

BE IT REMEMBERED that the Mayor and Board of Aldermen met on April 18, 2023, at 5:00 P.M., this being the regular meeting time. Mayor Greg Graves called the meeting to order, and the following Aldermen were present: Simpson, Dear, Hale, Moore, and Tanksley. Also present were: City Clerk Katie Harbin, City Attorney Ginger Miller, Deputy City Clerk Francis Johnson, Police Chief Richard Chandler, Assistant Police Chief Defore, Building Official Stephen Hodges, Fire Chief Ethan Foresman, Fire Inspector Brevin Holden, FLSE/PIO Chantay Rhone, Public Works Director Jeff Rich, Utility Billing Supervisor Earnestine Cowans, Community Development/Tourism Director Jamie Sowell, EDF Director Britt Herrin, Kevin McLeod - Elliott & Britt Engineering, Joe Cooper, Michael Cathey, Ernie Brents, and Thurman Caldwell.

Alderman Moore gave the invocation.

Approve Agenda

**City of Senatobia**  
**Mayor and Board of Aldermen Agenda**  
April 18, 2023  
City Hall 5pm

1. Call to Order, Prayer, Roll Call
2. Welcome
3. Approve Agenda
4. Approve Bond Resolution Approving the Sale of Revenue Bonds to Rural Development and authorizing the pay-off of the interim financing with the funds received from Rural Development
5. Downtown Revitalization Project – One Way Streets (finalize)
6. Report / Updates from Jeff and Earnestine
7. Amend the Delinquent and cut off policy and update fees for the Utility Billing Department
8. Economic Update – Britt Herrin

**Consent Agenda**

9. Approve Minutes from the Regular Mayor and Board of Aldermen meeting on April 4, 2023
10. Approve Docket of Claims numbers: 28402 – 28599 for a total of \$914,442.53
11. Authorize to pay First Security Bank for Invoice 041823 in the amount of \$910.00 for paying agent fees, for the 2023 GO Bond
12. Authorize Firefighters Bedford Hunt, Mike Garrett, and Howard Boling to attend Instructor Class in Batesville, MS on April 24 – May 5, 2023, also authorize to pay registration and travel expenses
13. Authorize Chief Foresman, Chantay Rhone, Travis McDonald, Howard Boling, and Alderman Brian Hale to travel to Ocala, FL on May 8 – 10, 2023, to do the final inspection on the new fire truck, also authorize to pay travel expenses
14. Authorize to hire Terrance Henderson as a full-time CDL driver in the Public Works Department at a rate of \$15.00 per hour, pending background and drug screening results

15. Authorize to end employment with part time Public Works employee James Mitchell as of April 24, 2023 (not needed anymore)
16. Authorize to move Gerald Terrance to Sewer Supervisor in the Public Works Department with a raise to \$14.00 per hour
17. Authorize to hire Anahi Garcia as a full time Administrative Clerk in the Administration Department at a rate of \$13.50 per hour, pending background and drug screening results
18. Authorize to hire Jennifer Turner as a full time Administrative Clerk in the Building Department at a rate of \$15.00 per hour, pending background and drug screening results
19. Authorize to give Human Resources Director Jada Mayer a performance raise increasing the pay to \$16.00 per hour (HR as of 10/11/22)
20. Authorize to move Firefighter Gilder to the rank of F2 with an increase in pay to \$14.70 per hour
21. Authorize to move Firefighter Williams to the rank of F2 with an increase in pay to \$14.70 per hour
22. Authorize to move Police Officer J. Hickey to the rank of P-4, SRO Officer, with a decrease in pay to \$20.00 per hour (per Hickey's request)
23. Authorize to promote Police Officer Willis McNeil to Sergeant with an increase in pay to \$22.00 per hour
24. Authorize to accept the resignation of Animal Shelter employee Cynthia Martin effective April 11, 2023
25. Authorize to hire Jennifer Ennis as a full-time Animal Shelter employee, at a rate of \$11.00 per hour, pending background and drug screening results
26. Authorize to hire Jackson Prices as a part-time concession worker at the Sports Park
27. Authorize to hire John Triplett as a full-time Maintenance worker at the Sports Park, at a pay of \$16.00 per hour, pending background and drug screening results
28. Authorize to accept the lowest and best quote from Cascade Engineering for the purchase of garbage cans
29. Authorize to accept the lowest and best interest rate quote of 5.75% from BankFirst for a loan to purchase the new fire truck in the amount of \$1,249,117.00 with a 10-year term, refinancing the balance
30. Authorize Mayor Graves to sign the Substantial Completion Certificate for the PATH Lighting project
31. Authorize to surplus 8 blue and chrome executive office rolling chairs and dispose of
32. Authorize to surplus and dispose of Police Unit # 310, a 2010 Chevrolet Tahoe with VIN # 1GNUKBE01AR165110 (seized vehicle, proceeds to go into the seized funds)
33. Authorize to open a bank account at BankFirst Bank for the GO Bond 2023, authorizing Mayor Greg Graves, Alderman Adam Moore, Katie Harbin, Francis Johnson and Jada Mayer to be signers
34. Approve the 2023 Street Rehab Design Proposal from Mendrop Engineering, also authorize Mayor Graves to sign necessary documents

35. Authorize to set a Public Hearing on May 16, 2023, for an application to Rezone 965 Country Club Rd Senatobia from M-1 to R-2
36. Authorize to set a Public Hearing on May 16, 2023, to Amend the Fireworks Ordinance
37. Executive Session for Economic Updates

**Mayor's Corner**

Securix  
Paperless Agendas

Motion was made by Alderman Hale, seconded by Alderman Moore, to approve the agenda as presented. All present voting yea, motion carried.

Approve Bond Resolution Approving the Sale of Revenue Bonds to Rural Development and authorizing the pay-off of the interim financing with the funds received from Rural Development

**RESOLUTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF SENATOBIA, MISSISSIPPI (THE "CITY") AUTHORIZING AND DIRECTING THE ISSUANCE OF (I) A TAXABLE COMBINED WATER, SEWER AND GAS SYSTEM REVENUE BOND, SERIES 2023 OF THE CITY, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION NINETEEN THOUSAND DOLLARS (\$8,019,000) (THE "SERIES 2023 BOND") AND (II) A TAXABLE COMBINED WATER, SEWER AND GAS SYSTEM REVENUE BOND, SERIES 2023A OF THE CITY, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION SIX HUNDRED FORTY ONE THOUSAND DOLLARS (\$1,641,000) (THE "SERIES 2023A BOND") AND TOGETHER WITH THE SERIES 2023 BOND, THE "BOND") TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR IMPROVING, REPAIRING AND EXTENDING THE WATER, SEWER AND GAS FACILITIES OF THE COMBINED WATER, SEWER AND GAS SYSTEM OF THE CITY (THE "SYSTEM"); PRESCRIBING THE FORM AND INCIDENTS OF THE BOND; AND PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF THE SYSTEM IN AN AMOUNT SUFFICIENT TO PAY THE COST OF THE OPERATION AND MAINTENANCE THEREOF AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BOND, AND MAKING PROVISION FOR A SHORT-LIVED ASSETS FUND AND A DEBT SERVICE RESERVE FUND.**

**WHEREAS**, the Mayor and the Board of Aldermen (the "**Governing Body**") of the City of Senatobia, Mississippi (the "**City**"), do hereby find, determine, adjudicate and declare as follows:

1. The City is authorized under the provisions of Mississippi Code 1972 Annotated, Sections 21-27-23 and 21-27-41 through 21-27-69, as amended from time to time (the "**Act**"), and other applicable laws of the State of Mississippi (the "**State**"), to issue a revenue bond in such amount as it may find necessary and proper in order to provide funds for the improvement, repair and extension of the water, sewer and gas facilities of the combined water, sewer and gas system of the City (the "**System**") and for payment of costs of issuance (the "**Project**").
2. The Governing Body has heretofore found and determined that it is necessary and proper and in the best interest of the City and of those residing within its boundaries to improve, repair and extend the water, sewer and gas facilities of the System which improvements, repairs, and extensions are to be done substantially in accordance with plans and specifications prepared by engineers employed by the City and approved by the Governing Body.
3. The Governing Body has caused to be made an estimate of the cost of the proposed project; the estimated cost of such project is not to exceed \$9,660,000; and the estimated life thereof and of the combined water, sewer and gas system is at least thirty-five (35) years.

4. The Governing Body heretofore has found and determined that it is advisable that a portion of the cost of such project should be met through the issuance of a revenue bond or bonds of the City, payable both as to principal and interest primarily from the revenues of the System of the City, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining the System, and subject to the parity lien of the City's \$5,105,000 (original principal amount) Combined Water, Sewer and Gas System Revenue Refunding Bonds, Series 2012, dated December 12, 2012 (the "**2012 Bonds**") (the "**Parity Debt**").

