

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
May 21, 2024
6:00 PM
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: May 7, 2024
5. Resolution Amending City Ordinance, Title XIII, Section 13-7(c)(1)(b)
6. Resolution for Purchase of Property
7. Resolution Approving No Protest, Approving the Form Documents for Sale and Terms of the Bond and Sales Parameters
8. Discussion of EMS Billing Rates
9. Resolution Appointing MML Delegates
10. Authorization to Seek RFP for Street Sweeping Contract
11. Approval of Right of Way Agreement with Entergy
12. Resolution for Closure of Portion of Old Airways Road
13. Change Orders:
 - a. Resolution for Change Order for Parks Improvement Plan
 - b. Southaven Fire Station Number 5 Change Order
14. Resolution Honoring Jerry Street
15. Authorization for Parks Director to Sign Amphitheater Contracts
16. Resolution for Budget Amendments
17. Donation Docket
18. Resolution to Clean Private Property
19. Planning Agenda
20. Mayor's Report
21. Personnel Docket
22. City Attorney's Legal Update
23. Utilities Billing Leak Adjustment Docket
24. Claims Docket
25. Executive Session: Potential Litigation by and against the City; Economic Development (Potential Business/Industry locating to City); Interdepartmental Personnel with No Action

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**MINUTES OF THE REGULAR MEETING
OF May 21, 2024
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 21st day of May, 2024 at six o'clock (6:00) p.m. at City Hall.

Present were:	
George Payne	Alderman At Large
Kristian Kelly	Alderman, Ward 1
William Jerome	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
Raymond Flores	Alderman, Ward 6

Absent were:	
Charlie Hoots	Alderman, Ward 2
John David Wheeler	Alderman, Ward 5

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately ten 10 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 Payne to approve the Minutes of the Regular Meeting of May 7, 2024 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

**RESOLUTION AMENDING CITY ORDINANCE, TITLE XIII, SECTION 13-7
(c)(1)(b)**

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

Alderman Flores made the motion to close the public meeting and open the public hearing. Motion was seconded by Alderman Gallagher. Mayor Musselwhite asked if anyone in the audience would like to speak on the proposed ordinance and there were none. Alderman Flores made the motion to close the public hearing and reopen the public meeting. Motion was seconded by Alderman Gallagher.

Mr. Manley stated that as previously discussed, this amendment to the Ordinance revises Title XIII, Section 13-7(c)(1)(b) to require vehicles to be parked between the driveway and the side property line nearest the driveway and on an impervious surface, which surface is comprised of the same materials of the driveway. This proposed ordinance has been published in the Desoto Times for the hearing on May 21st. Upon approval, the Ordinance will take effect in one month. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, SECTION 13-7(c)(1)(b)

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XIII, SECTION 13-7(c)(1)(b) ("Ordinances")

Thereupon Alderman Flores offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, SECTION 13-7(c)(1)(b)

WHEREAS, Mississippi Code Section 21-17-5 provides that the City shall have the power to alter and modify ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972; and

WHEREAS, pursuant to Miss. Code 17-1-3, the City is vested with authority of regulatory controls over zoning and land uses, and may do all things, consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

WHEREAS, Mississippi Code Section 17-1-9 provides that the City shall have the power to make regulations with reasonable consideration, among other things, to the character of the district and with a view to conserving the value of buildings and encouraging the most appropriate use of land in the City; and

WHEREAS, Mississippi Code Section 17-1-7 provides that the City shall have the power to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of land; and

WHEREAS, the City currently adheres and enforces regulations that allow for the review and recommendations of proposed land uses by the Planning and Development Department; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

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WHEREAS, the City provided at least fifteen (15) days' notice of the time and place of the hearing regarding this revision to the Ordinance by publication in a paper of general circulation in Southaven, Desoto County.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, SECTIONS 13-7(c)(1)(b) AS FOLLOWS:

Sec. 13-7(c)(1)(b).

Vehicles may be parked between the driveway and the side property line nearest the driveway and on an impervious surface, which surface is comprised of the same materials of the driveway, so long as they do not encroach on neighboring properties and the vehicle(s) is operable and has current motor registration.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-13-11, provide notice of the adoption of the Ordinance in the Desoto Times for one (1) time.

NOW, THEREFORE BE IT ORDERED that the Ordinances shall be effective one (1) month from passage.

The foregoing Resolution was seconded by Alderman Gallagher and brought to a vote as follows:

ALDERMAN	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT
Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	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 21st day of May, 2024.

CITY OF SOUTHAVEN, MISSISSIPPI

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RESOLUTION FOR PURCHASE OF PROPERTY

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

Mr. Manley stated that this resolution will authorize the purchase, due diligence, contract review and signature for the property at 8912 Northwest Drive (Old Fred's Building) in the amount of \$1,000,000.00. The appraised value is 1,080,000.00, so the purchase prices is less than the appraised value due to the rehabilitation required for the building. 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 TO ENTER INTO CONTRACT FOR PURCHASE OF PROPERTY

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of purchasing a certain tract of real estate and building located at 8912 Northwest Drive in Southaven, DeSoto County, Mississippi, together with all improvements, fixtures, equipment, and structures thereon (the "Property").

Thereupon Alderman Kelly offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO ENTER INTO CONTRACT FOR PURCHASE OF PROPERTY

WHEREAS, Winkal Holdings, LLC, ("Seller") currently owns the Property; and

WHEREAS, in accordance with Mississippi Code 21-17-1, the City desires to buy the Property for municipal purposes, specifically for the City Court Department and related purposes; and

WHEREAS, the City, pursuant to Mississippi Code 43-37-3, obtained an appraisal for the Property; and

WHEREAS, the City, in accordance with Mississippi Code 21-17-1 desires to contract for the purchase of the Property for One Million Dollars and 00/100 (\$1,000,000.00); and

WHEREAS, due to the renovations and repairs required at the Property, the purchase price paid by the City is less than the appraised value as determined by the City-obtained appraisal; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City, City Clerk, and/or their designees are hereby authorized, in accordance with this Resolution, to enter into and execute any and all appropriate documents or contracts, order title work, conduct due diligence of the Property, transfer funds for the deposit and purchase of Property, and to undertake and perform any and all other necessary or appropriate action to implement this Resolution.

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The foregoing Resolution was seconded by Alderman Flores and brought to a vote as follows:

ALDERMAN	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT
Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 21st day of May, 2024.

RESOLUTION APPROVING NO PROTEST, APPROVING THE FORM DOCUMENTS FOR SALE AND TERMS OF THE BOND AND SALES

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

Mr. Manley stated that this resolution includes all exhibits for the sale and terms of the bonds, along with the form documents. The resolution also notes that a protest to this bond issuance was not filed. Upon approval, the bonds can be sold and closed, which is anticipated at the end of June. The exhibits are attached. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

The Mayor and the Board of Aldermen (the "**Governing Body**") of the City of Southaven, Mississippi (the "**City**"), acting for and on behalf of the City, took up for consideration the matter of providing financing for certain capital improvement projects of the City, and after a discussion of the subject matter, the following resolution was presented for consideration:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION BOND OF THE CITY, IN ONE OR MORE SERIES, IN A TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWELVE MILLION DOLLARS (\$12,000,000) AS DESCRIBED IN THIS RESOLUTION; TO RAISE MONEY FOR THE PURPOSE OF PROVIDING CAPITAL PROJECTS AS DESCRIBED IN THIS RESOLUTION; DIRECTING THE PREPARATION, EXECUTION AND DELIVERY THEREOF; AUTHORIZING THE SALE OF SAID BOND, IN ONE OR MORE SERIES, TO THE MISSISSIPPI DEVELOPMENT BANK AND THE SALE OF THE NOT TO EXCEED \$12,000,000 MISSISSIPPI DEVELOPMENT BANK SPECIAL OBLIGATION BONDS, SERIES 2024 (CITY OF SOUTHAVEN, MISSISSIPPI PUBLIC IMPROVEMENT GENERAL OBLIGATION BOND PROJECT), IN ONE OR MORE SERIES; AND FOR RELATED PURPOSES.

WHEREAS, the Governing Body, acting for and on behalf of City, is authorized by Sections 21-33-301 et seq., Mississippi Code of 1972, as amended and supplemented from time to time (the "**City Bond Act**"), to issue general obligation bonds for the purposes set forth therein, including, but not limited to, any of, (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning and equipping municipal buildings and purchasing buildings and land therefor; (iii) purchasing land for parks, cemeteries and public playgrounds,

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and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including funding capitalized interest, if applicable, and paying the costs of borrowing (collectively, the "**City Project**"); and

WHEREAS, the Governing Body, acting for and on behalf of the City, is also authorized under Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time (the "**Issuer Act**" and together with the City Bond Act, the "**Act**"), and other applicable laws of the State of Mississippi (the "**State**"), to issue a general obligation bond of the City to be sold to the Mississippi Development Bank (the "**Issuer**") to finance the costs of the Project and to secure such general obligation bond of the City with the full faith, credit and taxing power of the City; and

WHEREAS, the City Project is in accordance with and in furtherance of the provisions of the Act; and

WHEREAS, the City is a "local governmental unit" under the Issuer Act; and

WHEREAS, on April 16, 2024, the Governing Body adopted a resolution (the "**Intent Resolution**") declaring its intention to either (a) issue and sell general obligation bonds of the City pursuant to the City Bond Act in an aggregate principal amount not to exceed Twelve Million Dollars (\$12,000,000), in one or more taxable or tax-exempt series, and/or (b) issue and sell a general obligation bond of the City to the Issuer pursuant to the Act in an aggregate principal amount not to exceed Twelve Million Dollars (\$12,000,000), in one or more taxable or tax-exempt series, all for the purpose of providing financing for the City Project; and

WHEREAS, as required by the Intent Resolution and the City Bond Act, a copy of the Intent Resolution (the "**Notice of Resolution of Intent**") was published in the *DeSoto Times-Tribune*, a newspaper published in the City of Hernando, and having a general circulation in the City, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, the first publication having been made not less than twenty-one (21) days before May 21, 2024, and the last publication to be not more than seven (7) days prior to such date, said notice was published in said newspaper on April 25, 2024, and May 2, May 9 and May 16, 2024, as evidenced by the publisher's affidavit heretofore presented and attached hereto as **EXHIBIT A**; and

WHEREAS, as of the hour of 4:00 o'clock p.m. on May 21, 2024, no qualified elector of the City had filed or presented a written protest against (a) the issuance of such general obligation bonds of the City, and/or (b) the issuance of such general obligation bond of the City to be sold to the Issuer, with the City Clerk of the City (the "**Clerk**") in the Clerk's office located at 8710 Northwest Drive, Southaven, Mississippi, as required by the Intent Resolution; and

WHEREAS, the Governing Body did meet at its usual meeting place in City Hall, located at 8710 Northwest Drive, Southaven, Mississippi, at the hour of 6:00 o'clock p.m. on May 21, 2024, and the Governing Body does hereby find, determine and adjudicate that (a) the Notice of Resolution of Intent was duly published as required by law, and (b) no written protest or other objection of any kind or character against (i) the issuance of such general obligation bonds of the City, and/or (ii) the issuance of such general obligation bond of the City to be sold to the Issuer, was filed or presented by qualified electors of the City with the Clerk on or before the hour of 4:00 o'clock p.m. on May 21, 2024, and (c) no protest or objection of any kind or character against such borrowing or the purposes for which it is to be obtained was presented; and

