Supervisor Gardner asked about the payment to Flintco for \$2.3 million and the status of the money for the jail. Mr. Garriga said the jail is about 50% completed and will be finished ahead of schedule. He said this is a payment in line with other monthly payments as each is verified by the on-site construction manager, the building architect, the County's Office of Facilities Management prior to processing by the Office of Finance and Accounting.

Supervisor Lee Caldwell asked about the claim paid to the B.J. Chain Library. Mr. Arnold said it was for the security alarm system for the building.

Supervisor Medlin asked about the claim on page 6 to Travelers Insurance for \$10,764.80. Mr. Arnold said that was the deductibles for matters under pending litigation.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer. The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>



See Exhibit H.3

**4. Contract Administration: Facilities Management – Ratification of North Mississippi Pest Control Contract**

Supervisor Jessie Medlin confirmed that bids were taken on this contract. Director of Administration Services Vanessa Lynchard said all of the contracts were bid but this one is for termite services.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to approve ratifying the contract with North Mississippi Pest Control as detailed in Exhibit H.4

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>ABSENT</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.4

**5. District Five Park: Allocation of \$5,000 to City of Hernando for Parks and Recreation**

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to allocate \$5,000 to the City of Hernando for Parks and Recreation.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>ABSENT</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.5

**6. Department of Road Management**

**a. Finding of Fact: Odom Road South of Dean Road**

Interim Road Manager Andy Swims presented information to the Board regarding a deteriorating culvert on County right of way located at Odom Road South of Dean Road, which is causing damage to private property associated with drainage and erosion, affecting the health, safety and welfare of the public. Mr. Swims presented pictures of the culvert and the area. He advised the Board that the bottom of the culvert is rusting out and this area is in a flood zone. There are also two houses that are in the area and they are highly sensitive to flooding.

Supervisor Bill Russell asked if this issue is causing a problem with the county road. He then asked if the water covers the road. Mr. Swims said that based upon his visual inspection, the road is not currently showing signs of damage.

Supervisor Bill Russell made the motion to deny the request to do the work.  
The motion failed by lack of a second to the motion.

Supervisor Lee Caldwell said this issue is located in her area and it is in a flood zone and when there was much rain, it does cover the road. She then said that we have not had much rain this year. Supervisor Caldwell stated that if the culvert collapses, it could be a danger to many people traveling the road. She also said many people use that driveway of the road as a turn around and another concern is the culvert has a hole in top of it. Supervisor Caldwell said it is a hazard and is beginning to wash at the culvert and it is a matter of time before the road floods as a result.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the repairs/replacement to the culvert on Odom Road, just south of Dean Road where damages have occurred to private property associated with drainage and erosion, based on the Interim Road Manager's opinion that it is affecting the health, safety and welfare of the public and in accordance with Mississippi Code Section 19-5-92 at an estimated cost of \$3,153.45.

Supervisor Mark Gardner said he also looked at the culvert and the water flows to a concrete bridge. He said if this is impeded, we would have problems with the flow to Hurricane Creek.

Mr. Swims said he has seen evidence of buckling on the culvert and he recommended replacing it with an arched culvert to give it more support. He said the County could gain 10 inches by putting in a low profile culvert.

Supervisor Gardner asked if the Board does not take some measure, would there be problems. Mr. Swims said, if it collapses, it would affect the road.

Supervisor Russell said the Attorney General's opinions are clear that we cannot improve someone's private property. Supervisor Caldwell said the Ag Opinion that Supervisor Russell sent dealt with new culverts and not the replacement of existing culverts.

Supervisor Lee said this is not a homeowner's culvert. The culvert is providing water flow from a county ditch to Hurricane Creek to Arkabutla Lake and this ditch carries water into the creek and the flow through the culvert presents a lot of flooding.

Supervisor Russell asked Board Attorney Tony Nowak if replacing this culvert would be legal. Mr. Nowak said culverts can be replaced that are in the DeSoto County right of way as long as the primary purpose is not to provide service for the driveway. Mr. Nowak said this Board would need to determine if the infrastructure is threatening to the public health, safety and welfare. He said the law is clear that it has to be necessary for the preservation of or in response to a threat to the public streams or property, or necessary for the public welfare.