5. The City is authorized under the provisions of the Act to issue its (a) not to exceed \$8,019,000 Taxable Combined Water, Sewer and Gas System Revenue Bond, Series 2023 (the "**Series 2023 Bond**") and (b) not to exceed \$1,641,000 Taxable Combined Water, Sewer and Gas System Revenue Bond, Series 2023A (the "**Series 2023A Bond**") and together with the Series 2023 Bond, the "**Bond**") to provide funds for the Project. The 2023 Bond and the 2023A Bond are to be secured as aforementioned.

6. The Governing Body, proceeding under the authority of the Act and other applicable laws of the State, adopted a resolution (the "**November 5th Resolution**") declaring the intent of the Governing Body of the City to issue a revenue bond in the amount of \$8,019,000 to fund the Project and fixed 5:00 o'clock p.m. on December 17, 2019, as the date and hour on which it proposed to direct the issuance of said bond to raise money for the improvement, repair and extension of the System.

7. The November 5th Resolution provided that if on or before 3:00 o'clock p.m. on December 6, 2019, there was filed with the City Clerk a petition signed by not less than twenty percent (20%) of the qualified electors of the City objecting to and protesting against issuance of said bond, then and in that event such bond should not be issued unless the question of the issuance thereof be submitted to a special election ordered for the purpose of determining whether or not a majority of those voting in such election shall vote for or against issuance of said bond.

8. As required by law and as directed by the November 5th Resolution, said November 5th Resolution was published once a week for at least three (3) consecutive weeks in *The Tate Record*, a newspaper published in the City, 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 last publication of said resolution being not more than ten (10) days prior to December 6, 2019, the date therein set as the deadline for the filing of objection or protest and being more than ten (10) days prior to December 17, 2019, the date therein set forth for the meeting of the Governing Body to authorize the issuance of the bond, said notice having been published in said newspaper on November 12, 19 and 26, 2019, as evidenced by the publisher's affidavit theretofore presented and filed.

9. No petition objecting to and protesting against the issuance of said bond was filed on or prior to the hour of 3:00 o'clock p.m. on December 6, 2019. The Governing Body found, determined and adjudicated that no protest against the issuance of the bond had been duly filed on or before 3:00 o'clock p.m. on December 6, 2019 and adopted a resolution on December 17, 2019 (the "**December 17th Resolution**") declaring that the Governing Body was authorized and



empowered by the provisions of the Act to issue the hereinafter described Series 2023 Bond without any election on the question of the issuance thereof.

10. The Governing Body, proceeding under the authority of the Act and other applicable laws of the State, adopted a resolution (the "**April 6<sup>th</sup> Resolution**") declaring the intent of the Governing Body of the City to issue additional funds for the Project in the amount of not to exceed \$2,000,000 and fixed 5:00 o'clock p.m. on May 18, 2021, as the date and hour on which it proposed to direct the issuance of said additional funds to raise money for the Project.

11. The April 6th Resolution provided that if on or before 3:00 o'clock p.m. on May 7, 2021, there was filed with the City Clerk a petition signed by not less than twenty percent (20%) of the qualified electors of the City objecting to and protesting against issuance of said bond, then and in that event such bond should not be issued unless the question of the issuance thereof be submitted to a special election ordered for the purpose of determining whether or not a majority of those voting in such election shall vote for or against issuance of said bond.

12. As required by law and as directed by the April 6th Resolution, the April 6th Resolution was published once a week for at least three (3) consecutive weeks in *The Tate Record*, a newspaper published in the City, and having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, and the last publication of the Intent Resolution being (a) not more than ten (10) days prior to May 7, 2021, the date set forth in the Intent Resolution as the deadline for the filing of objection or protest and (b) more than ten (10) days prior to May 18, 2021, the date set forth in the Intent Resolution for the meeting of the Governing Body to authorize the issuance of the bond, said notice having been published in said newspaper on April 14, 21 and 28, 2021.

13. No petition objecting to and protesting against the issuance of said additional funds was filed on or prior to the hour of 3:00 o'clock p.m. on May 7, 2021. The Governing Body found, determined and adjudicated that no protest against the issuance of the bond had been duly filed on or before 3:00 o'clock p.m. on May 7, 2021 and adopted a resolution on May 18, 2021 (the "**May 18th Resolution**") declaring that the Governing Body was authorized and empowered by the provisions of the Act to issue the described additional funds and the Series 2023A without any election on the question of the issuance thereof.

14. The United States of America, acting through the Rural Utility Service of the United States Department of Agriculture's Office of Rural Development ("**USDA Rural Development**"), issued a letter of conditions dated September 23, 2019, as amended on June 2, 2021 and as may be amended from time to time (together, the "**Letter of Conditions**"), setting forth certain conditions which had to be understood and agreed to by the City before consideration would be given to the City's application for a loan.

15. The application of the City for financial assistance has been approved by the USDA Rural Development and funds have been obligated for the purchase of the Bond of the City hereinafter directed to be issued.

16. On July 22, 2021, the City issued its not to exceed \$9,660,000 Taxable Loan Anticipation Note (Non-Revolving Line of Credit), dated July 22, 2021 (the "**2021 Note**"), for the purpose of providing interim financing in anticipation of receipt of proceeds of the loan from USDA Rural Development pursuant to the Letter of Conditions to defray the costs of the Project as authorized pursuant to the Act.

17. On August 25, 2022, the City issued its not to exceed \$9,660,000 Amended Taxable Loan Anticipation Note (Non-Revolving Line of Credit), dated April 25, 2022 (the "**Amended Note**") and together, with the 2021 Note, the "**Note**"), for the purpose of extending the 2021 Note and providing interim financing in anticipation of receipt of proceeds of the loan from USDA Rural Development pursuant to the Letter of Conditions to defray the costs of the Project as authorized pursuant to the Act, such Amended Note to mature on May 22, 2023.

18. On April 18, 2023, a single registered Series 2023 Bond, to be dated the date of delivery thereof, payable in equal annual amortized installments of principal and interest, in the principal amount of Eight Million Nineteen Thousand Dollars (\$8,019,000) was awarded and sold to the USDA Rural Development in accordance with the requirements of that federal agency, and it now becomes necessary to proceed with the issuance of said Series 2023 Bond.

19. On April 18, 2023, a single registered Series 2023A Bond, to be dated the date of delivery thereof, payable in equal annual amortized installments of principal and interest, in the principal amount of One Million Six Hundred Forty One Thousand Dollars (\$1,641,000) was awarded and sold to the USDA Rural Development in accordance with the requirements of that federal agency, and it now becomes necessary to proceed with the issuance of said Series 2023A Bond.

20. The provisions of this bond resolution (the "**Bond Resolution**") are subject to any applicable terms and provisions of the resolutions adopted by the City in connection with the Parity Debt regarding the issuance of debt with a lien on revenues of the System.

21. The 2012 Bonds are the only outstanding bond issues or indebtedness of the City for the payment of which the net revenues, defined as gross revenue less reasonable expenses of operating and maintaining the System in good repair and working order as shall be in accordance with sound accounting practice, but shall not include any allowance for depreciation, has been pledged.

22. The Governing Body does now find and determine that it is necessary and in the public interest that the aforesaid Bond be issued as hereinafter provided.

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

**SECTION 1.** The water, sewer and gas facilities of the City have heretofore been combined and shall be operated as the System. The improvements, repairs and extensions to the System shall be made in general accordance with the plans and specifications therefor prepared and recommended by a competent engineering firm, and heretofore approved for and on behalf of the City.

**SECTION 2.** (a) The Series 2023 Bond of the City is hereby authorized, ordered and directed to be issued in the principal amount of not to exceed Eight Million Nineteen Thousand Dollars (\$8,019,000) to raise money for the Project and paying costs of issuance of the Series 2023 Bond.

(b) The Series 2023A Bond of the City is hereby authorized, ordered and directed to be issued in the principal amount of not to exceed One Million Six Hundred Forty-One Thousand Dollars (\$1,641,000) to raise money for the Project and paying costs of issuance of the Series 2023A Bond.

**SECTION 3.** (a) The Series 2023 Bond shall bear a date as of the date of its delivery, shall be numbered R-1, and shall bear interest from the date of the Series 2023 Bond at the rate which is the lower of the rate in effect at the time of the loan approval from USDA Rural Development or at the time of the closing on the loan with USDA Rural Development. Equal annual amortized installment of principal and interest based on the principal amount of the loan with USDA Rural Development and interest rate applicable shall be payable to the registered owner of the Series 2023 Bond each year (beginning one year after closing) on the anniversary date of the Series 2023 Bond (provided, however, an anniversary date of the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup> will be considered to have a due date of the 28<sup>th</sup>) continuing through the thirty-fifth (35<sup>th</sup>) year after the date of the Series 2023 Bond. The Series 2023 Bond shall be payable, both as to principal and interest, in lawful money of the United States of America.