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WHEREAS, the Governing Body is now authorized and empowered by the provisions of the Act and other applicable laws of the State, to issue such general obligation bonds of the City and/or general obligation bond of the City to be sold to the Issuer, as described in the Intent Resolution, in one or more taxable or tax-exempt series, all in a total aggregate principal amount of not to exceed \$12,000,000 without any election on the question of the issuance thereof at any time within a period of two (2) years after May 21, 2024; and

WHEREAS, after careful study and investigation by the Governing Body, it would be in the best interest of the City for the Governing Body to provide funding for the costs of the Project (as defined herein) through the issuance of a general obligation bond of the City, issued in one or more taxable or tax-exempt series, to be sold to the Issuer in accordance with the Act; and

WHEREAS, it is necessary for the health and well-being of the citizens of the City and it is in the best interest of the City for the Governing Body to provide financing for the costs of the Project through the issuance of its City of Southaven, Mississippi Public Improvement General Obligation Bond, Series 2024, in one or more taxable or tax-exempt series, in the total aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000) (together, the "**City Bond**") and to authorize the sale of the City Bond to the Issuer; and

WHEREAS, the Issuer will issue its Mississippi Development Bank Special Obligation Bonds, Series 2024 (City of Southaven, Mississippi Public Improvement General Obligation Bond Project), in one or more taxable or tax-exempt series, in the total aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000) (together, the "**Series 2024 Bonds**"), and will use a portion of the proceeds thereof to purchase the City Bond; and

WHEREAS, the issuance of the City Bond and the Series 2024 Bonds for the purpose of providing funding for the Project will result in a substantial public benefit to the citizens of the City; and

WHEREAS, the Governing Body is now desirous of proceeding with the issuance of the City Bond and the purchase thereof by the Issuer with the proceeds of the Series 2024 Bonds; and

WHEREAS, the Series 2024 Bonds will be issued pursuant to and secured by an Indenture of Trust (the "**Indenture**"), by and between the Issuer and the Trustee (as defined herein), dated the date of delivery thereof; and

WHEREAS, the City Bond will be sold to the Issuer pursuant to the terms and provisions of this Bond Resolution (as defined herein), the Act and a City Bond Purchase Agreement by and between the Issuer and the City (the "**City Bond Purchase Agreement**"); and

WHEREAS, the City will make payments on the City Bond in amounts sufficient to pay the principal of, premium, if any, and interest on the Series 2024 Bonds, as and when the same shall become due and payable; and

WHEREAS, the Governing Body is now desirous of proceeding with the issuance of the City Bond pursuant to this Bond Resolution and the purchase thereof by the Issuer with the proceeds of the Series 2024 Bonds and authorizing the negotiation of the sale of the Series 2024 Bonds thereof to Raymond James & Associates, Inc., Memphis, Tennessee, as underwriter (the "**Underwriter**") pursuant to the terms and provisions of a Bond Purchase Agreement, to be dated as of the date of the sale of the Series 2024 Bonds (the "**Bond Purchase Agreement**"), by and among the Issuer, the Underwriter and the City; and

WHEREAS, there have been prepared and submitted to the Governing Body the forms of:

- (a) the Indenture under which the Series 2024 Bonds will be issued and by which they will be secured, and
- (b) the City Bond Purchase Agreement providing for the sale of the City Bond to the Issuer, and
- (c) the Bond Purchase Agreement providing for the sale of the Series 2024 Bonds to the Underwriter, and
- (d) the Preliminary Official Statement, to be dated the date of distribution thereof (the "**Preliminary Official Statement**") describing the Series 2024 Bonds, the City Bond, the terms of

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the Indenture and other matters in connection with the sale and issuance of the Series 2024 Bonds and the City Bond; and

(e) the Continuing Disclosure Certificate, to be dated the date of delivery thereof (the "**Continuing Disclosure Certificate**"), to be executed by the City in connection with the issuance of the Series 2024 Bonds, such Continuing Disclosure Certificate is provided as an appendix section in the Preliminary Official Statement; and

WHEREAS, it appears that each of the documents referred to above, which documents are now before the Governing Body, is in appropriate form and is an appropriate document for the purposes identified; and

WHEREAS, all conditions, acts and things required by the Act and the Constitution and laws of the State to have existed, to have happened and to have been performed precedent to and in connection with the adoption of this Bond Resolution, the sale and issuance of the City Bond to the Issuer, the sale and issuance of the Series 2024 Bonds, the execution by the City of the Bond Purchase Agreement, the City Bond Purchase Agreement and the distribution of the Preliminary Official Statement have happened and have been performed in regular and due time, form and manner as required by law; and

WHEREAS, it is proposed that the Governing Body should take all such additional actions, authorize the execution of such certificates, applications, reports and notices, and authorize such other actions and proceedings as shall be necessary in connection with the sale and issuance of the City Bond and the Series 2024 Bonds.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE GOVERNING BODY OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. All of the matters and things recited in the premises sections of this Bond Resolution are found and determined to be true and accurate.

SECTION 2. This Bond Resolution is adopted pursuant to the Act and the Constitution and laws of the State.

SECTION 3. In addition to any words and terms elsewhere defined herein, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Act" shall mean together the City Bond Act and the Issuer Act.

"Agent" shall mean any Paying Agent or Transfer Agent, whether serving in either or both capacities. The Agent shall initially be the Trustee.

"Authorized Officer" shall mean the Mayor of the City or his designee, acting for and on behalf of the City, the President of the Governing Body, the Clerk, and any other officer designated from time to time as an Authorized Officer by resolution of the Governing Body, and when used with reference to any act or document also means any other Person authorized by resolution of the Governing Body to perform such act or sign such document.

"Bond Counsel" shall mean Butler Snow LLP, Ridgeland, Mississippi.

"Bond Resolution" shall mean this resolution, as may be amended and supplemented from time to time.

"Business Day" shall mean any day other than (a) a Saturday, (b) a Sunday, (c) any other day on which banking institutions in New York, New York, or Biloxi, Mississippi, are authorized or required not to be open for the transaction of regular banking business, (d) any day the City Courthouse in Southaven, Mississippi is closed, or (e) a day on which the New York Stock Exchange is closed.

"City" shall mean City of Southaven, Mississippi.

"City Bond" shall mean the not to exceed \$12,000,000 City of Southaven, Mississippi Public Improvement General Obligation Bond, Series 2024, of the City authorized and directed to be issued in one or more taxable or tax-exempt series by this Bond Resolution.

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"City Bond Act" shall mean Sections 21-33-301 et seq., Mississippi Code of 1972, as amended and supplemented from time to time.

"City Bond Payments" shall mean the payments required of the City hereunder as provided in Sections 9 and 18 hereof.

"City Counsel" shall mean Butler Snow LLP, Southaven, Mississippi.

"City Project" shall mean providing funds for the purpose of financing certain capital projects in the City, including, but not limited to, any of, (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning and equipping municipal buildings and purchasing buildings and land therefor; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including funding capitalized interest, if applicable, and paying the costs of borrowing.

"Clerk" shall mean the City Clerk of the City.

"Code" shall mean the Internal Revenue Code of 1986 in effect on the date of issuance of the Series 2024 Bonds and the City Bond, and the applicable regulations or rulings promulgated or proposed thereunder, and any successor thereto, as such may be amended from time to time.

"Governing Body" shall mean the Mayor and the Board of Aldermen of the City.

"Interest Payment Date" shall mean the interest payment dates for the Series 2024 Bonds as described in the Indenture.

"Issuer" shall mean the Mississippi Development Bank.

"Issuer Act" shall mean Sections 31-25-1 et seq., Mississippi Code of 1972, as amended and supplemented from time to time.

"Mayor" shall mean the Mayor of the City.

"Municipal Advisor" shall mean Government Consultants, Inc., as Independent Registered Municipal Advisor to the City.

"Paying Agent" shall mean any bank, trust company or other institution hereafter designated by the Governing Body for the payment of the principal of and interest on the City Bond. The Paying Agent shall initially be the Trustee.

"Person" shall mean an individual, partnership, corporation, limited liability company, trust or unincorporated organization and a government or agency or political subdivision thereof.

"Project" shall mean providing funds for the City Project and paying costs of issuance for the City Bond and the Series 2024 Bonds.

"Record Date Registered Owner" shall mean the Registered Owner of the City Bond as of the Record Date.

"Record Date" shall have the meaning given to it in the Indenture.

"Registered Owner" or **"Bondholder"** shall mean the Person whose name shall appear in the registration records of the City maintained by the Transfer Agent and shall initially be the Trustee as assignee of the Issuer as provided for in the Indenture.

"Series 2024 Bonds" shall mean the not to exceed \$12,000,000 Mississippi Development Bank Special Obligation Bonds, Series 2024 (City of Southaven, Mississippi Public Improvement General Obligation Bond Project), authorized to be issued in one or more taxable or tax-exempt series by the Issuer pursuant to the Issuer Act and the terms and conditions of the Indenture.

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"State" shall mean the State of Mississippi.

"Transfer Agent" shall mean any bank, trust company or other institution hereafter designated by the Governing Body for the registration of the owner of the City Bond and for the performance of such other duties as may be herein or hereafter specified by the Governing Body. The Transfer Agent shall initially be the Trustee.

"Trustee" shall mean a bank or other financial institution, which financial institution will have corporate trust powers and be qualified to act as Trustee under the Indenture, and which shall initially be The Peoples Bank, Biloxi, Mississippi.

"Underwriter" shall mean Raymond James & Associates, Inc., Memphis, Tennessee.

"2024 Bond Fund" shall mean the 2024 Bond Fund provided for in Section 18 hereof.

"2024 Construction Fund" shall mean the 2024 Construction Fund provided for in Section 19 hereof.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words and terms herein defined shall be equally applicable to the plural as well as the singular form of any such word or term.

SECTION 4. The Governing Body, acting for and on behalf of the City, does hereby find and declare that the sale and issuance of the City Bond pursuant to the Act in an aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000), issued on one or more taxable or tax-exempt series, is necessary and advisable and conforms to the City Bond Act.

SECTION 5. The City Bond is hereby authorized and ordered to be prepared and issued in one or more taxable or tax-exempt series in a principal amount of not to exceed Twelve Million Dollars (\$12,000,000) to provide financing for the Project as authorized by the Act. The Governing Body is authorized and empowered by the provisions of the City Bond Act to issue the City Bond without an election on the question of the issuance thereof and is authorized to issue the City Bond pursuant to the Act or as may otherwise be provided by law.

SECTION 6. The Governing Body hereby further authorizes and approves the sale of the City Bond to the Issuer pursuant to the terms and provisions of the City Bond Purchase Agreement and based upon the terms and conditions of the sale of the Series 2024 Bonds to the Underwriter.

SECTION 7. The Governing Body does hereby find and determine that the City Bond and the Series 2024 Bonds are being issued to provide financing for the costs of the Project.

SECTION 8. In consideration of the purchase and acceptance of the City Bond by those who shall hold the same from time to time, this Bond Resolution shall constitute a contract between the City and the Registered Owner from time to time of the City Bond. The pledge made herein, and the covenants and agreements herein set forth to be performed on behalf of the City for the benefit of the Registered Owner shall be for the equal benefit, protection and security of the Registered Owner, all of which, regardless of the time or times of its authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction.

SECTION 9. (a) Payments of interest on the City Bond shall be made to the Record Date Registered Owner, and payments of principal shall be made to the Record Date Registered Owner in lawful money of the United States of America upon presentation of the City Bond at the corporate trust office of the Paying Agent.

