

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
January 17, 2023
6:00 PM
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: January 3, 2023
5. North Central Mississippi Regional Railroad Authority Easement Agreement
6. Resolution Adopting Uniform Guidance Received Under the American Rescue Plan
7. MOU with Mississippi Transportation Commission
8. Agreement with Wildcat Cheer Organization
9. Resolution for SPD Surplus
10. SFD Bid Acceptance for Uniforms
11. Authorization to Seek Request for Proposals for Sanitation and Recycling Services
12. Change Order - BankPlus Amphitheater
13. Planning Agenda: Conditional Use Permit Ordinance – Hotels
14. Mayor's Report
15. Personnel Docket
16. City Attorney's Legal Update
17. Utilities Billing Leak Adjustment Docket
18. Claims Dockets: Docket 1
Docket 2
19. Executive Session: Potential and Pending Litigation/Claims involving the SPD and City Infrastructure;
Economic Development; Interdepartmental Personnel with No Action

Items may be added to or omitted from this agenda as needed.

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**MINUTES OF THE REGULAR MEETING
OF January 17, 2023
OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI**

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in a Regular Meeting on the 17th day of January, 2023 at six o'clock (6:00) p.m. at City Hall.

Present were:

George Payne	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
William Jerome	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately twenty (20) other people were present. Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne.

Next, a motion was made by Alderman Hoots to approve the minutes of the Regular Meeting of January 3, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

NORTH CENTRAL MISSISSIPPI REGIONAL RAILROAD AUTHORITY EASEMENT AGREEMENT

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this easement agreement is required by the North Central Mississippi Regional Railroad Authority for the water pipeline that will go under the railroad south of Stateline Road needed for the Phase 3 Fire Extension Project. The easement requires that the City pay a one-time entry fee of \$5,500 and a one-time contract fee of \$1,250. The City will then pay \$600 per year for the easement. The Authority agreed to revisions in the agreement in accordance with Mississippi law. Alderman Hoots made the motion to authorize Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES

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Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

A copy of the pipeline Crossing License application, agreement, and certificate of liability are attached and fully incorporated into these minutes.

RESOLUTION ADOPTING UNIFORM GUIDANCE RECEIVED UNDER THE AMERICAN RESCUE PLAN

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that as has been discussed, the City was allocated \$7,604,974.00 from the American Rescue Plan. Since the funds are below the \$10 million threshold, they can be used for various government related purposes, which was previously approved by the City Board. This resolution and guidance provides the requirements and procedures for the bidding and procurement when utilizing the funds. The guidance, which is adopted as exhibit A to the resolution, is in accordance with federal and Mississippi law. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND CITY OF SOUTHAVEN, MISSISSIPPI GOVERNING AUTHORITIES ADOPTING A UNIFORM GUIDANCE POLICY FOR ADMINISTRATION OF FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF TREASURY UNDER THE AMERICAN RESCUE PLAN ACT

WHEREAS, on March 11, 2021, the President of the United States signed into law the American Rescue Plan Act to provide continued relief from the impact of the COVID-19 pandemic ("COVID-19"); and

WHEREAS, the American Rescue Plan Act, through the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (together, "ARPA"), allotted approximately \$350 billion to assist state, local, tribal and territory governments in responding to COVID-19; and

WHEREAS, Sections 602(b) and 603(b) of the Social Security Act, as amended by Section 9901 of ARPA, Pub. L. No. 117-2 (March 11, 2021), authorized the U.S. Department of Treasury ("Treasury") to make payments to certain recipients under ARPA; and

WHEREAS, the City of Southaven, Mississippi ("City") was allocated \$7,604,974.00; and

WHEREAS, Treasury has established an interim final rule, a final rule effective April 1, 2022, FAQ's and related guidance, as amended from time to time ("Guidance"), setting forth specific requirements for utilizing the funds, including the eligible uses thereof, received under ARPA; and

WHEREAS, in accordance with the Guidance, the Mayor and Board of Aldermen ("Governing Body") of the City will administer the City's funds received under ARPA for the eligible uses and purposes prescribed in the Guidance, including the Uniform Grant Guidance requirements set forth in 2 C.F.R. Part 200 ("Uniform Grant Guidance"), as applicable, and for necessary expenditures in response to the impact of COVID-19 and in efforts to contain and mitigate the same; and

WHEREAS, the City will purchase goods, commodities and services using ARPA funding subject to the requirements of the Uniform Grant Guidance; and