Provided, however, that at the option of USDA Rural Development the principal amount of the Series 2023 Bond may be supplied by multiple advances, as needed by the City. In such event, interest shall begin to accrue on the principal amount of each advance only from the date of each such advance. If USDA Rural Development elects to provide the principal amount of the Series 2023 Bond in multiple advances, the amount of each advance will be recorded by the City Clerk of the City in the place provided therefor on the reverse of the Series 2023 Bond, in substantially the form hereinafter set forth, along with the date of such advance, and the signature of the City Clerk of the City shall be affixed in witness of each such advance in the place provided therefor. In the event that USDA Rural Development does not elect to provide the principal amount of the Series 2023 Bond in multiple advances, the Series 2023 Bond will be printed in substantially the form hereinafter set forth, but any reference to providing the principal amount of the Series 2023 Bond in multiple advances, including the provisions for registration of such multiple advances, may be deleted from the Series 2023 Bond.

(b) The Series 2023A Bond shall bear a date as of the date of its delivery, shall be numbered R-1, and shall bear interest from the date of the Series 2023A Bond at the rate which is the lower of the rate in effect at the time of the loan approval from USDA Rural Development or at the time of the closing on the loan with USDA Rural Development. Equal annual amortized installment of principal and interest based on the principal amount of the loan with

USDA Rural Development and interest rate applicable shall be payable to the registered owner of the Series 2023A Bond each year (beginning one year after closing) on the anniversary date of the Series 2023A Bond (provided, however, an anniversary date of the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup> will be considered to have a due date of the 28<sup>th</sup>) continuing through the thirty-fifth (35<sup>th</sup>) year after the date of the Series 2023A Bond. The Series 2023A Bond shall be payable, both as to principal and interest, in lawful money of the United States of America.

Provided, however, that at the option of USDA Rural Development the principal amount of the Series 2023A Bond may be supplied by multiple advances, as needed by the City. In such event, interest shall begin to accrue on the principal amount of each advance only from the date of each such advance. If USDA Rural Development elects to provide the principal amount of the Series 2023A Bond in multiple advances, the amount of each advance will be recorded by the City Clerk of the City in the place provided therefor on the reverse of the Series 2023A Bond, in substantially the form hereinafter set forth, along with the date of such advance, and the signature of the City Clerk of the City shall be affixed in witness of each such advance in the place provided therefor. In the event that USDA Rural Development does not elect to provide the principal amount of the Series 2023A Bond in multiple advances, the Series 2023A Bond will be printed in substantially the form hereinafter set forth, but any reference to providing the principal amount of the Series 2023A Bond in multiple advances, including the provisions for registration of such multiple advances, may be deleted from the Series 2023A Bond.

(c) All payments in respect to the Bond, whether of principal or interest and including prepayments of principal (either redemption of the Bond or partial redemption thereof), shall be made directly to the registered owner at the address shown on the Bond registration records of the City without, except for final payment, the presentation or surrender of the Bond and all such payment shall discharge the obligation of the City with respect to the Bond.

(d) Prepayments or redemption of the Bond, in whole or in part, can be made at any time at the option of the City, with no penalty.

(e) Refunds, extra payments and loan proceeds obtained from outside sources for the purpose of paying down the Bond, shall, after payment of interest, be applied to the installments last to become due under the Bond and shall not affect the obligation of the City to pay the remaining installments as scheduled in the Bond.

**SECTION 4.** The Bond shall be executed by the manual signature of the Mayor of the City, under the seal of the City, attested by the manual signature of the City Clerk of the City.

**SECTION 5.** The Bond shall be in substantially the following form, with such appropriate variations, omissions and insertions as are permitted or required by this Bond Resolution:

[Remainder of page left blank intentionally]

[SERIES 2023 BOND FORM]

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

CITY OF SENATOBIA

TAXABLE COMBINED WATER, SEWER AND GAS SYSTEM REVENUE BOND,  
SERIES 2023

No. R-1 Not to Exceed  
\$8,019,000

| <u>Rate of Interest</u> | <u>Maturity</u>     | <u>Date of Original Issue</u> |
|-------------------------|---------------------|-------------------------------|
| 3.500%                  | As set forth herein | May 22, 2023                  |

**REGISTERED OWNER:** UNITED STATES OF AMERICA, ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

**PRINCIPAL AMOUNT:** Not to exceed Eight Million Nineteen Thousand Dollars (\$8,019,000) as set forth in Exhibit A hereto

The City of Senatobia, Mississippi (the "City"), acknowledges itself indebted, and for value received, hereby promises to pay to the registered owner hereof, solely from the revenues to be derived by the City from the operation of its combined water, sewer and gas system (the "System") as hereinafter provided, the sum of

**EIGHT MILLION NINETEEN THOUSAND DOLLARS**

with interest thereon from the date hereof at the rate of 3.500% per annum. Principal payments with interest on the unpaid principal balance from the date hereof, at the rate of 3.500% per annum, shall be payable in equal annual installments of principal and interest in the amount of Four Hundred Thousand Nine Hundred Fifty Dollars (\$400,950.00) beginning on the first anniversary date of the Bond (provided, however, an anniversary date of the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup> will be considered to have a due date of the 28<sup>th</sup>) and continuing through the Thirty-Fifth anniversary date of the Bond, inclusive; and provided that the final payment of the entire indebtedness evidenced hereby, if not sooner paid, shall be due and payable thirty-five (35) years from the date hereof. Each payment shall be applied first to the payment of accrued interest, and secondly, to the payment of principal.

Prepayments or redemption of the Bond, in whole or in part, can be made at any time at the option of the City, with no penalty.

Refunds, extra payments and loan proceeds obtained from outside sources for the purpose of paying down the Bond, shall, after payment of interest, be applied to the installments last to become due under the Bond and shall not affect the obligation of the City to pay the remaining installments as scheduled in the Bond.

**Provided, however, that at the option of the United States of America, acting through the United States Department of Agriculture, Rural Development, the principal amount of this Bond may be supplied by multiple advances, as needed by the City. In such event, interest shall begin to accrue on the principal amount of each advance only from the date of each such advance. If the United States of America, acting through the United States Department of Agriculture, Rural Development elects to provide the principal amount of this Bond in multiple advances, the amount of each advance will be recorded by the Clerk of the City in the place provided therefore on the reverse hereof, along with the date of such advance, and the signature of the Clerk of the City shall be affixed in witness of each such advance in the place provided therefor.**

This Bond shall be registered as to principal and interest by the Clerk of the City in a Bond registration record kept for such purpose and such registration shall be noted on the back of this Bond by said City Clerk and no transfer shall be valid unless made on said record and similarly noted on the back hereof. Thereafter, both principal of and interest on this Bond shall be payable in lawful money of the United States of America without, except for final payment, presentation and surrender of this Bond, directly to the registered holder at his address as it appears on said Bond registration record.

This Bond is issued to raise money for the purpose of providing funds for improvement, repair and extension of the water, sewer and gas facilities of the combined water, sewer and gas system of the City of Senatobia, Mississippi, and is issued under the authority of and in full compliance with the Constitution and laws of the State of Mississippi, including Sections 21-27-23 and 21-27-41 through 21-27-69, Mississippi Code of 1972, as amended, and by further authority of resolutions duly adopted and proceedings regularly had by the Mayor and the Board of Aldermen of the City, including a Bond Resolution adopted April 18, 2023 (the "**Bond Resolution**").

The principal of and interest on this Bond shall be payable solely from the revenues of the System, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining said System, and subject to the parity lien of the City's \$5,105,000 (original principal amount) Combined Water, Sewer and Gas System Revenue Refunding Bonds, Series 2012, dated December 12, 2012 (the "**2012 Bonds**") and the \$1,641,000 (original principal amount) Taxable Combined Water, Sewer and Gas System Revenue Bond, Series 2023A, dated May 22, 2023 (the "**2023A Bond**" and together with the 2012 Bonds, the "**Parity Debt**"). This Bond does not constitute an indebtedness of the City within the meaning of any constitutional or statutory restriction, limitation or provision, and the taxing power of the City is not pledged to the payment hereof, either as to principal or interest.

The City covenants and agrees that it will perform all duties required by law and by the Bond Resolution which authorized this Bond; that it will apply the proceeds of this Bond to the purposes above set forth; that, as long as this Bond is outstanding, it will operate and maintain

the System; that it will fix and maintain rates and make and collect charges for the services of the System, without regard to the user thereof, sufficient to provide for the operation and maintenance of the System in good repair and working order, to provide for the payment of the principal of and interest on this Bond as the same shall mature and accrue, and to provide for a short lived asset fund and a debt service reserve fund, all as set forth in the Bond Resolution pursuant to which this Bond is issued; and that such an amount of the gross revenues of the System remaining after paying the expense of operating and maintaining the System as will maintain a Debt Service Fund on this Bond, and debt service on the Parity Debt, as the same shall mature and accrue, is hereby irrevocably pledged to said purpose.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond, in order to make the same a legal and binding limited obligation of the City, according to the terms hereof, do exist, have happened and have been performed in due and regular time, form and manner as required by law.

**IN TESTIMONY WHEREOF**, the City of Senatobia, Mississippi, acting by and through its Mayor and Board of Aldermen, has caused this Bond to be executed by the Mayor of the City, under the seal of the City, and attested by the City Clerk of the City, and this Bond to be dated as of the date of delivery hereof to the purchaser, namely, May 22, 2023.