(b) The City Bond shall be dated the date of its delivery; shall be issued as a fully registered bond in a single denomination equal to the principal amount thereof; shall be numbered 1; shall bear interest from the date thereof at the federally taxable or tax-exempt rate or rates borne by the Series 2024 Bonds (as provided in the Indenture) which federally taxable or tax-exempt rate or rates shall be reviewed by the Municipal Advisor and determined to be reasonable under then current market conditions, payable on each Interest Payment Date, subject to the limitation that

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the City Bond shall not bear a greater overall interest rate to maturity than eleven percent (11%) per annum; and shall mature and become due and payable in the same manner and at the same dates and times as provided for the Series 2024 Bonds in the Indenture; provided, however, that the final maturity for the City Bond shall be no later than twenty (20) years from its date of issuance unless earlier redeemed as provided for in this Bond Resolution and the Indenture.

(c) The City Bond is subject to redemption prior to maturity only at the times, to the extent, in the manner and as otherwise provided for the Series 2024 Bonds in the Indenture. If applicable, the City shall provide proper notices to the Issuer and the Trustee as provided in the Indenture in the event the City elects to redeem the City Bond or any portion thereof, and redemption of the City Bond or any portion thereof shall be as provided in this Section 9 and Article IV of the Indenture. It is intended that redemption of the City Bond may only occur through the processes provided in the Indenture, and the City hereby accepts such redemption provisions by this reference.

(d) A default in the due and punctual payment of any interest or principal on the City Bond or a default by the City under this Bond Resolution is an Event of Default (as defined in the Indenture) under the Indenture entitling the Trustee to exercise certain remedies under the Indenture, including, but not limited to, the acceleration of all principal and interest due and owing on the Series 2024 Bonds outstanding. In the event the Trustee exercises such remedies under the Indenture, the principal and interest due and owing on the City Bond may be accelerated in accordance with the Indenture and the City shall cause the City Bond to be redeemed and paid in full.

SECTION 10. (a) When the City Bond shall have been validated and executed as herein provided, it shall be registered as an obligation of the City in the office of the Clerk in a record maintained for that purpose, and the Clerk shall cause to be imprinted upon the City Bond, over such official's manual or facsimile signature and manual or facsimile seal, its certificate in substantially the form set out in Section 12 hereof.

(b) The City Bond shall be executed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Clerk, with the seal of the City imprinted or affixed thereto; provided, however all signatures and seals appearing on the City Bond, other than the signature of an authorized officer of the Transfer Agent hereafter provided for, may be facsimile and shall have the same force and effect as if manually signed or impressed. In case any official of the City whose signature or a facsimile of whose signature shall appear on the City Bond shall cease to be such official before the delivery or reissuance thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery or reissuance.

(c) The City Bond shall be delivered to the Issuer upon payment of the purchase price therefor in accordance with the terms and conditions of the Indenture and the City Bond Purchase Agreement, together with a complete certified transcript of the proceedings had and done in the matter of the authorization, issuance, sale and validation of the City Bond, and the final, unqualified approving opinion of Bond Counsel.

(d) Prior to or simultaneously with the delivery of the City Bond by the Transfer Agent, the City shall file with the Transfer Agent:

- (i) a copy, certified by the Clerk, of the transcript of proceedings of the Governing Body in connection with the authorization, issuance, sale and validation of the City Bond; and
- (ii) an authorization to the Transfer Agent, signed by the Mayor or his designee or an Authorized Officer, to authenticate and deliver the City Bond to the Issuer; and

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- (iii) such other documentation, if any, as may be required by this Bond Resolution, the Bond Purchase Agreement, Bond Counsel, the Trustee and the Indenture.

(e) At delivery, the Transfer Agent shall authenticate the City Bond and deliver it to the Issuer upon payment of the purchase price of the City Bond to the City in accordance with the City Bond Purchase Agreement.

SECTION 11. (a) The City hereby designates the Trustee as the Paying Agent and Transfer Agent for the City Bond. The City specifically reserves the right to hereafter designate a separate Paying Agent and Transfer Agent in its discretion, subject, however to the terms and conditions of the Indenture, and as hereinafter provided.

(b) So long as the City Bond shall remain outstanding, the City shall maintain with the Agent records for the registration and transfer of the City Bond. The Agent is hereby appointed registrar for the City Bond, in which capacity the Agent shall register in such records and permit to be transferred thereon, under such reasonable regulations as may be prescribed, the City Bond if entitled to registration or transfer.

(c) The City shall pay or reimburse the Agent for reasonable fees and expenses for services normally rendered and expenses normally incurred and customarily paid to paying agents, transfer agents and bond registrars, unless otherwise agreed to by the City and the Agent. Fees and reimbursements for extraordinary services and expenses, so long as not occasioned by the negligence, misconduct or willful default of the Agent, shall be made by the City on a case-by-case basis, subject, where not prevented by emergency or other exigent circumstances, to the prior written approval of the Governing Body.

(d) An Agent may at any time resign and be discharged of the duties and obligations of the function of Trustee, Paying Agent and Transfer Agent pursuant to the terms and conditions stated in Sections 11.05 and 11.06 of the Indenture.

(e) In the event of the resignation or removal of the Agent, a successor Agent shall be selected as provided in Section 11.07 of the Indenture.

(f) In the event of a change of Agent, the predecessor Agent shall cease to be custodian of any funds held pursuant to this Bond Resolution in connection with its role as such Agent, and the successor Agent shall become such custodian; provided, however, that before any such delivery is required to be made, all fees, advances and expenses of the retiring or removed Agent shall be fully paid. Every predecessor Agent shall deliver to its successor Agent all records of account, registration records, list of Registered Owner and all other records, documents and instruments relating to its duties as such Agent.

(g) The provisions of Sections 11.07 and 11.08 of the Indenture shall govern the acceptance of any appointment of a successor Agent.

(h) Should any transfer, assignment or instrument in writing be required by any successor Agent from the City to more fully and certainly vest in such successor Agent the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Agent, any such transfer, assignment and written instruments shall, on request, be executed, acknowledged and delivered by the City.

(i) The City will provide any successor Agent with certified copies of all resolutions, orders and other proceedings adopted by the Governing Body relating to the City Bond.

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(ii) All duties and obligations imposed hereby on an Agent or successor Agent shall terminate upon the accomplishment of all duties, obligations and responsibilities imposed by law or required to be performed by this Bond Resolution.

SECTION 12. The City Bond shall be in substantially the following form and the Mayor and the Clerk be and are hereby authorized and directed to make such changes, insertions and omissions therein as may in their opinions be required:

[CITY BOND FORM]

THIS CITY BOND HAS BEEN ASSIGNED TO THE PEOPLES BANK, AS TRUSTEE (THE "TRUSTEE") UNDER AN INDENTURE OF TRUST (THE "INDENTURE") DATED ____, 2024, BY AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE TRUSTEE. THIS CITY BOND IS REGISTERED IN THE NAME OF THE TRUSTEE AND IS NON-TRANSFERRABLE EXCEPT AS PERMITTED IN THE INDENTURE.

UNITED STATES OF AMERICA
STATE OF MISSISSIPPI

CITY OF SOUTHAVEN, MISSISSIPPI
PUBLIC IMPROVEMENT GENERAL OBLIGATION BOND,
SERIES 2024

NO. 1 \$_____

Rate of Interest	Maturity	Date of Original Issue
Payable as set forth herein	____ 1, ____	____, 2024

REGISTERED OWNER: THE PEOPLES BANK,
As Assignee of the Mississippi Development Bank

PRINCIPAL AMOUNT: _____ MILLION AND NO/100THS DOLLARS

The City of Southaven, Mississippi (the "City"), a body politic existing under the Constitution and laws of the State of Mississippi, acknowledges itself to owe and for value received, promises to pay in lawful money of the United States of America to the Registered Owner identified above, upon the presentation and surrender hereof, at the corporate trust office of The Peoples Bank, in Biloxi, Mississippi, or its successor, as paying agent (the "Paying Agent") for the Public Improvement General Obligation Bond, Series 2024 of the City (this "City Bond"), on the maturity date identified above, the principal amount identified above. Payment of the principal amount of this City Bond shall be made to the Registered Owner hereof who shall appear in the registration records of the City maintained by The Peoples Bank, in Biloxi, Mississippi, or its successor, as transfer agent for the City Bond (the "Transfer Agent") at the times and periods as provided in the Indenture (as defined herein).

The City further promises to pay interest on such principal amount from the date of this City Bond as hereinafter provided until said principal sum is paid to the Registered Owner hereof who shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date (as defined in the Indenture).

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Payments of principal of and interest on this City Bond shall be made by check or draft mailed to such Registered Owner at its address as such address appears on such registration records in time to reach the Registered Owner at least four (4) days prior to an Interest Payment Date (as defined in the Bond Resolution, as hereinafter defined).

This City Bond is issued under the authority of the Constitution and statutes of the State of Mississippi, including Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended, and Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended (together, the "Act"), and by the further authority of proceedings duly had by the Mayor and Board of Aldermen of the City, including a resolution adopted on May 21, 2024 (the "Bond Resolution").

This City Bond is issued in the aggregate authorized principal amount of ____ Million Dollars (\$____,000,000) to provide funds to the City for the purposes set forth in the Bond Resolution, including, but not limited to, any of, (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning and equipping municipal buildings and purchasing buildings and land therefor; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including funding capitalized interest, if applicable, and paying the costs of borrowing (together, the "City Project").

The City will duly and punctually pay the principal of, premium, if any, and interest on this City Bond at the dates and the places and in the manner mentioned in the Bond Resolution, according to the true intent and meaning thereof. Notwithstanding any schedule of payments upon the City Bond, the City agrees to make payments upon the City Bond and be liable therefor at such times and in such amounts (including principal, premium, if any, and interest) so as to provide for payment of the principal of, premium, if any, and interest on the \$____,000,000 Mississippi Development Bank Special Obligation Bonds, Series 2024 (City of Southaven, Mississippi Public Improvement General Obligation Bond Project) (the "Series 2024 Bonds"), outstanding under the Indenture of Trust, by and between the Mississippi Development Bank and The Peoples Bank, as trustee (the "Trustee"), dated as of __, 2024 (the "Indenture"), when due whether upon a scheduled interest payment date, redemption or at maturity.

Reference is hereby made to the Bond Resolution and to all amendments and supplements thereto for the provisions, among others, with respect to the nature and extent of the security for the bondholder, the rights, duties and obligations of the City and the bondholder and the terms upon which this City Bond is or may be issued and secured.

The City and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner for the purpose of receiving payment of principal hereof and interest due hereon and for all other purposes and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

This City Bond shall be a general obligation of the City payable as to principal of, premium, if any, and interest out of and secured by a special tax to be levied annually by the City, without limitation as to time, rate or amount, upon all of the taxable property within the geographical boundaries of the City adequate and sufficient to provide for the payment of the principal of, premium, if any, and interest on the City Bond as the same becomes due. Said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of the tax which shall be so extended shall be

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sufficient in each year fully to produce the sums required as aforesaid, without limitation as to time, rate or amount; provided, however, that such tax levy for any year shall be abated *pro tanto* to the extent the City on or prior to September 1 of that year has transferred money to the 2024 Bond Fund (as defined in the Bond Resolution), or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the City Bond due during the ensuing fiscal year of the City, in accordance with the provisions of the Bond Resolution. The avails of said tax are irrevocably pledged by the City under the Bond Resolution for the payment of the principal of, premium, if any, and interest on the City Bond as the same shall mature and accrue. Should there be a failure in any year to comply with the requirements, such failure shall not impair the right of the holder of the City Bond in any subsequent year to have adequate taxes levied and collected to meet the obligations of the City Bond, as to principal of, premium, if any, and interest.