WHEREAS, the City has previously adopted a City Purchase Policy ("Policy") that sets forth the City's policies on procurement and related policies under state law; and

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WHEREAS, to confirm compliance with ARPA and the Guidance, the City desires to supplement the Policy to implement additional procurement and/or related Uniform Grant Guidance policies applicable to ARPA and, as a result, has drafted its Uniform Guidance Policy for American Rescue Plan Fiscal Recovery Funds for the City of Southaven, Mississippi, attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City as follows:

1. That the City desires to utilize the funds received under ARPA in accordance with the Guidance for the betterment of its citizens in responding to the public health emergency caused by COVID-19 and to continue to fight and mitigate the same for the months and years ahead.
2. That, therefore in accordance with the Guidance, this resolution, and in efforts to properly utilize the ARPA funds received and to compliment and supplement the Policy, the City adopts the Uniform Guidance Policy for American Rescue Plan Fiscal Recovery Funds for the City of Southaven, Mississippi attached hereto as **Exhibit A**.

Following the reading of the foregoing Resolution, Alderman Gallagher made the motion and Alderman Wheeler seconded the motion, and the question being put to a roll call vote, the

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 17 day of January, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

EXHIBIT A UNIFORM GUIDANCE POLICY

Uniform Guidance Policy for American Rescue Plan Fiscal Recovery Funds For the City of Southaven, Mississippi

I. Background and Purpose

The purpose of this Policy is to establish written guidelines consistent with the applicable requirements of the Coronavirus State and Local Fiscal Recovery Funds of the American Rescue Plan Act ("ARPA") and the Uniform Guidance for the City that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

The City has previously adopted a Purchase Policy that sets forth specific procurement and related requirements under state and federal law. This Uniform Guidance Policy is to supplement the City Purchase Policy only for ARPA expenditures and shall apply in addition to the requirements of the City Purchase Policy where not inconsistent. To the extent that this Uniform Guidance Policy and City Purchase Policy are in conflict or inconsistent (with the exception of the base procurement threshold of \$5,000 set forth in Section V.A. hereto which shall apply), the more stringent provisions shall apply.

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II. Definitions

- A. **City** means the City of Southaven, Mississippi.
- B. **Federal Grantees** means a non-federal agency that has received a federal grant either directly from the Federal Government or as a pass-through grantee with grant funds coming through the State, other local government, or any other properly authorized entity.
- C. **Governing Body** means the Mayor and City Board of Alderman.
- D. **Policy** means this Uniform Guidance Policy for American Rescue Plan Fiscal Recovery Funds for the City of Southaven, Mississippi.
- E. **Professional Services** means services rendered by certain attorneys, accountants, architects, engineers and land surveyors, physicians, appraisers, and real estate brokers who possess a special skill and are not officers or employees of the City.
- F. **Uniform Guidance** means the Office of Management and Budget's ("OMB") Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as set forth in 2 C.F.R. Part 200.

III. Policy

- A. **Application of Policy.** This Policy, in addition to the applicable provisions of the City Purchase Policy where not inconsistent, applies to all contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed) from ARPA. The requirements of this Policy also apply to any subrecipient of the funds. It is the policy of the City to provide all vendors with a fair, equitable, and competitive opportunity to sell equipment, machinery, supplies, commodities, materials, and services to the City.
- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds under ARPA must be conducted in compliance with the Procurement Standards of the Uniform Guidance codified in 2 C.F.R. §§ 200.317 - 200.326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The City will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the City have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

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- C. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. **Contract Requirements.** All contracts paid for in whole or in part with ARPA funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II, unless excepted by ARPA and its related guidance.
- F. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.
- H. **Compliance with this Policy.** In accordance with the City Purchase Policy, the City shall maintain oversight to ensure that contractors and vendors perform in accordance with the terms, conditions, and specifications of contracts or purchase orders. Violations of this Policy may result in disciplinary action, up to and including termination.

IV. General Procurement Standards and Procedures:

The City shall procure all contracts and purchases utilizing ARPA funds in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors

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to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.

- C. **Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal ARPA funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. **Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. **Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "not to exceed" amount.
- F. **Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- G. **Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. **Dividing Contract for Minority and Woman-Owned ("M/WBE") Business Enterprise Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. **Documentation.** Documentation must be maintained by the City detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis

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for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.