**CITY OF SENATOBIA, MISSISSIPPI**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**(SEAL)**

There shall be printed on the reverse side of the Bond a form for registration of ownership substantially as follows:

**PROVISION FOR REGISTRATION**

In accordance with a provision of this Bond, this Bond shall be registered in the name of the owner, the registry to be certified hereon by the Clerk of the City, after which no transfer shall be valid unless made by the registered owner in person or by his duly authorized attorney upon the records of said City Clerk and the name and mailing address of the new registered owner similarly placed in the registration clause herein.

| <b><u>DATE OF REGISTRATION</u></b> | <b><u>NAME AND MAILING ADDRESS OF REGISTERED OWNER</u></b>                 | <b><u>SIGNATURE CITY CLERK</u></b> |
|------------------------------------|--|------------------------------------|
| <u>May 22, 2023</u>                | United States of America<br>Department of Agriculture<br>Rural Development | _____                              |
| _____                              | _____  | _____                              |
| _____                              | _____  | _____                              |
| _____                              | _____  | _____                              |
| _____                              | _____  | _____                              |



There shall be printed on the reverse of the Bond a registration and validation certificate in substantially the following form:

**REGISTRATION AND VALIDATION CERTIFICATE**

**STATE OF MISSISSIPPI  
TATE COUNTY  
CITY OF SENATOBIA**

I, the undersigned, Clerk of the City of Senatobia, Mississippi, do hereby certify that the within Bond had been validated and confirmed by Decree of the Chancery Court of Tate County, Mississippi; and I do further certify that the within Bond has been registered in my office in a record provided for that purpose and in the manner required by law.

\_\_\_\_\_  
**CITY CLERK**

There shall be printed on the reverse of the Bond a record of multiple advances by the original purchaser in substantially the following form:

**RECORD OF MULTIPLE ADVANCES BY PURCHASER**

| <u>AMOUNT</u> | <u>DATE</u> | <u>SIGNATURE OF CITY CLERK</u> |
|---------------|-------------|--------------------------------|
| _____         | _____       | _____                          |
| _____         | _____       | _____                          |
| _____         | _____       | _____                          |
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[End of Series 2023 Bond Form]

[SERIES 2023A BOND FORM]

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

CITY OF SENATOBIA

TAXABLE COMBINED WATER, SEWER AND GAS SYSTEM REVENUE BOND,  
SERIES 2023A

No. R-1 Not to Exceed  
\$1,641,000

| <u>Rate of Interest</u> | <u>Maturity</u>     | <u>Date of Original Issue</u> |
|-------------------------|---------------------|-------------------------------|
| 2.250%                  | As set forth herein | May 22, 2023                  |

**REGISTERED OWNER:** UNITED STATES OF AMERICA, ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

**PRINCIPAL AMOUNT:** Not to exceed One Million Six Hundred Forty One Thousand Dollars (\$1,641,000) as set forth in Exhibit A hereto

The City of Senatobia, Mississippi (the "City"), acknowledges itself indebted, and for value received, hereby promises to pay to the registered owner hereof, solely from the revenues to be derived by the City from the operation of its combined water, sewer and gas system (the "System") as hereinafter provided, the sum of

**ONE MILLION SIX HUNDRED FORTY ONE THOUSAND DOLLARS**

with interest thereon from the date hereof at the rate of 2.250% per annum. Principal payments with interest on the unpaid principal balance from the date hereof, at the rate of 2.250% per annum, shall be payable in equal annual installments of principal and interest in the amount of Sixty Eight Thousand Two Hundred Fifty Dollars (\$68,250.00) beginning on the first anniversary date of the Bond (provided, however, an anniversary date of the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup> will be considered to have a due date of the 28<sup>th</sup>) and continuing through the Thirty-Fifth anniversary date of the Bond, inclusive; and provided that the final payment of the entire indebtedness evidenced hereby, if not sooner paid, shall be due and payable thirty-five (35) years from the date hereof. Each payment shall be applied first to the payment of accrued interest, and secondly, to the payment of principal.

Prepayments or redemption of the Bond, in whole or in part, can be made at any time at the option of the City, with no penalty.

Refunds, extra payments and loan proceeds obtained from outside sources for the purpose of paying down the Bond, shall, after payment of interest, be applied to the installments last to become due under the Bond and shall not affect the obligation of the City to pay the remaining installments as scheduled in the Bond.

**Provided, however, that at the option of the United States of America, acting through the United States Department of Agriculture, Rural Development, the principal amount of this Bond may be supplied by multiple advances, as needed by the City. In such event, interest shall begin to accrue on the principal amount of each advance only from the date of each such advance. If the United States of America, acting through the United States Department of Agriculture, Rural Development elects to provide the principal amount of this Bond in multiple advances, the amount of each advance will be recorded by the Clerk of the City in the place provided therefore on the reverse hereof, along with the date of such advance, and the signature of the Clerk of the City shall be affixed in witness of each such advance in the place provided therefor.**

This Bond shall be registered as to principal and interest by the Clerk of the City in a Bond registration record kept for such purpose and such registration shall be noted on the back of this Bond by said City Clerk and no transfer shall be valid unless made on said record and similarly noted on the back hereof. Thereafter, both principal of and interest on this Bond shall be payable in lawful money of the United States of America without, except for final payment, presentation and surrender of this Bond, directly to the registered holder at his address as it appears on said Bond registration record.

This Bond is issued to raise money for the purpose of providing funds for improvement, repair and extension of the water, sewer and gas facilities of the combined water, sewer and gas system of the City of Senatobia, Mississippi, and is issued under the authority of and in full compliance with the Constitution and laws of the State of Mississippi, including Sections 21-27-23 and 21-27-41 through 21-27-69, Mississippi Code of 1972, as amended, and by further authority of resolutions duly adopted and proceedings regularly had by the Mayor and the Board of Aldermen of the City, including a Bond Resolution adopted April 18, 2023 (the "**Bond Resolution**").

The principal of and interest on this Bond shall be payable solely from the revenues of the System, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining said System, and subject to the parity lien of the City's \$5,105,000 (original principal amount) Combined Water, Sewer and Gas System Revenue Refunding Bonds, Series 2012, dated December 12, 2012 (the "**2012 Bonds**") and the \$8,019,000 (original principal amount) Taxable Combined Water, Sewer and Gas System Revenue Bond, Series 2023, dated May 22, 2023 (the "**2023 Bond**" and together with the 2012 Bonds, the "**Parity Debt**"). This Bond does not constitute an indebtedness of the City within the meaning of any constitutional or statutory restriction, limitation or provision, and the taxing power of the City is not pledged to the payment hereof, either as to principal or interest.

The City covenants and agrees that it will perform all duties required by law and by the Bond Resolution which authorized this Bond; that it will apply the proceeds of this Bond to the purposes above set forth; that, as long as this Bond is outstanding, it will operate and maintain

the System; that it will fix and maintain rates and make and collect charges for the services of the System, without regard to the user thereof, sufficient to provide for the operation and maintenance of the System in good repair and working order, to provide for the payment of the principal of and interest on this Bond as the same shall mature and accrue, and to provide for a short lived asset fund and a debt service reserve fund, all as set forth in the Bond Resolution pursuant to which this Bond is issued; and that such an amount of the gross revenues of the System remaining after paying the expense of operating and maintaining the System as will maintain a Debt Service Fund on this Bond, and debt service on the Parity Debt, as the same shall mature and accrue, is hereby irrevocably pledged to said purpose.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond, in order to make the same a legal and binding limited obligation of the City, according to the terms hereof, do exist, have happened and have been performed in due and regular time, form and manner as required by law.

**IN TESTIMONY WHEREOF**, the City of Senatobia, Mississippi, acting by and through its Mayor and Board of Aldermen, has caused this Bond to be executed by the Mayor of the City, under the seal of the City, and attested by the City Clerk of the City, and this Bond to be dated as of the date of delivery hereof to the purchaser, namely, May 22, 2023.

**CITY OF SENATOBIA, MISSISSIPPI**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**(SEAL)**

There shall be printed on the reverse side of the Bond a form for registration of ownership substantially as follows:

**PROVISION FOR REGISTRATION**

In accordance with a provision of this Bond, this Bond shall be registered in the name of the owner, the registry to be certified hereon by the Clerk of the City, after which no transfer shall be valid unless made by the registered owner in person or by his duly authorized attorney upon the records of said City Clerk and the name and mailing address of the new registered owner similarly placed in the registration clause herein.

| <b><u>DATE OF REGISTRATION</u></b> | <b><u>NAME AND MAILING ADDRESS OF REGISTERED OWNER</u></b>                 | <b><u>SIGNATURE CITY CLERK</u></b> |
|------------------------------------|--|------------------------------------|
| <u>May 22, 2023</u>                | United States of America<br>Department of Agriculture<br>Rural Development | _____                              |
| _____                              | _____  | _____                              |
| _____                              | _____  | _____                              |
| _____                              | _____  | _____                              |
| _____                              | _____  | _____                              |

There shall be printed on the reverse of the Bond a registration and validation certificate in substantially the following form:

**REGISTRATION AND VALIDATION CERTIFICATE**

**STATE OF MISSISSIPPI  
TATE COUNTY  
CITY OF SENATOBIA**

I, the undersigned, Clerk of the City of Senatobia, Mississippi, do hereby certify that the within Bond had been validated and confirmed by Decree of the Chancery Court of Tate County, Mississippi; and I do further certify that the within Bond has been registered in my office in a record provided for that purpose and in the manner required by law.