This City Bond is the only evidence of indebtedness issued and outstanding under the Bond Resolution. This City Bond has been purchased by the Mississippi Development Bank and has been assigned to the Trustee under the Indenture. This City Bond is registered in the name of the Trustee and is non-transferrable except as provided in the Indenture.

The City and the Transfer Agent may deem and treat the Person in whose name this City Bond is registered as the absolute owner hereof, whether this City Bond shall be overdue or not, for the purpose of receiving payment of the principal of, premium, if any, and interest on this City Bond and for all other purposes. All such payments so made to the Registered Owner shall be valid and effectual to satisfy and discharge the liability upon this City Bond to the extent of the sum or sums paid, and neither the City nor the Transfer Agent shall be affected by any notice to the contrary.

Upon a default in payment under this City Bond, the Trustee may, as provided in the Indenture and the Bond Resolution, declare the principal of and accrued interest on this City Bond to be due and payable immediately.

This City Bond shall only be redeemed under the Bond Resolution to the extent and in the manner required to redeem the Series 2024 Bonds pursuant to the provisions of the Indenture.

Modifications or alterations of the Bond Resolution may be made only to the extent and under the circumstances permitted by the Indenture.

This City Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Resolution until the certificate of registration and authentication hereon shall have been signed by the Transfer Agent.

Capitalized terms used herein, but not defined herein, shall have the meanings given to such terms in the Bond Resolution and the Indenture.

IT IS HEREBY CERTIFIED, RECITED AND REPRESENTED that all conditions, acts and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of this City Bond, in order to make the same a legal and binding general obligation of the City, according to the terms thereof, do exist, have happened and have been performed in regular and due time, form and manner as required by law. For the performance in apt time and manner of every official act herein required, and for the prompt payment of this City Bond, including principal, premium, if any, and interest, the full faith, credit and taxing power of the City are hereby irrevocably pledged.

IN WITNESS WHEREOF, the City has caused this City Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City, countersigned by the manual or facsimile signature of the City Clerk of the City, under the manual or facsimile seal of the City, which said manual or facsimile signatures and seal said officials adopt as and for their own proper signatures and seal, on this the _____ day of _____ 2024.

(SEAL)

CITY OF SOUTHAVEN, MISSISSIPPI

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

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This City Bond is the City Bond described in the within mentioned Bond Resolution and is the Public Improvement General Obligation Bond, Series 2024, of the City of Southaven, Mississippi.
THE PEOPLES BANK, as Transfer Agent

By
Authorized Signatory

Date of Registration and Authentication: __, 2024

REGISTRATION AND VALIDATION CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF DESOTO

I, the undersigned City Clerk of City of Southaven, Mississippi, do hereby certify that the within City Bond has been duly registered by me as an obligation of said City pursuant to law in a record kept in my office for that purpose, and has been validated and confirmed by Decree of the Chancery Court of DeSoto County, Mississippi, rendered on the ____ day of _____, 2024.
(SEAL)

City Clerk

[END OF CITY BOND FORM]

SECTION 13. In case the City Bond shall become mutilated or be stolen, destroyed or lost, the City shall, if not then prohibited by law, cause to be authenticated and delivered a new City Bond of like date, number, maturity and tenor in exchange and substitution for and upon cancellation of such mutilated City Bond, or in lieu of and in substitution for such City Bond stolen, destroyed or lost, upon the Registered Owner's paying the reasonable expenses and charges of the City in connection therewith, and in case of a City Bond stolen, destroyed or lost, such Registered Owner's filing with the City or Transfer Agent evidence satisfactory to them that the City Bond was stolen, destroyed or lost, and of its ownership thereof, and furnishing the City or the Transfer Agent with such security and/or indemnity as may be required by law or by them to save each of them harmless from all risks, however remote.

SECTION 14. This City Bond shall be a general obligation of the City and the City hereby irrevocably pledges its full faith, credit and taxing power for the purpose of effectuating and providing for the payment of the principal of, premium, if any, and interest on the City Bond as the same shall respectively mature and accrue. There shall be levied annually by the City, without limitation as to time, rate or amount, upon all of the taxable property within the geographical boundaries of the City adequate and sufficient to provide for the payment of the principal of, premium, if any, and interest on the City Bond as the same becomes due. Said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of the tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to time, rate or amount; provided, however, that such tax levy for any year shall be abated *pro tanto* to the extent the City on or prior to September 1 of that year has transferred money to the 2024 Bond Fund, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the City Bond due during the ensuing fiscal year of the City, in accordance with the provisions of this Bond Resolution. The avails of said tax are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the City Bond as the same shall mature and accrue. Should there be a failure in any year to comply with the requirements, such failure shall not impair the right of the holder of the City Bond in any subsequent year to have

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adequate taxes levied and collected to meet the obligations the City Bond, as to principal of, premium, if any, and interest.

SECTION 15. Only if the City Bond shall have endorsed thereon a certificate of registration and authentication in substantially the form hereinabove set forth, duly executed by the Transfer Agent, shall the City Bond be entitled to the rights, benefits and security of this Bond Resolution. The City Bond shall not be valid or obligatory for any purpose unless and until such certificate of registration and authentication shall have been duly executed by the Transfer Agent, which executed certificate shall be conclusive evidence of registration, authentication and delivery under this Bond Resolution. The Transfer Agent's certificate of registration and authentication on the City Bond shall be deemed to have been duly executed if signed by an authorized officer of the Transfer Agent; provided, however, it shall not be necessary that the same officer sign said certificate on every City Bond that may be issued hereunder.

SECTION 16. Ownership of the City Bond shall be in the Issuer or its assignee. The Person in whose name the City Bond shall be registered in the records of the City maintained by the Transfer Agent may be deemed the absolute owner thereof for all purposes, and payment of or on account of the principal of, premium, if any, or interest on the City Bond shall be made only to or upon the order of the Registered Owner thereof, or its legal representative, but such registration may be changed as hereinafter provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the City Bond to the extent of the sum or sums so paid.

SECTION 17. The City Bond shall be transferable only as provided in the Indenture. Upon the transfer of the City Bond, the City, acting through the Transfer Agent, shall issue in the name of the transferee a new City Bond of the same aggregate principal amount and maturity and rate of interest as the surrendered City Bond.

SECTION 18. (a) The City hereby establishes the "City of Southaven, Mississippi Public Improvement General Obligation Bond, Series 2024 Bond Fund" (the "**2024 Bond Fund**") which shall be maintained with a qualified depository in its name for the payment of the principal of, premium, if any, and interest on the City Bond, and the payment of the Agent's fees in connection therewith. There shall be deposited into the 2024 Bond Fund as and when received:

(i) The avails of any of the taxes levied and collected pursuant to Section 14 hereof;

(ii) Any income received from the investment of monies in the 2024 Bond Fund; and

(iii) Any other funds available to the City which may be lawfully used for payment of the principal of, premium, if any, and interest on the City Bond or for other obligations of the City which may be due under the Indenture, and which the Governing Body, in its discretion, may direct to be deposited into the 2024 Bond Fund.

(b) As long as any principal of, premium, if any, and interest on the City Bond or the Series 2024 Bonds remain outstanding and/or other obligations of the City remain outstanding hereunder or under the Indenture, the Clerk is hereby irrevocably authorized and directed to withdraw from the 2024 Bond Fund sufficient monies to make the payments necessary (the "**City Bond Payments**") to pay (i) the principal of, premium, if any, and interest coming due on the Series 2024 Bonds, and (ii) any additional payments necessary and required as obligations of the City hereunder or under the Indenture, including, but not limited to Program Expenses (as such term is defined in the Indenture), and to transfer same to the account of the Trustee in time to reach the Trustee at least five (5) days prior to the date on which said interest, principal or premium, if any, on the Series 2024 Bonds shall become due, or in such time as may be required

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for any other payments regarding the Series 2024 Bonds shall become due. The Trustee shall deposit all City Bond Payments received in the General Account of the General Fund of the Indenture (as such terms are defined in the Indenture), or such other fund or account as the Trustee is so directed in the Indenture.

SECTION 19. (a) The City hereby establishes the "City of Southaven, Mississippi Public Improvement General Obligation Bond, Series 2024 Construction Fund" (the "**2024 Construction Fund**") which shall be maintained with a qualified depository in its name. A portion of the proceeds received upon the sale of the City Bond as provided in Section 6.07 of the Indenture shall be transferred by the Trustee and deposited in the 2024 Construction Fund. Monies deposited in the 2024 Construction Fund shall be used, to the extent permitted by law, (i) to pay, or to reimburse the City, for all costs related to implementation and completion of all necessary expenditures for and in connection with the City Project; (ii) to pay, or to reimburse the City, for architectural, engineering, fiscal, paying agent, printing, accounting, construction manager, feasibility consultant, legal expenses and development expenses; (iii) to pay costs related to any suits and proceedings, including any costs of settlement thereof; and (iv) to pay for all costs related to implementation and completion of all necessary expenditures for and in connection with the City Project.

Any income received from investment of monies in the 2024 Construction Fund shall be deposited in the 2024 Construction Fund and shall be used for the costs of the City Project.

Any amounts which remain in the 2024 Construction Fund after the completion of the City Project shall be transferred to the 2024 Bond Fund and used as permitted under State law.

- (b) The balance of the proceeds derived from the sale of the City Bond following the deposit to be made pursuant to this Section 19 shall be retained by the Issuer and deposited with the Trustee under the Indenture to be used for the payment of the costs of issuance and sale of the City Bond and the costs of issuance and sale of the Series 2024 Bonds, all as provided in the Indenture.
- (c) Funds on deposit in the 2024 Bond Fund and the 2024 Construction Fund may be invested in Investment Securities, as defined in the Indenture, to the extent they are authorized by the Act and applicable provisions of State law which Investment Securities shall mature not later than the respective dates when the money held for the credit of such fund or account will be required for the purposes intended. The Mayor is authorized to execute an engagement letter with Raymond James & Associates, Inc. for the pricing and acquisition of direct United States obligations or other permitted investments of amounts in the 2024 Construction Fund and 2024 Capitalized Interest Fund, if applicable and to execute all other documents and to take all other actions necessary or desirable to accomplish the investment of amounts in the 2024 Construction Fund.

SECTION 20. (a) Payment of principal on the City Bond shall be made, upon presentation of the City Bond at the corporate trust office of the Paying Agent, to the Record Date Registered Owner thereof who shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date.

(b) Payment of each installment of interest on the City Bond shall be made to the Record Date Registered Owner thereof whose name shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date. Interest shall be payable in the

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aforesaid manner irrespective of any transfer or exchange of such City Bond subsequent to the Record Date and prior to the due date of the interest.

(c) Principal of and interest on the City Bond shall be paid by the Paying Agent by check or draft mailed to the Registered Owner at the address appearing in the registration records of the Transfer Agent in time to reach the Registered Owner at least five (5) days prior to an Interest Payment Date. Any such address may be changed by written notice from the Registered Owner to the Transfer Agent by certified mail, return receipt requested, or such other method and at the times as may be subsequently prescribed by the Transfer Agent.