- J. **Cost Estimate.** For all procurements costing \$250,000 or more, the City shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. **Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder's list.
- L. **Contractor Oversight.** The City must maintain oversight of federally funded contracts to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- M. **Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- N. **Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

V. Specific Procurement Procedures

The City shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract or purchase and all such awards shall be made by the Governing Body. These procedures must be utilized unless the specific circumstances satisfy one or more of the requirements for noncompetitive procurement as stated in 2 C.F.R. § 200.320(c).

- A. **Contracts/Purchases costing up to \$5,000** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)(1)) and state bidding procedures (Miss Code Ann. § 31-7-13) as follows:

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1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, purchases must be distributed among qualified suppliers.

B. Contracts/Purchases costing more than \$5,000 up to \$75,000 shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(a)(2)) and state bidding procedures (Miss Code Ann. § 31-7-13) as follows:

1. Obtain competitive written bids from two (2) of qualified sources.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest and best competitive written bid.

C. Contracts/Purchases (not including professional services) costing more than \$75,000 up to \$250,000 shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(a)(2)) and state bidding procedures (Miss Code Ann. § 31-7-13) as follows:

1. Obtain competitive written bids after advertising for competitive bids one each week for two (2) consecutive weeks in a regular newspaper published in the City with bid opening being not less than seven (7) days after last published notice and not less than fifteen (15) days for construction projects, all in accordance with the specific requirements of Miss. Code Ann. § 31-7-13(c).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest and best competitive written bid.

D. Contracts/Purchases costing more than \$250,000 shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(b)) and state bidding procedures (Miss Code Ann. § 31-7-13) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. Obtain competitive written bids after advertising for competitive bids one each week for two (2) consecutive weeks in a regular newspaper published in the City with bid opening being not less than seven (7) days after last published notice and not less than fifteen (15) days for construction projects, all in accordance with the specific requirements of Miss. Code Ann. § 31-7-13(c).
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.

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5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 6. Award the contract to the lowest and best competitive written bid on a fixed-price basis. Any and all bids may be rejected only for "sound documented reasons."
- E. Contracts** for professional services, if ARPA funds are being used for the professional service, costing more than \$50,000 up to \$250,000 shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(a)(2)) as follows:
1. Obtain two or more informal price or rate quotations from at least two qualified sources.
 2. Take affirmative steps to solicit price rates or quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 3. Award the contract on a fixed-price basis or a not-to-exceed basis when obtaining a fixed price is not feasible.
- F. Contracts** for professional services, if ARPA funds are being used for the professional service, costing more than \$250,000 shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought. The procedures are as follows:
1. A Request for Proposals ("RFP") must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
 4. Consider all responses to the publicized RFP to the maximum extent practical.
 5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
 6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP.
 7. For architecture and engineering ("A/E") professional services only, the City may award the contract to the most qualified firm based on qualifications without considering price as a selection factor in accordance with 2 C.F.R. § 200.321(b)(2)(iv). When contracting for A/E services only, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. 2 C.F.R. § 200.319(c).
 8. Award the contract on a fixed-price or cost-reimbursement basis.
- G. Minimum Bonding Requirements.** For construction or facility improvement contracts or subcontracts exceeding \$250,000, the requirements for bonding shall, at a minimum, be as follows:
1. A bid guarantee from each bidder is equivalent to five percent of the bid price.
 2. A performance bond on the part of the contractor is for 100% of the contract price.
 3. A payment bond on the part of the contractor is for 100% of the contract price.

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4. All bonds required in this section are obtained from companies holding certificates of authority as acceptable sureties pursuant to the surety requirements for companies doing business with the United States (31 C.F.R. Part 223).

H. Records. The City shall maintain records for a period of at least five (5) years sufficient to detail history of each procurement transaction. These records must include, but are not limited to:

1. A description and supporting documentation showing rationale for procurement method (e.g., cost estimates);
2. Written price or rate quotations (such as catalog price, online price, email or written quote), if applicable;
3. Copies of advertisements, requests for proposals, bid sheets or bid proposal packets;
4. Reasons for vendor selection or rejection, including Board minutes, rejection letters and award letter; and
5. The basis for the contract price.