\_\_\_\_\_  
**CITY CLERK**

There shall be printed on the reverse of the Bond a record of multiple advances by the original purchaser in substantially the following form:

**RECORD OF MULTIPLE ADVANCES BY PURCHASER**

| <u>AMOUNT</u> | <u>DATE</u> | <u>SIGNATURE OF<br/>CITY CLERK</u> |
|---------------|-------------|------------------------------------|
| _____         | _____       | _____                              |
| _____         | _____       | _____                              |
| _____         | _____       | _____                              |
| _____         | _____       | _____                              |

[End of Series 2023A Bond Form]

**SECTION 6.** The Bond shall be registered as to principal and interest by the Clerk of the City in a Bond registration record kept for such purpose and such registration shall be noted on the back of the Bond by the City Clerk and no transfer shall be valid unless made on said record and similarly noted on the back of the Bond. Thereafter, both principal of and interest on the Bond shall be payable in lawful money of the United States of America without, except for final payment, presentation and surrender of the Bond directly to the registered holder at the address as it appears on said Bond registration record.

**SECTION 7.** The proceeds derived from the sale of the Bond shall be applied first for the purpose of repaying any indebtedness incurred as interim financing in anticipation of the receipt of the proceeds from the sale of the Bond, including the Note. If a balance remains from said proceeds after satisfying any such indebtedness, said balance shall be disbursed as provided in Section 17 hereof.

**SECTION 8.** (a) The Series 2023 Bond shall be payable, both as to principal and interest, primarily from the revenues of the System, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining said System, and subject to the parity lien on the water, sewer and gas revenues regarding the Parity Debt and the Series 2023A Bond. Such an amount of the gross revenues of the System as will maintain a Debt Service Fund on the Series 2023 Bond, as the same shall mature and accrue, is hereby irrevocably pledged to said purpose subject to the parity lien of the Parity Debt and the Series 2023A Bond. The Series 2023 Bond shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory restriction, limitation or provision.

(b) The Series 2023A Bond shall be payable, both as to principal and interest, primarily from the revenues of the System, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining said System, and subject to the parity lien on the water, sewer and gas revenues regarding the Parity Debt and the Series 2023 Bond. Such an amount of the gross revenues of the System as will maintain a Debt Service Fund on the Series 2023A Bond, as the same shall mature and accrue, is hereby irrevocably pledged to said purpose subject to the parity lien of the Parity Debt and the Series 2023 Bond. The Series 2023A Bond shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory restriction, limitation or provision.

**SECTION 9.** From and after the issuance and delivery of the Bond, the System shall be operated on a fiscal year basis commencing on the first day of October and ending on the last day of September in each year. Provided, however, that such fiscal year may be changed upon written notice to the registered holder of the Bond.

All revenues derived from the operation of the System shall be set aside as collected and shall be deposited into a fund, created by the resolution adopted by the Governing Body on November 6, 2012, authorizing and directing the issuance of the 2012 Bonds (the "**2012 Bond Resolution**"), and designated the "Revenue Fund" of the City (the "**Revenue Fund**"); however, notwithstanding anything herein to the contrary, all terms and provisions of the resolution adopted regarding the revenues of the System are subject to the provisions of the 2012 Bond Resolution (the "**Parity Debt Resolution**") adopted in connection with the Parity Debt of the

City. Moneys in the fund shall be set aside for, allocated to and deposited as follows, in the following separate and special funds, hereby created (or created under the Parity Debt Resolution for the Parity Debt and debt issued on parity with the Parity Debt such as the Bond), by the Clerk of the City without further direction of or action by the Governing Body or any other authority:

(a) On the first business day of each month, commencing in the first month after delivery of the Bond there shall be deposited into a fund created by the Parity Debt Resolution designated the "**Operation and Maintenance Fund**" an amount which will provide for the payment of the reasonable expense of operating and maintaining the System in good repair and working order, and, in the event that the aggregate amounts deposited into such fund pursuant to this subsection (a) during the preceding months shall have been insufficient to pay all such expenses, an amount sufficient to repay such deficiencies.

(b) On the first business day of each month, commencing in the first month after the delivery of the Bond, there shall be deposited without priority (i) into the Debt Service Fund for the Parity Debt established under the Parity Debt Resolution (the "**2012 Debt Service Fund**") an amount which, together with equal subsequent monthly deposits on the first business day of each month, will provide a sum equal to the amount necessary to pay the next installment of interest or principal and interest on the Parity Debt as set forth in the Parity Debt Resolution, and (ii) into a fund designated the "City of Senatobia, Mississippi Taxable Combined Water, Sewer and Gas System Revenue Bond, 2023 Debt Service Fund" (the "**2023 Debt Service Fund**") an amount which, together with equal subsequent monthly deposits on the first business day of each month, will provide a sum equal to the amount necessary to pay the next installment of interest or principal and interest on the Series 2023 Bond, and (iii) into a fund designated the "City of Senatobia, Mississippi Taxable Combined Water, Sewer and Gas System Revenue Bond, 2023A Debt Service Fund" (the "**2023A Debt Service Fund**") an amount which, together with equal subsequent monthly deposits on the first business day of each month, will provide a sum equal to the amount necessary to pay the next installment of interest or principal and interest on the Series 2023A Bond.

Provided, that in addition to the moneys hereby required to be paid into the 2012 Debt Service Fund for the Parity Debt, the 2023 Debt Service Fund for the Series 2023 Bond and the 2023A Debt Service Fund for the Series 2023A Bond, there also shall be paid without priority (i) into the debt service reserve fund, if applicable, for the Parity Debt those amounts due under the Parity Debt Resolutions, and (ii) into a sub-account fund in the 2023 Debt Service Fund, designated the 2023 Debt Service Reserve Fund (the "**2023 Debt Service Reserve Fund**"), commencing at the same time as payment into the 2023 Debt Service Fund, that amount that represents the greater of the sum of Three Thousand Three Hundred Forty One and 25/100 Dollars (\$3,341.25) per month or such amount monthly that accumulates on an annual basis at least 10% of an annual payment on the Series 2023 Bond for ten years or until the balance in the 2023 Debt Service Reserve Fund is equal to one annual Series 2023 Bond payment, so as thereby to provide and produce a bond reserve fund to meet any deficiency therein in future years; and such additional payments into the 2023 Debt Service Reserve Fund shall be continued until there shall have been accumulated in the 2023 Debt Service Reserve Fund the amount of the greater of Four Hundred Thousand Nine Hundred Fifty Dollars (\$400,950.00) or an amount representing one annual payment on the Series 2023 Bond, at which figure the 2023 Debt Service Reserve Fund thereafter shall be maintained by such future payments as may be necessary for that



purpose, and (iii) into a sub-account fund in the 2023A Debt Service Fund, designated the 2023A Debt Service Reserve Fund (the "**2023A Debt Service Reserve Fund**"), commencing at the same time as payment into the 2023A Debt Service Fund, that amount that represents the greater of the sum of Five Hundred Sixty Eight and 75/100 Dollars (\$568.75) per month or such amount monthly that accumulates on an annual basis at least 10% of an annual payment on the Series 2023A Bond for ten years or until the balance in the 2023A Debt Service Reserve Fund is equal to one annual Series 2023A Bond payment, so as thereby to provide and produce a bond reserve fund to meet any deficiency therein in future years; and such additional payments into the 2023A Debt Service Reserve Fund shall be continued until there shall have been accumulated in the 2023A Debt Service Reserve Fund the amount of the greater of Sixty Eight Thousand Two Hundred Fifty Dollars (\$68,250.00) or an amount representing one annual payment on the Series 2023A Bond, at which figure the 2023A Debt Service Reserve Fund thereafter shall be maintained by such future payments as may be necessary for that purpose.

The 2023 Debt Service Reserve Fund and the 2023A Debt Service Reserve Fund shall be used only to pay maturing principal and accruing interest, or both, and only whenever and to the extent that funds otherwise provided are insufficient for that purpose for each respective Series 2023 Bond and Series 2023A Bond. No funds paid into said 2023 Debt Service Reserve Fund shall be used to prepay the principal of the Series 2023 Bond unless such prepayment is for the balance of the principal amount of the Series 2023 Bond. However, any interest derived from the investment of monies in said 2023 Debt Service Reserve Fund may be paid over into the 2023 Debt Service Fund from time to time. No funds paid into said 2023A Debt Service Reserve Fund shall be used to prepay the principal of the Series 2023A Bond unless such prepayment is for the balance of the principal amount of the Series 2023A Bond. However, any interest derived from the investment of monies in said 2023A Debt Service Reserve Fund may be paid over into the 2023A Debt Service Fund from time to time.