Supervisor Harvey Lee said the man renting the land that uses the access called him to report the problem. Supervisor Lee said the driveway and culvert do not belong to the landowner, it belongs to DeSoto County. He said there are 4-5 feet that are rotten on the culvert.

Supervisor Gardner said the condition of the culvert poses a threat.

Supervisor Russell said he thinks it is illegal for the County to do work on the culvert. He suggested getting an Attorney General's opinion on the matter.

Supervisor Mark Gardner said the County would be liable if the culvert collapses and it could potentially create litigation.

Mr. Nowak said this Board has to make a finding of fact on the issue.

Supervisor Russell said why not ask for the AG opinion since he said he is concerned this is illegal to do the work and that the Board would be fined.

Supervisor Caldwell asked if they would ask for AG opinions on all of these types of situations. Supervisor Russell said absolutely.

Supervisor Jessie Medlin asked if anyone knew the size of the culvert and if it was big enough.

Supervisor Medlin said he does not know whether the culvert is big enough or not. He said there is a crushed place in the middle and it is going to fall in.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to replace the culvert at Odom Road, south of Dean Road, after the Board of Supervisors made a finding of fact that the conditions affect the health, safety and welfare of the traveling public based on a written recommendation of the Interim Road Manager and on the inspection and recommendation of four

Supervisors.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Later in the meeting, Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion the motion to reconsider prior approval in this meeting to replace the culvert on Odom Road, just south of Dean Road.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>NO</u>

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to request an Attorney General's opinion on the Board of Supervisors authority to repair the area, based on the facts and to include facts from the County Engineer.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>NO</u>

**See Exhibit H.6.a**

**b. Proposed Interlocal Agreement with Horn Lake Creek Drainage District for Horn Lake Ridge Road**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the interlocal agreement and supporting resolution with the Horn Lake Creek Drainage District.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit H.6.b**

**7. Resolution Supporting Special Legislative Session for State Bond Bill: LSBP Program and Rural Fire Truck Acquisition Act**

County Administrator Michael Garriga presented a draft resolution for the Board's consideration that was prepared by the Mississippi Association of Supervisors that would be sent to the Governor and Lt. Governor requesting a special call session for a statewide bond bill that would provide funding for the Local System Bridge Program (LSBP) and the rural fire truck acquisition programs. He said the House of Representatives passed a bond bill, but the Senate did not. Typically, that bond bill includes money

for LSBP funds and the Fire Truck Acquisition program for rural volunteer fire departments. He said all counties are eligible for LSBP funds for the various bridge projects. Mr. Garriga also said DeSoto County has only two bridges could qualify for the program, but the rural fire truck acquisition program is affected as well. He said the Board of Supervisors could join other counties and consider adopting the resolution and sending it to the Lt. Governor and Governor and requesting special a special session for the a statewide bond bill.

Supervisor Mark Gardner asked if anyone has spoken to the Delegation. Mr. Garriga said he did not think so, but he certainly could speak to them. Mr. Garriga said he would be glad to and also to Derrick Surette with the MAS regarding the matter.

Interim County Engineer said this does not affect the current LSBP Programs, but it will be next year.

Supervisor Gardner asked if he was aware of any other special sessions. Mr. Garriga said he was not. He said Chief Storey is concerned and said volunteer fire departments could use the \$70,000 for the purposes of acquiring needed fire trucks.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the resolution supporting a Special Legislative Session for a Statewide Bond Bill for the LSBP Program and Rural Fire Truck Acquisition Act.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit H.7**

## **8. 11:30 a.m.: Jail Tour**

Architect Mike Childress lead the tour of the new jail construction. All Supervisors, the County Administrator, the Board Attorney, press representatives, and others attended.

No action was necessary on this item.

## **I. EXECUTIVE SESSION**

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

## **J. OTHER**

### **1. Air Quality – Engagement of Legal Services**

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to retain the Butler Snow Stevens O'Mara and Cannada Law Firm to research, to advise and represent the County on legal issues related to the EPA's air quality non-attainment designation for the County and incur fees not to exceed \$3,000.00, and to authorize execution of the engagement documents.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Harvey Lee made the motion to adjourn the Board meeting until June 4, 2012 at 9:00 a.m.

The motion was seconded the motion by Supervisor Jessie Medlin.  
The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

THIS the 21<sup>st</sup> day of May 2012, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Jessie Medlin, President  
DeSoto County Board of Supervisors