VI. Exceptions

Non-competitive contracts are allowed **only** under the following conditions and in the written determination of the Governing Body of the City:

- A. Sole Source.** A contract/purchase may be awarded without competitive bidding when the item is available from only one source. The City must document the justification for and lack of available competition for the item. A sole source contract must be approved by the Governing Body.
- B. Public Exigency.** A contract/purchase may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract/purchase may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract/purchase may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval.** A contract/purchase may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

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VII. Activities Allowed/Unallowed

The requirements for activities allowed or unallowed under any Federal grant award are contained in the ARPA program legislation, as administered by the U.S. Department of Treasury. The requirements for allowable costs/cost principles are outlined in 2 C.F.R. Part 200, subpart E, §§ 200.400 - 200.475. The City will apply these principles to assure the effective administration of ARPA funds in a manner consistent with the program objectives and terms and conditions of the award.

In order to ensure compliance with these requirements, the City has implemented the following policies and procedures:

- A. All grant expenditures will be in compliance with the Uniform Guidance. The provisions of the grant award agreement will also be considered in determining allowability. Grant funds will only be used for expenditures that are considered reasonable and necessary as defined by 2 C.F.R. § 200.404 "Reasonable Costs" for the administration of the program and in compliance with ARPA and its related guidance.
- B. Grant expenditures will be approved by the City's Mayor Admin Department initially through the budget and procurement processes as applicable. All bills or invoices must be received and approved by the City's Accounting Department before ultimate approval is given by the Governing Body. This will be evidenced by approval noted on the invoice or maintained within the accounts payable software. Accounts payable disbursements will not be processed for payment until necessary approval has been obtained.
- C. Payroll costs, if applicable as determined by the Governing Body in accordance with ARPA and its related guidance, will be documented in accordance with the Uniform Guidance with timesheets, and any other payroll records being approved at the Department level prior to payroll disbursements being processed.
- D. The City will be permitted to charge indirect costs to federal grants, in accordance with 2 C.F.R. § 200.414. The Uniform Guidance outlines the types of indirect costs that are allowable including administrative costs, salaries and expenses, and certain audit costs. These costs will be charged on a systematic and rational basis.
- E. For grants that are not expenditure reimbursement based, such as grants that reimburse on a "per unit basis" i.e. number of meals served, number of miles driven, etc., the City department participating in such a grant is still required to document costs related to the grant. In addition, program related data should be maintained at the City department level to support the number of units provided to support the amount of the grant reimbursement.

VIII. Equipment and Real Property Management

Any purchase of equipment or real property with ARPA funds shall be consistent with the Uniform Guidance at 2 C.F.R. Part 200, Subpart D. Equipment and real property must be used for the originally intended purpose as long as needed for that purpose. Consistent with 2 C.F.R. §§ 200.311 & 200.313, equipment and real property acquired with ARPA funds shall vest in the City. Acquisition and maintenance of equipment or real property will also comply with relevant laws and regulations. Should the City dispose of any equipment or real property acquired with ARPA funds on or before December 31, 2024, the proceeds of such disposition shall be subject to the eligibility requirements of ARPA.

IX. Period of Performance

The City will develop and implement internal controls for costs incurred throughout the period of performance. All funds will be used for costs incurred or obligated during the period that begins on March 3, 2021, and ends on December 31, 2024. The financial obligations incurred by December 31, 2024 must be expended by December 31, 2026. All funds not used must be returned to the Treasury.

X. Reporting

The City will timely complete the financial, performance, and compliance reporting required for metropolitan cities with a population below 250,000 residents which received more than \$5 million in ARPA funds and every applicable quarter thereafter. Expenditures will be reported on a cash or accrual basis, with the methodology disclosed and consistently applied. The City will report in accordance with the definition of expenditures in 2 C.F.R. § 200.1. The City shall maintain accounting records for completing and reporting accurate, compliant financial data in accordance with appropriate accounting standards and principles. Edi McIlwain, or her designee, will serve as the Account Administrator, the Point of Contact for Reporting, and the Authorized Representative for submitting required reports of the Department of the Treasury.

XI. Subrecipient Monitoring

Subrecipients that are pass-through entities as defined under 2 C.F.R. §200.1 are required to manage and monitor their subrecipients to ensure compliance with ARPA awards pursuant to 2 C.F.R. § 200.331 regarding requirements for pass-through entities. In accordance with this requirement, the City will clearly identify to its subrecipients: (1) that the award is a subaward of ARPA funds; (2) any and all compliance requirements for the use of ARPA funds; and (3) any and all reporting requirements for ARPA funds. The City will evaluate each subrecipient's risk of noncompliance based on factors such as prior experience in managing federal funds, previous audits, personnel and policies or procedures for award execution and oversight. Ongoing monitoring of subrecipients will reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to assure appropriate remediation. The City will maintain records of all award agreements and document subrecipients' compliance obligations.