(c) On the first business day of each month, commencing in the first month after the delivery of the Bond, there shall be deposited without priority (i) such amounts into such accounts as required under the Parity Debt Resolution for the Parity Debt, and (ii) into a fund designated the "City of Senatobia Combined Water, Sewer and Gas System Revenue Bond, Short-Lived Asset Fund for the Series 2023 Bond" (the "**2023 Short-Lived Asset Fund**") the sum of at least Fifty Six Thousand Thirty Three Dollars (\$56,033.00) annually for the life of the Bond to pay for repairs and/or replacement of major System assets. The 2023 Short-Lived Asset Fund shall be used for the purpose of paying the cost of replacing such parts of the System as may need replacement in order to keep the System operating in an economical and efficient manner; provided, however, that in the event the funds otherwise established by this Bond Resolution for the payment of the principal and interest on the Bond should be insufficient for said purpose, then and in that event, to the extent of any such insufficiency, the amount necessary to pay accruing interest and to provide for the payment of the principal as set forth in paragraph (b) of this Section 9, in connection with the Bond, shall be drawn from the 2023 Short-Lived Asset Fund, and shall be used together with funds otherwise available, to pay such accruing interest and to provide for the payment of principal of the Bond, as set forth in paragraph (b) of this Section 9, and.

Any surplus revenues remaining after all deposits required by this Section 9 have been made shall be disposed of for any lawful purpose by the Governing Body as it may determine from time to time, subject to the provisions of the Parity Debt Resolution.

The Revenue Fund and the Operation and Maintenance Fund shall continue to exist for the purpose provided herein, as if created initially by this Bond Resolution, if and when the Parity Debt should be paid off and retired prior to the payment in full, as to both principal and interest, of the Bond.

**SECTION 10.** If the revenues derived from the operation of the System shall be insufficient at any time to make the payments or deposits required by Section 9 hereof, the deficiency shall be made good by additional payments out of the first available revenues of the System received during any succeeding month or months. Whenever, and as long as sums actually on deposit in the (a) 2023 Debt Service Fund and the 2023 Debt Service Reserve Fund shall equal the outstanding principal amount of the Series 2023 Bond, plus the amount of all interest due thereon until the maturity date of the Serie 2023 Bond and (b) 2023A Debt Service Fund and the 2023A Debt Service Reserve Fund shall equal the outstanding principal amount of the Series 2023A Bond, plus the amount of all interest due thereon until the maturity date of the Serie 2023A Bond, then no further deposits need be made into said funds. All sums in the Funds referred to in Section 9 hereof shall be kept on deposit in bank accounts separate from all other bank accounts of the City and in a bank or banks having Federal Deposit Insurance Corporation insurance of its accounts and at all times shall be continuously secured as provided by the laws of the State other funds of the City, or in the discretion of the Governing Body and if otherwise allowed by law, may be invested in any bonds or other direct obligations of the United States of America or the State, or of any county or municipality of the State, or of any school district located in the State, which such county or municipal or school district bonds have been approved by recognized bond counsel or have been validated by a decree of a Chancery Court of the State. Such bonds or obligations shall mature or be redeemable prior to the time the funds so invested will be needed for expenditures. Said sums may first be offered for investment in interest-bearing time certificates of deposit with banking institutions having Federal Deposit Insurance Corporation insurance of its accounts and qualified under Section 21-33-323, Mississippi Code of 1972, as it may be amended from time to time, or such other laws of the State as may hereafter become applicable, and in accordance with the provisions of Section 21-33-323 or other applicable law. Any interest or other income received from investments shall accrue to and be deposited in the funds which generated such income or to which such income is attributable. Provided, that the Governing Body shall have such income transferred to the 2023 Debt Service Fund or the 2023A Debt Service Fund hereinabove provided for as long as the fund to which such income is attributable will still have therein the aggregate amount required by this Bond Resolution.

**SECTION 11.** The City covenants and agrees with the holder of the Bond that it will perform all duties with respect to the operation and maintenance of the System and with respect to the fixing, maintaining and collecting of the rates, fees and charges for the services thereof, and the establishing of the funds herein referred to, and all other matters and things required by law and by this Bond Resolution, and that it will do or cause to be done, in apt time and season, each and every official act necessary for the payment of the principal of and the interest on the Bond as the same shall mature and accrue.

**SECTION 12.** The City further covenants with the holder of the Bond as follows:

(a) As long as the Bond is outstanding and unpaid, the City will operate and maintain the System.

(b) As long as the Bond is outstanding and unpaid, the City will fix and maintain rates and make and collect charges for the use and services of the System sufficient to provide for the expense of maintenance and operation thereof, to provide the sums required to maintain the several funds referred to in Section 9 hereof, and to provide funds sufficient to meet all requirements of this Bond Resolution.

(c) A fidelity bond or employee dishonesty bond will be maintained on the Clerk of the City, or upon all such other officials as may become responsible for the handling of the funds and accounts of the City, in an amount at least equal to the total amount of funds that will be on hand at any one time exclusive of loan and grant funds, whichever is the larger amount.

(d) INSURANCE

(i) Fire and Extended Property Insurance: As to any part of the System which includes structures above ground level, exclusive of reservoirs, standpipes and elevated tanks, upon acceptance from the contractor of the improvements contemplated by this Bond Resolution, if such insurance is not already in force, the City shall procure fire and extended coverage insurance on the insurable portions of the Project; and upon receipt of funds in consideration for the issuance of the Bond hereunder, if such insurance is not already in force, the City shall procure fire and extended coverage insurance on the insurable portion of any other of its facilities, the revenues of which are pledged as security for the Bond. The foregoing fire and extended coverage insurance shall be maintained so long as the Bond is outstanding and shall be in amounts sufficient to provide for not less than full recovery whenever a loss from perils insured against does not exceed eighty percent (80%) of the full insurance value of the damaged facilities.

In the event of any damage to or destruction of any of said facility or facilities, the City shall promptly arrange for the application of the insurance proceeds for the repair or reconstruction of the damaged or destroyed portion thereof.

(ii) General Liability Insurance, including Vehicle Liability Insurance: If at any time the City owns or operates a vehicle in the operation of the System, including any nonowned vehicles operated for the benefit of the City, upon receipt of any funds in consideration of the issuance of the Bond, if such insurance is not already in force, the City shall procure and maintain, so long as the Bond is outstanding, vehicular public liability insurance with limits of not less than those carried by other similar districts in the State.

(iii) Workers' Compensation Insurance: The City shall maintain workers' compensation insurance on all employees, if five (5) or more persons are employed in the operation and maintenance of the System, or as in accordance with the State's current appropriate laws.

(iv) If applicable and the project involves acquisition or construction in a designated special flood or mudslide prone area, a National Flood Insurance policy.

(e) The City shall set up and maintain a proper system of accounts showing the amount of revenue received from the System and the application of such revenue. Such accounts shall be separate and distinct from the other accounts of the City, and at least once a year shall be properly audited by independent auditors who shall be certified public accountants. The report of such audit shall be open to the public and to the bondholder and, without further request, shall be furnished to the original holder of the Bond. Each such report shall include:

(i) A statement that the auditor will perform and document the audit work in accordance with Generally Accepted Accounting Principles (GAAP).

(ii) A statement of the gross revenues received, of the expenditures made and of the net revenue of the System during the fiscal year covered by such report.

(iii) A balance sheet as of the last day of such fiscal year, to include a statement of the amount on hand on that date in each of the accounts created by Section 9 hereof.

(iv) A statement of the number of customers served by the System at the beginning and at the end of such fiscal year.

(v) The number of properties connected with the water lines, and the amount of income from water service during such fiscal year.

(vi) The number of metered and the number of unmetered water customers as of the last day of such fiscal year.

(vii) The number of properties connected with the sewer lines, and the amount of income from sewer service during such fiscal year.

(viii) The number of metered and the number of unmetered sewer customers as of the last day of such fiscal year.

(ix) A statement of the amount and character of insurance carried by the City on the property included in the System and of the names of the insurers and the expiration dates of the several policies.

(x) A statement by such auditors regarding the manner in which the City has complied with the requirements of this Bond Resolution concerning the collection, segregation, distribution and application of the revenues of the System, together with their recommendation concerning any needed changes or improvements in the conduct and management of the fiscal affairs of the System.

(f) Any holder of the Bond shall be permitted, at all reasonable times, to inspect the System and all records, accounts and data relating thereto.

(g) Any holder of the Bond shall be furnished all data and information relating to the System which reasonably may be requested.

(h) So long as the Bond is outstanding, the City will not sell or otherwise dispose of any of the facilities of the System or any part thereof, and except as provided hereby, the City will not create or permit to be created any charge or lien on the revenues thereof ranking equal or prior to the charge or lien of the Bond.

Notwithstanding the foregoing, the City may at any time permanently abandon the use of or sell at fair market value any of said facilities, provided that:

(i) It is in compliance with all covenants and undertakings in connection with all of its bonds then outstanding and payable from the revenues of the System and the debt service reserve for all of said bonds has been established.