SECTION 1. The City may issue refunding bonds, in one or more series, with the consent of the Issuer pursuant to a supplement to this Bond Resolution or a separate resolution to provide funds for the refunding of all or a portion of the City Bond so long as: (a) no default has occurred and is continuing under this Bond Resolution or the Indenture; and (b) there shall have been filed with the City and the Trustee an opinion of Bond Counsel that the exclusion from gross income for federal income tax purposes of interest on the Series 2024 Bonds then outstanding under the Indenture shall not be adversely affected, if applicable.

Such refunding bonds shall be appropriately designated, shall be dated, shall bear interest at a rate or rates not exceeding the maximum rate then permitted by law, shall be numbered, shall have such paying agents and shall have such maturities and redemption provisions, all as may be provided in the supplement to this Bond Resolution or separate resolution of the Governing Body authorizing the issuance of such refunding bonds.

It is intended that this Section 21 allow for the provision of refunding bonds commensurate with the ability of the Issuer to issue its refunding bonds as provided in Section 2.05 of the Indenture.

SECTION 2. The City Bond shall be submitted to validation in the Chancery Court of DeSoto County, Mississippi, in the manner and with the force and effect provided by Sections 31-13-1 *et seq.*, Mississippi Code of 1972, as amended. The Clerk is hereby directed to prepare a transcript of all legal papers and proceedings relating to the City Bond and to certify and forward the same to the State's Bond Attorney for the institution of validation proceedings.

SECTION 3. The City covenants to comply, if applicable, with each requirement of the Code and the regulations promulgated thereunder necessary to maintain the exclusion of interest on the Series 2024 Bonds from gross income for federal income tax purposes, and in furtherance thereof, to comply, if applicable, with a certificate of the City to be executed and delivered concurrently with the issuance of the City Bond and the Series 2024 Bonds, or such other covenants as may, from time to time, be required to be complied with in order to maintain the exclusion of interest on the Series 2024 Bonds from gross income for federal income tax purposes, if applicable. The City shall not use or permit the use of any of the proceeds of the City Bond or the Series 2024 Bonds, or any other funds of the City, directly or indirectly, to acquire any securities, obligations or other investment property, and shall not take or permit to be taken any other action or actions, which would cause any Series 2024 Bond to be an "arbitrage bond" as defined in Section 148 of the Code, if and as applicable. Notwithstanding any other provisions to the contrary, so long as necessary in order to maintain the exclusion of interest on the Series 2024 Bonds from gross income for federal income tax purposes under the Code, if applicable, the covenants contained in this Section 23 shall survive the payment of the City Bond and the Series 2024 Bonds and the interest thereon, including any payment or defeasance thereof.

SECTION 4. The City represents as follows, if and as applicable to the Series 2024 Bonds and the City Bond:

(a) The City shall take no action that would cause the Series 2024 Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code;

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- (b) The City shall take all necessary action to have the Series 2024 Bonds registered within the meaning of Section 149(a) of the Code; and
- (c) The City will not employ any device or abusive transaction with respect to the investment of the proceeds of the Series 2024 Bonds and, to the extent necessary, the City Bond.

SECTION 5. The City hereby covenants that, if applicable, in connection with the Series 2024 Bonds it shall make, or cause to be timely made to the United States of America, any rebate payment required by Section 148(f) of the Code and the regulations promulgated thereunder and to that end, will enter into the Arbitrage Rebate Agreement (as defined in the Indenture) (or similar agreement respecting such federal income tax matters) with the Issuer and the Trustee.

SECTION 6. The Mayor or his designee or an Authorized Officer is hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G "Information Return for Governmental Obligations" if required by Section 149(e) of the Code.

SECTION 7. The Mayor or his designee or an Authorized Officer is hereby authorized to execute a non-arbitrage certification in order to comply with Section 148 of the Code and the applicable regulations thereunder.

SECTION 8. Pursuant to SEC Rule 15c2-12(b)(5) (the "Rule"), the City, as an "obligated person" under the Rule, hereby covenants and agrees to enter into the Continuing Disclosure Certificate, setting forth the City's agreement with regard to continuing disclosure and to comply with the covenants set forth therein and carry out all of the provisions of the Continuing Disclosure Certificate. In the event the City fails to comply with the provisions of the Continuing Disclosure Certificate, the beneficial owners of the Series 2024 Bonds may take such actions as may be necessary and appropriate, including mandamus or specific performance by court order, to cause the City to comply with its obligations set forth in the Continuing Disclosure Certificate and this Section.

SECTION 9. (a) The Issuer and the City, without the consent of the owners of any of the Series 2024 Bonds outstanding under the Indenture, may enter into supplements to this Bond Resolution which shall not be inconsistent with the terms and provisions hereof for any of the purposes heretofore specifically authorized in this Bond Resolution or the Indenture, and in addition thereto for the following purposes:

- (i) To cure any ambiguity or formal defect or omission in the Indenture;
- (ii) To grant to or confer upon the Trustee for the benefit of the Bondholders any additional benefits, rights, remedies, powers or authorities that may lawfully be granted to or conferred upon the Bondholders or the Trustee, or to make any change which, in the opinion of Bond Counsel, does not materially and adversely affect the interest of the owner of the City Bond and does not require unanimous consent of the Bondholders pursuant to Section 12.01 of the Indenture;
- (iii) To subject to the Indenture additional Revenues (as such term is defined in the Indenture), properties or collateral;
- (iv) To modify, amend or supplement this Resolution in such manner as required to permit the qualification hereof under the Trust Indenture Act of 1939, as amended, or any similar federal statute hereafter in effect, to permit qualification of the City Bond or the Series 2024 Bonds for sale as exempt securities or in exempt transactions under the Securities Act, the Exchange Act or the securities laws of any state or to avoid registration

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under the Investment Company Act of 1940, as amended, or any similar federal statute hereafter in effect, or to permit compliance with the Code;

(v) To conform the text herein to any description or summary of this Resolution in any official statement or other offering document with respect to the City Bond or the Series 2024 Bonds to the extent that such description or summary was intended to be a verbatim recitation of a provision herein; and

(vi) To evidence the appointment of a separate or co-trustee or the succession of a new Trustee under the Indenture or the succession of a new registrar and/or paying agent.

(d) The provisions of this Bond Resolution may be amended in any particular with the written consent of the Issuer to the extent authorized by the Indenture; provided, however, that no such amendment may be adopted which decreases the percentage of owners of Series 2024 Bonds required to approve any amendment, or which permits a change in the date of payment of the principal of or interest on any Series 2024 Bonds or of any redemption price thereof or the rate of interest thereon.

(e) If at any time the Issuer and the City shall request the Trustee to consent to a proposed amendment of this Bond Resolution for any of the purposes of this Section 29, the Trustee shall, upon being satisfactorily indemnified and/or secured with respect to expenses, cause notice of the proposed execution of such proposed amendment to be given in the manner required by the Indenture to redeem Series 2024 Bonds. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal corporate trust office of the Trustee for inspection by all holders of Series 2024 Bonds. If, within sixty (60) days or such longer period as shall be prescribed by the Issuer following such notice, the owners of not less than a majority in aggregate principal amount of the Series 2024 Bonds outstanding at the time of the execution of any such proposed amendment shall have consented to and approved the execution thereof as herein provided, no owner of any Series 2024 Bond shall have any right to object to any of the terms and provisions contained therein, or the operation thereof, or in any manner to question the propriety of the execution thereof, or to enjoin or restrain the Trustee, the City or the Issuer from executing or approving the same or from taking any action pursuant to the provisions thereof. Upon the execution of any such proposed amendment permitted and provided in this Section, this Bond Resolution shall be modified and amended in accordance therewith.

(f) Copies of any such supplement or amendment shall be filed with the Trustee and delivered to the Issuer and the City before such supplement or amendment may become effective.

SECTION 10. The Indenture, in the form submitted as **Exhibit B** hereto to this meeting, is hereby made part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Mayor or his designee or an Authorized Officer, be, and hereby is, authorized to approve such additional changes as may be requested by the Issuer. The Governing Body hereby approves and acknowledges the Indenture and the terms and provisions thereof and recognizes that many items governing the terms and conditions of the City Bond are based upon terms, limitations and conditions as provided in the Indenture.

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SECTION 11. The City Bond Purchase Agreement, in the form submitted as **Exhibit C** hereto to this meeting, is hereby made part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Mayor or his designee or an Authorized Officer and the Clerk, are hereby authorized and directed to execute and deliver the City Bond Purchase Agreement with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 12. The Governing Body of the City hereby authorizes, due to the character of the Series 2024 Bonds, the complexity of structuring the Series 2024 Bonds and prevailing market conditions, to negotiate for the sale of the Series 2024 Bonds with the Underwriter and to approve the submission of the form of the Bond Purchase Agreement for the sale of the Series 2024 Bonds to the Issuer and the City, for approval at a subsequent date to be determined by the Municipal Advisor and the City to be the most financially advantageous to the City and the Issuer and hereby gives authority to the Mayor or his designee or an Authorized Officer to approve the sale of the Series 2024 Bonds and to make the final decisions regarding (i) the aggregate principal amounts of the Series 2024 Bonds, (ii) the redemption provisions of the Series 2024 Bonds, (iii) the interest rates to be borne by the Series 2024 Bonds, (iv) the maturity dates of the Series 2024 Bonds, (v) the principal and interest payment dates for the Series 2024 Bonds, and (vi) to make all final determinations necessary to structure the Series 2024 Bonds; provided that the terms of the City Bond will mirror said terms of the Series 2024 Bonds. The Bond Purchase Agreement, in the form attached hereto as **Exhibit D** and when presented for execution, is hereby approved in all respects, subject to the following conditions: (1) the par amount of the Series 2024 Bonds will not exceed \$12,000,000; (2) the net interest cost of the Series 2024 Bonds will not exceed 11.00%; (3) the Series 2024 Bonds will mature no later than twenty (20) years from the date of issuance thereof; (4) the net proceeds of the City Bond shall be applied to the costs of the Project and to pay for the costs of issuance of the Series 2024 Bonds and the City Bond; and (5) the terms and provisions of the Series 2024 Bonds and the City Bond are in compliance with the Act. The form of the Bond Purchase Agreement in substantial form is hereby approved in all respects and the Mayor or his designee or an Authorized Officer is hereby authorized and directed to execute and deliver the Bond Purchase Agreement for and on behalf of and in the name of the City for the sale of the Series 2024 Bonds, with such changes, omissions, insertions and revisions, as may be approved by either such officer, said execution being conclusive evidence of such approval.

SECTION 13. (a) The form of the Preliminary Official Statement is submitted to this meeting and made a part of this resolution as though set forth in full herein shall be, and the same hereby is, approved in substantially said form. The Mayor or his designee or an Authorized Officer is hereby authorized and directed to execute and deliver, as applicable, the Preliminary Official Statement with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The Preliminary Official Statement is hereby "deemed final" by the City as described in the Rule. The Mayor or his designee or an Authorized Officer is hereby authorized and directed to execute and deliver the Official Statement in connection with the Series 2024 Bonds with such changes, insertions and omissions as may be approved by such officer from the Preliminary Official Statement, said execution being conclusive evidence of such approval. Said Preliminary Official Statement is attached hereto as **EXHIBIT E**.