XII. Single Audit Requirements

The City and any subrecipients that expend more than \$750,000 in federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation under 2 C.F.R. Part 200, Subpart F.

XIII. Civil Rights Compliance

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The City is required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

MOU WITH MISSISSIPPI TRANSPORTATION COMMISSION

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this MOU with Mississippi Transportation Commission ("Commission") sets forth the requirements for the placement and maintaining of the license plate readers, which are utilized by the SPD, on Commission infrastructure/property. The entity (Flock) that the SPD uses for the license plate readers provides the engineering/technical information to the Commission, which is required by the MOU. Alderman Jerome made the motion to authorize Mayor Musselwhite or Chief Moore to sign the contract. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

A copy of the MOU is attached and fully incorporated into these minutes.

AGREEMENT WITH WILDCAT CHEER ORGANIZATION

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this agreement authorizes Wildcat Cheer to assist with vending services at Springfest. The agreement is similar to the prior agreements with Wildcats and requires that Wildcats provide two (2) individuals to assist the City with vending services the City Springfest, excluding one (1) extra individual to serve Friday at the City Hospitality

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Event for 4 hours. As consideration for Wildcats performing such service, the City shall pay Wildcat in the amount of Three Hundred Fifty Dollars and 00/100 (\$350.00) per individual plus any tips that Wildcats may receive as part of its vending service. Alderman Jerome made the motion to authorize Mayor Musselwhite to sign the contract. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

A copy of the contract is attached and fully incorporated into these minutes.

RESOLUTION FOR SPD SURPLUS

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this resolution will surplus SPD property, which is no longer needed, in accordance with state law. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI
DECLARING SURPLUS PROPERTY**

WHEREAS, the City of Southaven ("City") Police Department is presently in possession of certain items as set forth in Exhibit A (collectively "the Property"); and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the Property be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and the Property removed from the fixed assets inventory; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of the Property and amending, its fixed assets inventory pursuant to State guidelines; and

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. The Property be hereby declared as surplus property.
2. The City Police Chief, or his designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the Property.

Motion was made by Alderman Hoots and seconded by Alderman Payne, for the adoption of the above and foregoing Resolution, and the question being put to a roll call vote, the result was as follows:

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES

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Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 17th day of January, 2023.

Exhibit A

A list of surplus items is attached and fully incorporated into these minutes.

SFD BID ACCEPTANCE FOR UNIFORMS

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that the SFD recently went to bid for uniforms on January 6th. Midsouth Solutions submitted the only bid of \$4,882.00 (itemized). The fire department spends approximately \$58,000.00 annually for uniforms, which is budgeted for these uniforms. Alderman Kelly made the motion to award the bid to Midsouth Solutions and authorize Chief Scallions to sign all contract documents. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the reverse auction results and itemized list are attached and fully incorporated into these minutes.

AUTHORIZATION TO SEEK REQUEST FOR PROPOSALS FOR SANITATION AND RECEYCLING SERVICES

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that Waste Connections has indicated that it does not wish to perform the final year of its contract for the City. Waste Connection’s contract was for a four (4) year term (2018-22), with two (2) optional one (1) year renewals by the City; thus, the contract had 1 year remaining. However, due to Waste Connections not wanting to renew for the additional and final year, the contract expires on April 30. Therefore, in accordance with Mississippi law, the City is required to seek request for proposals for the new sanitation services. Once the proposals are received, they will be reviewed by the City Public Works Department for a recommendation for interviews (if desired) and ultimate award and contract approval by the Board. Alderman Payne made the motion to advertise for RFP’s for sanitation and recycling services. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES

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Alderman Flores YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

A copy of the bid advertisement and RFP documents are attached and fully incorporated into these minutes.

CHANGE ORDER / RESOLUTION- BANKPLUS AMPHITHEATER

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this change order is in the amount of \$57,962.59 for changes at the amphitheater as recommended by Wes Brown, required by the Fire Department, will be for more efficient use in certain areas. Alderman Wheeler made the motion to authorize Mayor Musselwhite to sign the resolution and change order. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

A copy of the change order is attached and fully incorporated into these minutes.