(ii) It will, in the event of sale, apply the proceeds to either (A) payment of the outstanding principal balance of the Bond and the Parity Debt on a pro-rata basis, or (B) replacement of the facility so disposed of by another facility, the revenues of which shall be incorporated into the System as hereinbefore provided.

(iii) It certifies, prior to any abandonment of use, that the facility to be abandoned is no longer economically feasible for producing net revenues.

(iv) It certifies that the estimated net revenues of the remaining facilities of the System for the then next succeeding fiscal year, plus the estimated net revenues of the facilities, if any, to be added to the System, satisfy the earnings test established for the issuance of additional bonds by Section 15(f) hereof.

(v) As long as the Bond is held by USDA Rural Development, the City obtains its prior written consent.

**SECTION 13.** Prior to the commencement of each fiscal year of the City, the Governing Body shall cause to be prepared a budget, setting out the estimated receipts and expenditures of the System for the then ensuing fiscal year. This budget shall contain:

(a) An estimate of the receipts expected to be derived from the operation of the System.

(b) A statement of the estimated cost of operating the System during the next ensuing fiscal year.

(c) A statement of the amount of principal and interest due during the ensuing year on the Bond, the Parity Debt and any other bonds of the City then outstanding.

(d) A statement of what replacements to the System may be anticipated and the estimated cost thereof.

(e) A statement of the total amount anticipated to be payable from the revenues of the System during the next ensuing fiscal year.

(f) A statement of the amount on deposit in each of the Funds referred to in Section 9 hereof.

**SECTION 14.** In order to insure the efficient and economical operation of the System and to insure the proper maintenance thereof in an efficient working order, the City covenants as a part of the contract to be evidenced by the Bond, that it will employ, while the Bond is outstanding, an independent engineer or engineering firm having a favorable reputation for skill and experience in such work, such engineer or engineering firm to act as consulting engineer for the operation and maintenance of the System. The engineer or engineering firm employed to supervise the improvements provided for in this Bond Resolution shall continue to be employed under this Section until further action by the Governing Body. The compensation of such engineer or engineering firm shall be deemed to be an expense of operating the System and shall be payable from the revenues of the System.

It shall be the duty of such consulting engineer annually to inspect the System prior to the commencement of each fiscal year, and to file with the Clerk of the City, prior to the commencement of each fiscal year, his report setting out the condition of the physical plant of the System and any recommendations which such engineer shall deem to be advisable. Such report shall include the following:

(a) Advice and recommendations concerning the maintenance, repair and operation of the System.

(b) Advice and recommendations as to renewals or replacements of any part of the System.

(c) Advice and recommendations as to extensions of the System.

(d) In case the report should recommend any renewals or replacements or any extensions to the System, the estimated cost of such work shall be stated.

(e) Advice and recommendations concerning the amount and the character of insurance that should be carried on the System.

(f) Advice and recommendations concerning any revision of the rates to be charged for the services of the System as the engineer may deem advisable.

(g) A statement of the judgment of such engineer concerning whether the System had been maintained in good repair and operating order, with such suggestions as the engineer may deem advisable concerning changes in the methods of operating the System.

The City covenants with the successive holders of the Bond that if the report of the consulting engineer shall show that the System has not been maintained in good repair and operating condition, it will, from the available revenues of the System, promptly restore the System to good repair and operating condition; that all recommendations of said report shall receive impartial consideration by the Governing Body; and that the City and its Governing Body shall endeavor in good faith to carry out the recommendations that may be made by the consulting engineer. A copy of such report shall be sent to the original purchaser of the Bond.

**SECTION 15.** From and after the issuance of the Bond, no additional bonds shall be issued or obligations incurred by the City which are in whole or in part payable from or chargeable to the revenues derived or to be derived from the operation of the System (except obligations incurred in the operation and maintenance thereof), unless such additional bonds or obligations are in all respects junior and subordinate to the Series 2023 Bond and the Series 2023A Bond authorized herein and the Parity Debt; provided, however, the restrictions upon the issuance of additional bonds or other obligations set out in this Section 15 shall not apply in the following circumstances and in such circumstances only:

(a) The System hereafter should be destroyed or damaged by disaster to such an extent that it cannot be operated.

(b) All funds received from insurance or otherwise available shall be insufficient to pay the cost of the restoration of the System to such a condition that it again can be operated. The cost of such restoration shall be determined by the estimate of a reputable and competent engineer or engineering firm or corporation selected by the City.

(c) The holder of the Series 2023 Bond and the Series 2023A Bond shall give written consent to the issuance of additional bonds on parity with the Series 2023 Bond and the Series 2023A Bond and the Parity Debt and shall file such written consent with the Clerk of the City. Such consent shall be acknowledged before a notary public and shall state the precise amount of additional bonds which may be issued.

Upon the occurrence of all circumstances above set out, additional bonds may be issued in an amount not greater than the amount stated in the consent filed by the holder of the Series 2023 Bond and the Series 2023A Bond solely for the purpose of paying the cost of restoring the System to reasonable working order.

In the event the cost of construction or completion of the project referred to herein shall exceed the estimated cost thereof, the City agrees to deposit into the Construction Fund (established by Section 17 hereof), in addition to any other funds deposited therein, such funds as may be necessary to pay the excess costs not already provided for. If necessary, the City may provide such excess, and only such excess, through the issuance of parity bonds and the sale thereof to purchasers other than the purchaser of the Series 2023 Bond and the Series 2023A Bond provided that it has obtained (i) the consent of the holder of the Series 2023 Bond and the Series 2023A Bond, if the Series 2023 Bond and the Series 2023A Bond has been sold and delivered, or (ii) the consent of USDA Rural Development if the Series 2023 Bond and the Series 2023A Bond has not been delivered.

Provided, further, that the City shall have the right to issue one or more additional series of bonds to be secured by a parity lien on and ratably payable from the revenues of the System and any other security pledged to the Series 2023 Bond and the Series 2023A Bond, provided in each instance that:

(d) The facility or facilities to be built from the proceeds of the additional parity bonds is or are made a part of the System and its or their revenues are pledged as additional

security for the additional parity bonds, the Parity Debt and the Series 2023 Bond and the Series 2023A Bond.

(e) The City is in compliance with all covenants and undertakings in connection with the Series 2023 Bond and the Series 2023A Bond.

(f) The annual net revenues, defined as gross revenues less current expenses of the System, for the fiscal year next preceding the issuance of additional parity bonds are certified by an independent public accountant employed by the City to have been equal to at least one (1.00) times the maximum yearly requirement for principal and interest on all bonds then outstanding of the City and all bonds then to be issued payable from the revenues of the System.

(g) As long as the Series 2023 Bond and the Series 2023A Bond is held by USDA Rural Development the City has obtained its prior written consent.

The City hereby covenants and agrees that in the event additional series of parity bonds are issued, it shall:

(h) Adjust the deposits into the 2023 Debt Service Fund and the 2023A Debt Service Fund on the same basis as that prescribed in Section 9 hereof establishing such funds.

(i) Adjust the amount of the (i) 2023 Debt Service Reserve Fund to a sum equal to not less than the maximum annual debt service on the Series 2023 Bond and such additional parity bonds, or such amount that is acceptable to the holder of the Series 2023 Bond, the additional debt service to be accumulated in the manner hereinbefore provided; and (ii) 2023A Debt Service Reserve Fund to a sum equal to not less than the maximum annual debt service on the Series 2023A Bond and such additional parity bonds, or such amount that is acceptable to the holder of the Series 2023A Bond, the additional debt service to be accumulated in the manner hereinbefore provided.

(j) Adjust the maximum amounts to be deposited annually into the Short-Lived Asset Fund on the same basis as that prescribed in Section 9(c) hereof, taking into account the future replacement cost of the facilities and equipment to be constructed or acquired with the proceeds of such additional bonds.

If in any subsequently issued series of bonds secured by a parity lien on the revenues of the System it is provided that excess revenues in the 2023 Debt Service Fund and the 2023A Debt Service Fund shall be used to redeem bonds in advance of scheduled maturity or if the City at its option, undertakes to redeem outstanding bonds in advance of scheduled maturity, it is agreed and understood (i) that calls of or prepayment on bonds will apply to each series of bonds on an equal pro rata basis (reflecting the proportion of the original amount of each series of bonds outstanding at the time of such call) and (ii) that calls of bonds for each series of bonds will be in accordance with the call provisions of the respective bond series. However, the City shall have the right to call, subject to the call provisions of the respective bond series, any or all outstanding bonds which may be called at par prior to calling any bonds that are callable at a premium.



The City may issue bonds junior and subordinate to the Series 2023 Bond and the Series 2023A Bond at any time, provided that:

(a) The issuance of such bonds does not violate any covenant of the City concerning any of its bonds other than the Series 2023 Bond and the Series 2023A Bond.

(b) As long as the Series 2023 Bond and the Series 2023A Bond is held by USDA Rural Development the City has obtained its prior written consent.