(b) If in the opinion of the Bond Counsel, the Underwriter and the Municipal Advisor, a supplement or amendment to the Preliminary Official Statement and/or Official Statement is necessary to provide proper disclosure for the Series 2024 Bonds, the Governing Body of the City hereby authorizes (a) Bond Counsel to prepare and distribute such supplement or amendment to the Preliminary Official Statement and/or the Official Statement in a form and in a manner approved by the Underwriter, and (b) the Underwriter to provide distribution of such supplement or amendment to the Preliminary Official Statement and/or Official Statement, as the case may be, in connection with the sale of the Series 2024 Bonds, with the distribution of such supplement or amendment being conclusive evidence of the approval of the Governing Body.

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(c) The Continuing Disclosure Certificate, in the form attached to the Preliminary Official Statement as submitted to this meeting, is hereby made part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Mayor or his designee or an Authorized Officer and the Clerk are hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 14. Copies of the documents provided for in Sections 30 through 33 of this Bond Resolution in the forms submitted to this meeting and approved in substantially said forms by this Bond Resolution are on file in the office of the Clerk.

SECTION 15. The Mayor or his designee or an Authorized Officer and the Clerk are authorized and directed to execute and deliver any additional documents, agreements, instruments, requisitions and certificates, which are required in connection with the sale and issuance of the Series 2024 Bonds and the City Bond. Notwithstanding any other provision herein or in any attachments hereto, the Governing Body further authorizes any necessary changes to the name or title or series and year designation of the Series 2024 Bonds or the City Bond and corresponding changes to any of the related documents approved hereby if it is determined, after consultation with the Municipal Advisor, that it is in the best interest of the City for the Series 2024 Bonds to be issued at a later date, pursuant to a different structure, or in one or more tax-exempt or taxable series, or as a private placement transaction as the municipal bond market conditions may dictate.

SECTION 16. If the Project or any improvements located thereon shall be damaged or destroyed (in whole or in part) at any time while any of the City Bond remains outstanding, there shall be no abatement or reduction in the amount payable by the City hereunder and under the City Bond. Also, if at any time while any Series 2024 Bonds remain outstanding, and the whole or any part of title to, or the use of, the Project shall be taken by condemnation, there shall be no abatement or reduction in the amount payable by the City hereunder.

SECTION 17. Except as otherwise expressly provided herein, nothing in this Bond Resolution, express or implied, is intended or shall be construed to confer upon any Person or firm or corporation other than the City, the Issuer and the Trustee, any right, remedy or claim, legal or equitable, under and by reason of this Bond Resolution or any of the provisions hereof or the Indenture or any provision thereof. This Bond Resolution, the Indenture and all of their provisions are intended to be and shall be for the sole and exclusive benefit of the City, the Trustee and the Issuer.

SECTION 18. The Mayor or his designee or an Authorized Officer is hereby authorized and directed to sign requisitions and perform such other acts as may be necessary to authorize the payment by the Trustee under the Indenture on the date of issuance and delivery of the Series 2024 Bonds, the costs of issuance for the Series 2024 Bonds and the City Bond.

SECTION 19. The Governing Body hereby approves the designation of The Peoples Bank, Biloxi, Mississippi, as the Paying Agent and Trustee for the Series 2024 Bonds under the Indenture.

SECTION 20. The Mayor or his designee or an Authorized Officer and the Clerk are authorized to execute and deliver such resolutions, agreements, certificates and other documents as are required for the sale, issuance and delivery of the City Bond, including the approval of the final Official Statement in connection with the Series 2024 Bonds. The Governing Body further authorizes Bond Counsel, City Counsel, the Underwriter and the Municipal Advisor, to prepare and distribute all necessary documents and to do all things required in order to negotiate the sale of the Series 2024 Bonds and to effectuate the sale and issuance of the City Bond and the Series 2024 Bonds.

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SECTION 21. The Mayor or his designee or an Authorized Officer and the Clerk are further authorized and directed to execute and deliver such additional documents and certificates which are required in connection with this Bond Resolution to provide for the sale, issuance and delivery of the City Bond and the Series 2024 Bonds.

SECTION 22. If the Municipal Advisor deems it in the bests interest of the City and the Issuer to apply for municipal bond insurance for the Series 2024 Bonds, the Governing Body hereby approves the execution of a commitment for the provision of municipal bond insurance for the Series 2024 Bonds and any additional documents and certificates which are required by any provider of such municipal bond insurance selected to provide credit enhancement in connection with the issuance of the Series 2024 Bonds. The Mayor or his designee or an Authorized Officer is hereby authorized to approve any changes, insertions and omissions as may be required by the provider of the municipal bond insurance to the Bond Purchase Agreement, the Preliminary Official Statement and Official Statement, the Indenture and the City Bond Purchase Agreement, as are approved by the Mayor or his designee or an Authorized Officer, evidenced by his/her execution of the commitment for said municipal bond insurance and other additional documents and certificates. In addition, the executive director of the Issuer and/or an authorized officer of the Issuer are hereby authorized to apply for municipal bond insurance and execute a commitment for the provision of municipal bond insurance and any additional documents and certificates which are required by any provider of such municipal bond insurance selected to provide credit enhancement in connection with the issuance of the Series 2024 Bonds.

SECTION 23. If the Municipal Advisor deems it in the best interest of the City and the Issuer to sell the Series 2024 Bonds as a privately placed transaction (the “Private Placement Transaction”) due to municipal bond market conditions, the Governing Body authorizes and approves: (a) the Private Placement Transaction in order to conform to such determination by the Municipal Advisor; (b) the Private Placement Agreement in the form submitted to this meeting and attached hereto as **EXHIBIT F**; (c) Raymond James & Associates, Inc., as placement agent for the Private Placement Transaction (the “Placement Agent”); and (d) any term sheet (the “Term Sheet”), if applicable, of a bank or consortium of banks or a qualified institutional buyer, as purchaser or lender (the “Lender”) in connection with the Private Placement Transaction.

SECTION 24. If the Series 2024 Bonds are sold as a Private Placement Transaction the following shall apply: (a) the Series 2024 Bonds shall be initially issued as fully registered bonds in the principal denomination of \$100,000 and increments of \$1,000 each thereafter, or integral multiples thereof up to the amount of a single maturity, (b) shall be subject to redemption in the manner, to the extent and with such notice as stated in the Private Placement Agreement and the Term Sheet, (c) shall be delivered to the Lender upon payment of the purchase price therefor in accordance with the terms and conditions of the Private Placement Agreement and the Term Sheet, (d) shall be authenticated and delivered to, upon the order of or as directed by the Lender thereof upon payment of the purchase price of the Series 2024 Bonds to the Trustee in accordance with the Private Placement Agreement and the Term Sheet, (e) may or may not have CUSIP numbers assigned thereto as specified in the Private Placement Agreement and the Term Sheet, and (d) the execution of the Private Placement Agreement by the Mayor or his designee or an Authorized Officer, is subject to the same conditions provided in Section 32 as are applicable to the execution of the Bond Purchase Agreement.

SECTION 25. If any one or more of the provisions of this Bond Resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this Bond Resolution, but this Bond Resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

SECTION 26. All resolutions and orders or parts thereof in conflict herewith are, to the extent of such conflicts, hereby repealed, and this Bond Resolution shall become effective immediately.

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Alderman Flores made the motion and Alderman Kelly seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

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

The motion having received the affirmative vote of a majority of the members present, being a quorum of said members, the Mayor declared the motion carried and the resolution adopted this the 21st day of May 2024.

EXHIBIT A

PROOF OF PUBLICATION

EXHIBIT B

FORM OF INDENTURE OF TRUST

EXHIBIT C

FORM OF CITY BOND PURCHASE AGREEMENT

EXHIBIT D

FORM OF BOND PURCHASE AGREEMENT

EXHIBIT E

FORM OF PRELIMINARY OFFICIAL STATEMENT

EXHIBIT F

FORM OF PRIVATE PLACEMENT AGREEMENT

A copy of the exhibits are attached and incorporated into these minutes.

DISCUSSION OF EMS BILLING RATES

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

Mr. Manley stated that in the last legislative session, HB 1489 was approved, which allows reimbursement up to 325% of the reimbursement allowed by Medicare for ambulance services. Currently, the City's ambulance/EMS rates are among the lowest in the area, as the City did not want to bill its patients for the amounts over the insurance payment. However, based on the language in HB 1489, the State is now requiring as the minimum payment of 325% of the reimbursement allowed by Medicare; thus, the City could

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increase the EMS rates to be consistent with the neighboring governmental entities and collect the payment without having to bill the amount not paid by insurance. Attached is the current rate structure for each entity, which can be discussed at the meeting for the possible increase in July. There was some discussion among the Board of Alderman. Chief Scallions made the recommendation to adopt the billing rates after July 1, 2024 since that is when the rates will go in effect. No action was taken.

A copy of the rate chart for each entity is attached and incorporated into these minutes.

RESOLUTION APPOINTING MML DELEGATES

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

Mr. Manley stated that this resolution will appoint the City’s Delegates for MML. The delegates will be the individuals to vote on behalf of the City. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION APPOINTING
MISSISSIPPI MUNICIPAL LEAGUE
2024 VOTING DELEGATES
FOR THE CITY OF SOUTHAVEN

WHEREAS, the Mississippi Municipal League needs to elect the MML 2nd Vice President; and

WHEREAS, the City of Southaven (“City”) Board desire to designate in its minutes the voting delegate and two alternates to cast the vote for the City; and

NOW, THEREFORE, BE IT RESOLVED BY THE OF THE CITY OF SOUTHAVEN:

The voting delegate(s) for the 2024 Mississippi Municipal League election to be held at the annual convention on June 25, 2024 are as follows:

- Voting Delegate: Darren Musselwhite, Mayor
- First Alternate: William Jerome, Alderman Ward 3
- Second Alternate: George Payne, Alderman At Large

That public interest and necessity requiring same, this Resolution shall become effective upon passage. The above and foregoing Resolution, after having been first reduced to writing, was introduced by Alderman Flores, seconded by Alderman Gallagher, and was adopted by the following vote, to-wit:

ALDERMAN	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT
Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	YES

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AUTHORIZATION TO SEEK RFP FOR STREET SWEEPING CONTRACT

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

Mr. Manley stated that Public Works has requested to seek quotes/services for street sweepers. Alderman Payne made the motion to authorize advertising for bids. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

APPROVAL OF RIGHT OF WAY AGREEMENT WITH ENTERGY

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

Mr. Manley stated that this ROW agreement with Entergy is required on the property for Southaven Fire Station Number 5 so the transformer can be set on the property. Alderman Payne made the motion to authorize Chief Scallions to sign the contract. Motion was seconded by Alderman Flores.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

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

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RESOLUTION FOR CLOSURE OF PORTION OF OLD AIRWAYS ROAD

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

Mr. Manley stated that this resolution will authorize the northern portion of Old Airways Road connecting to Church Road. The closure is required due the MDOT construction to expand Interstate 55 to ten (10) lanes in early 2026 and this construction will widen Church Road and add a loop thereby eliminating the northern portion of Old Airways Road. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION OF CITY OF SOUTHAVEN TO CLOSE AND
VACATE A PORTION OF OLD AIRWAYS ROAD**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi ("City") took up for consideration the matter of closing a portion of Old Airways Road.