The following resolution was considered by the Board of Alderman:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
APPROVIING CHANGE ORDER FOR AMPHITHEATER EXPANSION**

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the Amphitheater Expansion ("Project") whereby Murphy and Sons was the lowest and best bid; and

WHEREAS, it has been recommended by the City Parks Director to allow for certain changes to the contract as it relates to adjustments for fire code and use of the Project, as more fully set forth in Exhibit A; and

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WHEREAS, based on the recommendation of the City Park Director, the City desires to proceed with the suggested changes as set forth above and in more detail in Exhibit A and pursuant to Mississippi Code 31-7-13(g) finds that the Change Order for the Project is necessary and better serves the purpose of the City and the change order will be done in a commercially reasonable manner and is not being done to circumvent the public purchasing statutes; and

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City, to wit:

1. Pursuant to Mississippi Code 31-7-13(g), the Change for the Project is not a new undertaking or outside the original scope of the contract and is commercially reasonable and not being done to circumvent the public purchasing statutes, the City Board approves the Change Order in the amount of \$57,962.59.
2. The Mayor is authorized to sign the Change Order and he or his designee are authorized to take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Wheeler made the motion and Alderman Payne seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

ORDERED AND DONE, this 17th day of January, 2023.

PLANNING AGENDA

Planning Agenda presented by Whitney Cook, Director of Planning & Development.

Conditional Use Permit Ordinance – Hotels

Mrs. Choat-Cook stated that a few board meetings back, there was discussion about a hotel wanting to locate at Snowden Grove and one of the discussion points was the SRT Chain Scales. There was concern over the quality of the hotel, was it needed in the area, and saturation of the market. Mrs. Choat-

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Cook stated that more regulatory controls need to be implemented and proposed the following:

- Place all permitted by right hotel areas into conditional use
- Require identification of their SRT Scale
- Submit a feasibility study to the City by a nationally recognized group
- Two year (2) conditional use permit – if there is no movement, they will be required to come back before the Board and resubmit as a new project.

There some discussion among the Board and they expressed agreement with the proposed amendments. Mrs. Choat-Cook stated that this will be brought back to the next meeting for a public hearing and then vote.

MAYOR'S REPORT

Parks Enhancement Plan

Mayor Musselwhite stated that the design is complete for the neighborhood parks and authorization to bid the projects will be requested at the February 7th meeting.

MML Mid-Winter Conference Updates

Mayor Musselwhite reported that the PERS Board of Directors voted in December to increase the employer contribution from the current 17.40% to 22.4%. This increase is scheduled to go into effect October 1, 2023. A bill has been dropped to increase the sales tax diversion from 18.5% to 20% which would provide some relief, if passed.

PERSONNEL DOCKET

Personnel January 17,
Docket 2023

New Hires	Department	Position Title	Start Date	Rate of Pay
Ashton Berryhill	Fire	Fire Fighter II	TBD	17.77
Cameron Lockridge	Fire	Fire Fighter II	TBD	17.77
Joshua Cribbs	Parks	Laborer I	1/18/2023	\$15.45
Curtis Plumley	Parks	Laborer I	1/18/2023	\$15.45
Dylan Dever	Police	Police Officer 1	2/6/2023	\$24.99
Gervis Kendrick II	Police	Police Officer 4	2/6/2023	\$28.97
Patrick Wiggins	Police	Police Officer 1	2/6/2023	\$24.99
ReHired	Department	Position Title	Start Date	Rate of Pay
Dondrell Franklin	Police	Police Officer 1	2/6/2023	\$24.99

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Susan Miller	Parks	Gift Shop	1/18/2023	\$15.25
Promotions				
	Current Position Title	New Position Title	Effective Date	Rate of Pay
Police				
Tommy Harris	Police Officer 3	Police Officer 4	1/16/2023	\$28.97
Mary J Poole	Dispatch Shift Supervisor	Dispatch Trainer	1/16/2023	\$29.23
Fire				
Adam Landers	Driver	Lieutenant	2/2/2023	\$22.18
Mikeal Pannell	Fire Fighter 3	Driver	2/2/2023	\$19.77
Robert Ridinger	Fire Fighter 3	Driver	2/2/2023	\$19.77
Transfer				
	Current Position Title	New Position Title	Effective Date	Rate of Pay
Jackson Harty	Public Works Laborer	Parks Laborer	1/16/2023	\$15.00
Pay Adjustments				
	Position Title	Current Rate of Pay	Effective Date	New Rate of Pay
Brent Vickers	Deputy Chief of Police	\$98,500	1/16/2023	\$103,000
Leroy Bledsoe	Deputy Chief of Fire	\$98,500	1/16/2023	\$103,000
Resignations/Terminations				
	Department	Current Position Title	Effective Date	Rate of Pay
Ashley Daniel	Animal Control	AC Officer	12/31/2023	\$16.00
Kevin House	Parks	Supervisor	1/6/2023	\$17.51
Luke Sorrells	Parks	Laborer 2	1/4/2023	\$15.97
Lee Starks	Police	Crossing Guard	1/13/2023	\$12.88
Roy Conner	Fire	Driver	1/31/2023	\$19.77
Richard Smith	Fire	EMS Shift Lead	2/9/2023	\$22.00
Mike Mallett	Fire	Lieutenant	2/1/2023*	\$22.18
Jesaiah Burnett	Emergency Communications	Dispatch 1	1/12/2023	\$21.67
Keilah Weathersby	Fire	Paramedic	1/17/2023	\$21.22