Thereupon, Alderman Gallagher offered and moved the adoption of the following resolution:

A RESOLUTION TO CLOSE AND VACATE A PORTION OF OLD AIRWAYS ROAD

WHEREAS, pursuant to Mississippi Code Section 21-37-3, the City has full jurisdiction over all streets and roads located within the City; and

WHEREAS, Old Airways Road is located within the City; and

WHEREAS, pursuant to Miss. Code Section 21-37-7, the governing authorities of the City have the power to close and vacate any street or portion thereof; and

WHEREAS, the Mississippi Department of Transportation ("MDOT") will begin construction to expand Interstate 55 to ten (10) lanes in early 2026 and this construction will widen Church Road and add a loop thereby eliminating the northern portion of Old Airways Road, as specifically set forth in Exhibit A; and

WHEREAS, as part of the Interstate 55 construction, MDOT will add a 90-degree road from Old Airways to Airways; and

WHEREAS, the closing of the northern portion of Old Airways Road connecting to Church Road will serve the public interest and good by assisting with the alleviation of traffic within the City and provide sufficient notice and preparation for the closure of this section of the road when construction for the widening of I-55 occurs; and

WHEREAS, no public hearing is required for the closure of Old Airways Road (*see Hopkins v. City of Mendenhall*, 116 So. 3d 166 (Miss. Ct. App., January 29, 2013)); and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

SECTION 1. Based on the findings above, the northern portion of Old Airways Road, as set forth in Exhibit A, shall be closed and vacated effective May 27, 2024.

SECTION 2. The governing authorities of the City hereby find that the abutting property owner is MDOT, which is the entity closing the northern portion of Old Airways Road

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during its construction; thus, there is no damage due to the closure and vacation of said Road but instead will benefit from said closing and vacation as the closing of the portion of Old Airways Road will assist with the reduction of traffic and traffic flow, along with providing adequate notice and preparation for the closure by MDOT. Further, the governing authorities of the City of hereby find that said closure and vacation is in the public interest and for the public benefit.

SECTION 3. That this Resolution shall become effective and be in full force from and after being certified by the City Clerk and signed by the Mayor.

Alderman Jerome seconded the motion to adopt the foregoing Resolution, and the vote thereupon was as follows:

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

RESOLVED AND DONE, this 21st day of May, 2024.

A map reflecting closure is attached and fully incorporated into these minutes.

CHANGE ORDERS

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

a. Resolution for Change Order for Parks Improvement Plan

Mr. Manley stated that this resolution will authorize the change order in the amount of \$194,724.84 increases quantities and adds new line items to complete work for securing an ingress/egress easement for the connection of the trail to Swinnea Rd, to add crossings at Central Park for maintenance, to re-deck the Snowden kids park bridge, and to remove and replace the bridge crossing at Jim Saucier Park. 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 TO AMEND FY 2022 BUDGET**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the 2024 City Budget.

WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its FY24 budget by transferring surplus funds from prior year to the City Parks Machinery & Equipment (411-630400) for the purchase of golf carts; and

WHEREAS, the City Governing Authorities, as part of this Amendment, desire to authorize such purchases and reflect in the minutes; and

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NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. The City Board approves the budget amendment and authorize prior year surplus funds in the amount of \$75,0000 to be transferred to the City Parks Machinery & Equipment (411-630400) for the purchase of golf carts.
- 2. If required, the City is authorized to publish within two (2) weeks of this action in the same manner as the final adopted budget. This publication shall contain a description of the amendment, the amount of money and funds affected, and a detailed statement explaining the need and purpose of the amendment.
- 3. The Mayor or his designee are authorized to take all actions to further effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Flores 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	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT
Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	YES

RESOLVED AND DONE, this the 21st day of May, 2024.

b. Southaven Fire Station Number 5 Change Order

Mr. Manley stated that the change order is less than 1% (\$11,523.51) of the total contract price; thus, in accordance with Miss. Code 31-7-13, the Board previously approved the architect and Chief Scallions have signed. This change order will be entered into the minutes.

A copy of the change orders and breakdown are attached and fully incorporated into these minutes.

RESOLUTION HONORING JERRY STREET

Mayor Musselwhite presented this item to the Board.

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Jerry Street was a young man who lived in Southaven and played for the Greenbrook Baptist Church. He was well known and well liked in the church softball world in the 1980s as an outstanding player, soft-spoken young man, and an outstanding teammate. Tragically, he was killed along with 3 other Southaven High School students in an automobile accident after the 1986 SHS Prom. At some point shortly after his death, the field was named in his honor and had a sign noting such for many years. However, there was nothing in City records reflecting the naming; thus, this resolution will make it official. The Board of Alderman considered the following resolution:

RESOLUTION OF THE CITY OF SOUTHAVEN TO NAME CITY PARK PROPERTY AS THE JERRY STREET PARK

WHEREAS, pursuant to Mississippi Code 21-17-5, the City of Southaven ("City") governing authorities shall have the care, management and control of the City property and the power to adopt any resolution with respect to City property; and

WHEREAS, pursuant to Mississippi Code 17-1-3, the City may operate and create public parks; and

WHEREAS, the City Governing Authorities deem it fitting and proper to publicly recognize citizens who occupy a special place in City history; and

WHEREAS, Jerry Street lived in the City and was an outstanding softball player for Greenbrook Baptist Church; and

WHEREAS, Jerry Street, although soft spoken, was a leader and well known during the 1980's for being an outstanding teammate, along with his softball prowess within the closely knit church softball community; and

WHEREAS, tragically, Jerry Street, along with three (3) other Southaven High School Chargers were killed in an automobile accident after the 1986 Southaven High School Prom; and

WHEREAS, during the immediate time period after Jerry Street's death, a City softball field was named in his honor and had a sign noting such for many years; and

WHEREAS, Jerry Street, during his brief life, made a tremendous impact within the City; and

WHEREAS, City Governing Authorities desire to honor and officially name the City Property, which is accessed by Caprock Cove and is commonly and locally known as "The Hole" by longtime City residents, as the Jerry Street Park.

NOW THEREFORE, in consideration of the findings previously noted, be it resolved as follows:

1. The City Governing Authorities do hereby honor Jerry Street's life and memory by officially naming the City Property, which is accessed by Caprock Cove and is commonly and locally known as "The Hole" by longtime City residents, as the **Jerry Street Park**.

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2. The Mayor, on behalf of the City, is authorized to take any and all actions to effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Gallagher 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	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT
Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 21st day of May, 2024.

AUTHORIZATION FOR PARKS DIRECTOR TO SIGN AMPHITHEATER CONTRACTS

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

Mr. Manley stated that there were approximately forty (40) premium seating contracts for BankPlus Amphitheater that were entered into for the boxes. These contracts range from one (1) to three (3) years for the various boxes. They have been signed by the individual parties and now need to be signed by the City. Alderman Payne made the motion to authorize Wes Brown to sign the contracts. Motion was seconded by Alderman Jerome.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

A copy of the contracts are attached and fully incorporated into these minutes.

RESOLUTION FOR BUDGET AMENDMENTS

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- a. Resolution for Parks Budget Amendment - This resolution authorizes the transfer of \$75,000 from surplus to Parks Machinery & Equipment (411-630400) for golf carts.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
APPROVING CHANGE ORDER FOR CITY PARKS IMPROVEMENT PROJECT**

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

WHEREAS, during the course of construction for the Project, it has been recommended and required that the tasks set forth in Exhibit A be completed as part of the Project; and

WHEREAS, based on the recommendation of the City Engineer, who is overseeing the Project, the City desires to proceed with the suggested requirements as set forth 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 \$194,728.84.
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 Payne made the motion and Alderman Jerome 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: ABSENT

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Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: ABSENT
Alderman Raymond Flores	voted: YES

ORDERED AND DONE, this 21st day of May, 2024.

- b. Resolution for Animal Control Budget Amendment – This resolution authorizes transfer of \$27,253.00 to hire 2 new Animal Control positions - an officer and kennel tech.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND FY 2022 BUDGET

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the 2024 City Budget.

WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its FY24 budget by transferring prior year funds in the amount of \$27,523.00 to the current fiscal year for the City Animal Control Department to hire two (2) new positions (officer and kennel tech).; and

WHEREAS, the City Governing Authorities, as part of this Amendment, desire to; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 4. The City Board approves the budget amendment in the amount of \$27,523.00 as set forth in Exhibit A and authorizes the Mayor or his designee to take any and all actions for such amendment.
- 5. If required, the City is authorized to publish within two (2) weeks of this action in the same manner as the final adopted budget. This publication shall contain a description of the amendment, the amount of money and funds affected, and a detailed statement explaining the need and purpose of the amendment.
- 6. The Mayor or his designee are authorized to take all actions to further effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Flores 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	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT

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Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	YES

RESOLVED AND DONE, this the 21st day of May, 2024

EXHBIIT A

	Current		Amendment	Amended Total
511-600100	Salaries	258,000.00	\$17,000.00	275,000.00
511-601900	State Retirement	46,200.00	\$1,787.50	47,987.50
511-602200	FICA	20,000.00	\$1,037.50	21,037.50
511-602500	Medical Insurance	35,000.00	\$7,428.00	42,428.00
0010-570102	Prior Year Transfer	-	\$(27,253.00)	(27,253.00)

DONATION DOCKET

DONATION DOCKET 01/16/2024					
Date of Donation	Donation Item	Money Donation	Person / Entity Making Donation	Department	Budget Code
5/13/2024	check # 2338	\$85.00	DESOTO COUNTY DETER	POLICE	211-626102
Total		\$85.00			

Alderman Flores made the motion to approve the Donation Docket of May 21, 2024 as presented to this Board. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

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RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none.

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

WHEREAS, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit:

CONDEMNATION ADDRESS

PARCEL#1086410000001900
PARCEL#1085150000000100
8841 CAT TAIL COVE
SE1/4NE/4 Sec.26 T.1 S., R. 8W TRANSMISSION LINES
SE1/4NE/4 Sec.26 T.1 S., R. 8W TRANSMISSION LINES
PARCEL#1087260900000200
4400 CHALICE DR.
8948 SMITH RANCH DR.
PARCEL#1087260900000201
PARCEL#1079310800000702
PARCEL#1079301400000400
5357 BRADLEY LANE
5442 BRADLEY LANE
568 HAVEN HILL COVE
PARCEL#2072102900000100
PARCEL#2072102900000300
8440 OLIVIA LANE
1628 TOWN & COUNTRY DR.
PARCEL#1074192900000100
PARCEL#1074192900000200
PARCEL#1074192900000300
PARCEL#1074191400000500
PARCEL#1074191400000600
PARCEL#1086130600000200
PARCEL#1086130600000300

To the effect that the said parcel of land has been neglected whereby the grass height is in violation and there exist other unsafe conditions and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, **May 21, 2024** by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

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WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, **May 21, 2024**, to voice objection or to offer a defense.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the above described parcel of land located at:

CONDEMNATION ADDRESS

PARCEL#1086410000001900
PARCEL#1085150000000100
8841 CAT TAIL COVE
SE1/4NE/4 Sec.26 T.1 S., R. 8W TRANSMISSION LINES
SE1/4NE/4 Sec.26 T .1 S., R. 8W TRANSMISSION LINES
PARCEL#1087260900000200
4400 CHALICE DR.
8948 SMITH RANCH DR.
PARCEL#1087260900000201
PARCEL#1079310800000702
PARCEL#1079301400000400
5357 BRADLEY LANE
5442 BRADLEY LANE
568 HAVEN HILL COVE
PARCEL#2072102900000100
PARCEL#2072102900000300
8440 OLIVIA LANE
1628 TOWN & COUNTRY DR.
PARCEL#1074192900000100
PARCEL#1074192900000200
PARCEL#1074192900000300
PARCEL#1074191400000500
PARCEL#1074191400000600
PARCEL#1086130600000200
PARCEL#1086130600000300

is deemed in the existing condition to be a menace to the public health and safety of the community.

BE IT FURTHER RESOLVED that the City of Southaven shall, if the owners of the above described parcel of land do not do so themselves, immediately proceed to clean the respective parcel of land, by the use of municipal employees or by contract, by cutting weeds and grass and removing rubbish and other debris.

Following the reading of this Resolution, it was introduced by Alderman Payne and seconded by Alderman Kelly. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN

Alderman George Payne

VOTED

YES

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Alderman Kristian Kelly	YES
Alderman Charlie Hoots	ABSENT
Alderman William Jerome	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 21st day of May 2024.

PLANNING AGENDA
No Planning Agenda

MAYOR'S REPORT

Rasco Greenbrook Parkway Traffic Signal
Mayor Musselwhite stated that the poles for the Rasco Greenbrook Parkway Traffic Signal are up and should be finished mid next week.

Street Resurfacing Update
Mayor Musselwhite stated that there are still several streets on the street resurfacing list and Lehman Roberts will start back this week on Swinnea Road.

PERSONNEL DOCKET

Personnel Docket		May 21, 2024		
New Hire	Department	Position Title	Start Date	Rate of Pay
Ethan Carter	Parks	PT Front Desk	5/22/2024	\$9.50
John Millwood	Parks	Seasonal	5/22/2024	\$12.60
William Dauler	Police	Police Officer 1	6/3/2024	\$25.99
Adam McMahan	Police	Police Officer 1	6/3/2024	\$25.99
Gabriel Valadez	Police	Police Officer 1	6/3/2024	\$25.99
Brandon Martin	Police	Police Officer 3	TBD	\$28.11
Jonathan Prewitt	Police	Police Officer 4	5/22/2024	\$30.13
Mark Wineinger	Parks	Golf Pro	TBD	\$55,000 annually
Parker Mallett	Fire	Fire Fighter II	TBD	\$18.48
Jacob Mynatt	Fire	Fire Fighter II	TBD	\$18.48
Kendall Steen	Fire	Fire Fighter II	TBD	\$18.48
Charles Washington	Fire	Fire Fighter II	TBD	\$18.48
Transfer	Current Dept./Position Title	New Position Title	Effective Date	Rate of Pay
Andrew Mease	Planning/Code Enforcement Officer	Police Officer 4	5/22/2024	\$30.13
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Nicholas Thornton	Patrol Officer II	Patrol Officer III	06/17/2024	\$28.11
Terrence Jones	Fire Fighter 3	Driver/Operator	5/19/2024	\$20.56
Martice Buckley	Patrol Officer 2	Patrol Officer 3	5/20/2024	\$28.11
Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Coby Scott	Parks	Laborer 2	2/3/2024	\$16.45
Sarah Pounders	Police	Patrol Officer 1	5/21/2024	\$25.99
Forrest Quay Roberts	Planning	Code Enforcement Officer	5/18/2024	\$21.63
Dustin Flowers	Public Works	Laborer	5/15/2024	\$15.91
Robin Grace	Police	Patrol Officer 4	6/2/2024	\$30.13
Parks Tournaments				
New Hires	Position Title	Start Date	Rate of Pay	
Tammy Finch	Gates	5/22/2024	\$9.75	
William Gillespie	Gates	5/22/2024	\$9.75	
Marcia Naylor	Gates	5/22/2024	\$9.75	
Madeline Reynolds	Concessions	5/22/2024	\$9.50	
Krista Martin	Concessions	5/22/2024	\$10.25	
Nicole Moslow	Gates	5/22/2024	\$9.75	
Darby Smith	Gates	5/22/2024	\$9.75	
Kaleb McAllister	Gates	5/22/2024	\$9.75	
Tamajin Anding	Gates	5/22/2024	\$9.75	
Janiya Townley	Gates	5/22/2024	\$9.75	
Brycelyn May	Gates	5/22/2024	\$9.75	
Macee Martin	Gift Shop	5/23/2024	\$9.50	
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Eva Shea	Supervisor	Supervisor I	5/22/2024	\$11.75

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Alderman Payne made the motion to approve the Personnel Docket of May 21, 2024 as presented to this Board. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

CITY ATTORNEY'S LEGAL UPDATE

Fire Department Emergency Purchase / Fire Truck

Mr. Manley stated that the Fire Department is requesting approval for an emergency purchase of a fire truck from Pierce. There was some discussion about the salvage value of an inoperable truck and to purchase an older model with those funds as a back up truck. The Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FOR APPROVAL OF EMERGENCY PURCHASE BY SOUTHAVEN FIRE DEPARTMENT

WHEREAS, in accordance with Mississippi Code Section 21-25-3, the City of Southaven ("City") Governing Authorities have the power to provide for the prevention and extinguishment of fires, to organize, establish, operate, and maintain fire and hook and ladder companies, to provide for and maintain a fire department and system, and to regulate the same; and

WHEREAS, the City previously had three (3) trucks to assist with fire emergencies in the City; and

WHEREAS, City Fire Truck 3, which was rendered inoperable due to damage by a fire, was a 2004 100' Platform aerial, which was the only platform aerial truck the City operated; and

WHEREAS, currently City Fire Truck 1, which is a 2010 78' ladder aerial that is the only dependable truck being operated by the City, as the inoperability to City Truck 3, has caused the City to rely on City Fire Truck 2, which is a 1994 75' ladder aerial that is thirty (30) years old and due to be retired; and

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WHEREAS, previously, the City only used City Fire Truck 2, only during the times that City Fire Truck 1 and 3 needed to go to the shop for service or repairs; and

WHEREAS, the City Fire Department had plan to order new aerial to replace City Fire Truck 3 as the City frontline platform and move truck 3 to reserve status and at that time, which would allow for the surplus City Fire Truck 2 from City inventory; and

WHEREAS, due to the damage of City Fire Truck 3, which is out of service, the City Fire Department is having to staff and utilize City Fire Truck 2 as the City primary aerial at City Fire Station 3; and

WHEREAS, due to the circumstances as set forth above, the City Fire Department is faced with the following issues regarding the ability to maintain a high level of emergency response:

1. City maximum aerial reach has been reduced from 100' to 78';
2. The City does not have an aerial truck in reserve status to move up to frontline when one of the frontlines need service or repairs;
3. City is now relying on a thirty (30) year old aerial as an everyday response apparatus;
4. City does not have a platform aerial that allows for better rescue capabilities.

WHEREAS, the City has been afforded the opportunity to purchase the Pierce 100' Platform Aerial ("Pierce Aerial") on or around August 1st, which will provide the City with the needed platform and return the maximum aerial reach to 100'; and

WHEREAS, the typical and ordinary time for delivery of the Pierce Aerial is approximately two (2) to three (3) years; and

WHEREAS, the City Fire Department is not able to consistently operate City Fire Truck 2 for that amount of time, which would leave the City with only one truck; and

WHEREAS, pursuant to Mississippi Code 31-7-13(k), the City Governing Authorities find that the circumstances above constitute the necessity of purchasing the Pierce Aerial on or around August 1, as an emergency exists in regard to the purchase of a fire truck and the delay incident to giving opportunity for competitive bidding is detrimental to the interest of City; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

Section 1. In accordance with the findings and applicable law as noted in this Resolution, the City Fire Chief and/or his designee is authorized to take any and all action to purchase the Pierce Aerial in the amount of \$2,029,845.00.

Section 2. The City Director of Finance is authorized to take any and all actions for the purchase and/or financing of the Pierce Aerial, so that the City is able to purchase by August 1st.

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Section 3. On behalf of the City, the Mayor, the City Fire Chief, City Finance Director or their designee are authorized to take all actions to effectuate the intent of this Resolution. Following the reading of the foregoing resolution, Alderman Gallagher made the motion to adopt the Resolution 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: ABSENT
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: ABSENT
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 21st day of May, 2024.

Authorization To Go To Bid For Snowden Lane Widening

Alderman Payne made the motion to authorize going to bid. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

Desoto Shred, LLC Contract

Alderman Flores made the motion to authorize Andrea Mullen to sign the contract with Desoto Shred, LLC for shredding services throughout the City. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

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Alderman Wheeler

Alderman Flores

ABSENT

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of May, 2024.

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK ADJUSTMENT DOCKET 05/21/2024						
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
1	RESIDENTIAL	COLBY BARHAM	414	CAROL ANN CV	(239.85)	SLAB LEAK
2	RESIDENTIAL	CARL KENNEDY	873	AUTUMN WOODS DR	(105.30)	LEAK UNDER SLAB
3	RESIDENTIAL	MICHELLE FRASIER	8561	LANA DR	(280.80)	LEAK ON SERVICE LINE
4	RESIDENTIAL	JOHN BROWN	5840	BEDFORD LOOP E	(239.51)	TOILET LEAK
5	COMMERCIAL	AMA INVESTMENT LLC	1175	MAIN ST	(1016.15)	REPAIRED BURST COPPER LINE
6	RESIDENTIAL	RENEE PICKARD	5315	WILDWOOD	(274.95)	SERVICE LINE LEAK
7	RESIDENTIAL	PAUL BROWN	8207	TCHULAHOMA	(101.15)	SERVICE LINE LEAK
8	RESIDENTIAL	MARK PATRICK	1107	WARWICK PL	(334.06)	TOILET LEAK
9	RESIDENTIAL	COURTNEY WALSH	8829	SWEET FLAG LOOP WEST	(194.25)	TOILET AND TUB LEAK
10	RESIDENTIAL	RENOLA JOHNSON	5985	STAFFORD DR	(381.08)	BURST PIPE BEHIND BATHROOM SINK
11	RESIDENTIAL	DEBRA JOYNER	8404	TOILET LEAK	(134.55)	TOILET LEAK
12	RESIDENTIAL	DIANNE CHILDRESS	1679	CHERRY CREEK DR	(76.05)	SLAB LEAK
13	RESIDENTIAL	VERNON KING	8628	LANA DR	(319.29)	LINE FROZE AND BURST
14	COMMERCIAL	SROA-1332-RASCO-MS LLC	1332	RASCO	(496.45)	BUSTED PIPE BEHIND BATHROOM WALL
15	RESIDENTIAL	TRACY CAIN	8664	GREENBROOK PKWY	(292.50)	SERVICE LINE LEAK
16	RESIDENTIAL	SHEILA FRANKLIN	1926	JEANNIE DR	(1679.41)	REPAIRED BUSTED WATER LINE
17	RESIDENTIAL	ALEX VARADI	3745	SUMMERWOOD LN	(959.40)	SERVICE LINE LEAK
18	RESIDENTIAL	AMERICAN HOMES 4RENT	2491	HUNTERS POINT	(333.45)	TOILET LEAK
19	COMMERCIAL	SHRUTHI BODA	8936	AIRWAYS BLVD	(582.05)	TOILET LEAK
TOTAL					(8040.25)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of May 21, 2024 in the amount of \$8,040.25. Motion was seconded by Alderman Jerome.

Roll call was as follows:

ALDERMAN

Alderman Jerome

Alderman Kelly

Alderman Hoots

Alderman Payne

Alderman Gallagher

Alderman Wheeler

Alderman Flores

VOTED

YES

YES

YES

YES

YES

ABSENT

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of May, 2024.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of May 21, 2024 in the amount of \$3,257,203.39. Motion was seconded by Alderman Flores.

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Excluding voucher numbers:

420311, 420358, 420419, 420470, 420495, 420552, 420555, 420562, 421142, 421144

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 21st day of May, 2024.

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 Gallagher to adjourn. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously May 21, 2024 at 6:55 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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