*Change of effective date

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Christalyn Higgins	Parks	PT Front Desk	1/20/2023	\$9.50
Aiden Steht	Parks	PT Front Desk	1/20/2023	\$9.50

Alderman Payne made the motion to approve the Personnel Docket of January 17, 2023 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

CITY ATTORNEY’S LEGAL UPDATE

Sole Source First Data Merchant Services (Bypass)

Mr. Manley stated that previously, the Board approved a sole source contract with First Data Merchant Services for the POS at the Bankplus Amphitheater. The final contract was signed, and will be entered into these minutes. No action was taken.

A copy of the First Data (Bypass) contract is attached and fully incorporated into these minutes.

Authorization to Advertise Bids

Alderman Payne made the motion and Alderman Jerome seconded the motion to advertise for bids for the following:

- Police Generator Contract
- Greenbrook and Rasco Road Southcrest Traffic Signal
- Neighborhood City Parks

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES

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Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

Sole Source SPD SETCOM

In accordance with Miss. Code 31-7-13 (m)(viii) and has further set forth in the sole source letter by Setcom, Mr. Manley stated that this sole source provider will supply the Police Department with the Liberator Wireless Communications system for police motorcycle officers. Setcom will provide 24 hour customer service, no additional battery charging, and low use frequency which will result in less interference. Alderman Hoots made the motion to approve the sole source provider in the amount of \$8,122.07. Motion was seconded by Alderman Jerome.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

A copy of the estimate and sole source provider letter are attached and fully incorporated into these minutes.

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK ADJUSTMENT DOCKET 01/17/2023

The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.

NAME	HOUS E #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
WILLIAM LARKIN	877	GALYON	(82.96)	TIMER ON WATER HOSE FROZE AND BURST
BRAD AND KRISTINA GLOVER	7759	AUBURN CV	(63.44)	TOILET/ BUSTED PIN FRONT YARD
ALEXIS HARDIMAN	2220	ASHLAND DR	(127.91)	TOILET LEAK
DARNESHIA FARMER	4580	SWEET FLAG LOOP	(52.45)	TOILET LEAK

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OTHMANI FARHAT	9144	VALLEY GROVE	(118.56)	LEAK
MICHAEL BENTLEY	5843	LANDAU DR	(268.40)	TOILET LEAK
RENETTA BELL	2095	KINDLEWOOD DR	(346.87)	LEAK UNDER SLAB/FOUNDATION
ROBERT ANDERSON	8213	GREENBROOK PKWY	(177.85)	2 TOILET LEAKS
TAMMY JONES	6225	ELMORE RD	(405.68)	LEAK AT SERVICE LINE /FRONT YARD
		TOTAL	(1644.12)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of January 17, 2022 in the amount of \$1,644.12. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of January 17, 2023 in the amount of \$3,778,962.47. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

391944,392009,392054,392078,392138,392143,392146,392190,392227,392267,392304,392417,392422,392424,392437,392515,392516,392579,392587

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES

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Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 17th day of January, 2023.

Alderman Hoots recused himself and left the room.

SPECIAL CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Special Claims Docket of January 17, 2023 in the amount of \$17,754.42. Motion was seconded by Alderman Flores.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	RECUSED
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 17th day of January, 2023.

Alderman Hoots returned to the room.

EXECUTIVE SESSION

A copy of the Executive Session minutes are maintained in the City Clerk’s Office.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Hoots to adjourn. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously January 17, 2023 at 7:15 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

All exhibits and attachments are electronically filed in the City Clerk’s Office.

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