**SECTION 16.** The provisions of this Bond Resolution shall constitute a contract between the City and the holders from time to time of the Bond, and after the issuance of the Bond no changes, additions or alterations of any kind shall be made hereto in any manner except upon consent of the holder of the Bond, such consent to be evidenced by an instrument or instruments signed by such holder and duly acknowledged in the manner of a deed for the conveyance of real estate in the State, and such instrument shall contain or be accompanied by proof of ownership of the Bond and shall be filed in the office of the Clerk of the City and shall be a public record. Any and all modifications or alterations made in the manner hereinabove provided shall not become effective until proof of the consent to such modification or alteration by the holder of the Bond has been filed with the City Clerk.

**SECTION 17.** Subject to the provisions of Section 7 hereof, the principal proceeds derived from the sale of the Bond shall be deposited in a separate fund hereby created and designated the "City of Senatobia, Mississippi Construction Fund" (the "**Construction Fund**") and shall be applied solely and only for the purpose herein authorized. **Provided, however, that at the option of the United States of America, acting through the United States Department of Agriculture, Rural Development, the principal amount of the Bond may be supplied by multiple advances, as needed by the City. In such event, interest shall begin to accrue on the principal amount of each advance only from the date of each such advance. If the United States of America, acting through the United States Department of Agriculture, Rural Development elects to provide the principal amount of this Bond in multiple advances, the amount of each advance will be recorded by the Clerk of the City in the place provided therefore on the reverse hereof, along with the date of such advance, and the signature of the Clerk of the City shall be affixed in witness of each such advance in the place provided therefor.** The proceeds or proceeds provided in the form of multiple advances shall be disbursed only upon proper warrant issued pursuant to certification by the Consulting Engineer for the City stating that (a) the purpose for which the payment is to be made is within the scope of the work contemplated by this Bond Resolution; (b) the work done is or the materials furnished are in accordance with the contract therefor (if such work is done or such materials are furnished under a contract), or such work is or such materials are suitable for the purpose (if such payments are not covered by an express contract) and (c) the amount of such payment is in accordance with the contract or is reasonable. Nothing herein shall be construed to prohibit the payment without such a certificate of the expenses necessarily incident to the issuance and sale of the Bond. Any balance remaining in the Construction Fund after the improvements herein directed to be made shall have been completed, and all related costs and expenses paid, shall be deposited into the 2023 Debt Service Fund and the 2023A Debt Service Fund, as it relates to each Series 2023 Bond and the Series 2023A Bond.

**SECTION 18.** Any holder of the Bond may, either at law or in equity, by suit, action, mandamus or other proceedings, in any court of competent jurisdiction, protect or enforce such statutory lien and compel the performance of all duties required by the Act, including the making and collection of sufficient rates for the service or services, the proper accounting thereof and the performance of any duties required by covenants with the holder of the Bond.

If any default is made in the payment of the principal of or interest on the Bond, any court having jurisdiction of the action may appoint a receiver to administer the City and the System, with power to charge and collect rates sufficient to provide for the payment of all bonds and obligations outstanding against the System and for payment of operating expenses, and to apply the income and revenues thereof in conformity with the provisions of the Act and any covenants with bondholders.

**SECTION 19.** (a) The Clerk of the City shall withdraw from the 2023 Debt Service Fund and remit to the registered owner the sum or sums then due as principal and interest on the Series 2023 Bond in time to reach said registered owner at least five (5) days prior to the date on which said principal and interest shall become due.

(b) The Clerk of the City shall withdraw from the 2023A Debt Service Fund and remit to the registered owner the sum or sums then due as principal and interest on the Series 2023A Bond in time to reach said registered owner at least five (5) days prior to the date on which said principal and interest shall become due.

**SECTION 20.** When the Bond shall have been prepared and executed, it shall be lodged with the Clerk of the City, who shall deliver it to the purchaser thereof upon payment of the purchase price in accordance with the contract of sale.

**SECTION 21.** The Bond shall be submitted to validation as provided by §§ 31-13-1 through 31-13-11, Mississippi Code of 1972, as amended, and for that purpose the Clerk of the City is hereby authorized and directed to transmit to the State's Bond Attorney a certified copy of all of the legal documents pertaining to the proceedings authorizing the issuance of the Bond, including transcripts of records, resolutions, proofs of publication, tabulation of votes and all other matters relevant to the issuance of the Bond.

**SECTION 22.** The City in this matter is not required to comply with the annual disclosure requirements set forth in 17 CFR § 240.15c2-12 (the "**Rule**"). Pursuant to the Rule, the obligation of an issuer of municipal securities to make annual disclosures is only applicable to primary offerings of municipal securities with an aggregate principal amount of \$1,000,000 or more. The Bond in this matter is being sold to the United States Department of Agriculture Rural Development, through a negotiated sale and not a public offering. As such, the issuance of the Bond in this matter is not a primary offering of municipal securities, and as such, the Rule does not apply.

**SECTION 23.** The Mayor, the Clerk and the other officers of the City are, and each of them acting alone is, hereby authorized and directed to take such actions and to execute such documents as may be necessary to effectuate the purposes of this Bond Resolution.

**SECTION 24.** Each of the following constitutes an event of default under this Bond Resolution:

(a) failure by the City to pay any installment of principal of or interest on any Bond at the time required;

(b) failure by the City to perform or observe any other covenant, agreement or condition on its part contained in this Bond Resolution or in the Bond, and the continuance thereof for a period of thirty (30) days after written notice thereof to the City by the Registered Owners of not less than ten percent (10%) in principal amount of the then outstanding Bond; or

(c) an Act of Bankruptcy, as hereinafter defined, occurs.

"Act of Bankruptcy" shall mean the filing of a petition in bankruptcy by or against the City under any applicable bankruptcy, insolvency, reorganization or similar law, now or hereafter in effect.

**SECTION 25.** If any section, paragraph, clause or provision hereof shall be held invalid by a court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any other provision.

**SECTION 26.** All resolutions or parts thereof in conflict herewith, to the extent of such conflict only, are hereby repealed.

**SECTION 27.** The preparation of the Bond for delivery being now immediately necessary, this Bond Resolution shall become effective upon its adoption. The Mayor or City Clerk are hereby authorized to make any changes to the Bond, including closing date and/or series designation if deemed acceptable by Bond Counsel.

[Remainder of Page Left Blank Intentionally]

The above and foregoing resolution, after having been first reduced to writing, was introduced by Alderperson Simpson, seconded by Alderperson Moore and the question being put to a roll call vote, the result was as follows:

|                             |                   |
|-----------------------------|-------------------|
| Aldersperson Adam Moore     | voted: <u>Aye</u> |
| Aldersperson Larry Simpson  | voted: <u>Aye</u> |
| Aldersperson Kevin Dear     | voted: <u>Aye</u> |
| Aldersperson Allen Tanksley | voted: <u>Aye</u> |
| Aldersperson Brian Hale     | voted: <u>Aye</u> |

The motion having received the affirmative vote of a majority of all of the members of the Governing Body present, the Mayor declared the motion carried and the resolution adopted on this the 18th day of April 2023.

MAYOR

ATTEST:

CITY CLERK



Motion was made by Alderman Simpson, seconded by Alderman Moore, to approve the Bond Resolution Approving the Sale of Revenue Bonds to the Rural Development and authorizing the pay-off of the interim financing with the funds received from Rural Development. All present voting yea, motion carried.

Downtown Revitalization Project – One Way Streets

Kevin McLeod, Elliott and Britt Engineering, advised the Mayor and Board that he would need a decision regarding the one-way streets, no later than 4-6 weeks, in order to plan, design and start the water/sewer work as soon as possible.

Mayor Graves asked what are the main pros and cons of having one-way streets?

Kevin McLeod stated some pros would be more parking, the appropriate turning radius on streets, safer sidewalks/curbs. A con would be getting used to which direction to drive. The one-way street talk started a year or so ago when Tate Street being approved as a one-way street. The others came up after we were walking downtown. A main concern is the sidewalk and curb at the corner of Main and Ward, going down by the boy scout building.

Mayor Graves stated we did talk to some of the school officials about the proposed one-way streets, they were fine with what was proposed. They would not want Ward to go south. Kevin McLeod stated that he did look and did not find anything that states it is a requirement to have a second one-way street in the opposite direction if you have one one-way street. It is just usually known that there will be one going the opposite and usually done that way.

Mayor Graves asked what the parking on Ward would be.

Kevin McLeod answered if it is two-way traffic, there will be no marked parking. I cannot sign off on plans with parking on them and it being for two-way traffic. It is too narrow. If Ward is one-way traffic, it will have some parking.

Alderman Moore asked about the sidewalk. Wouldn't we still need to fix it, make it wider or do away with the side door to the business?

Kevin McLeod answered technically, it is not currently ADA compliant.

Alderman Simpson he was wondering about the requirement of having two, one-way streets, in opposite directions. I've never heard anything about Center St being too narrow.

Kevin McLeod stated Center St isn't too narrow for two-way traffic and parking. If Center St became a one-way street, it could gain about 19 parking spots. Which helps because Front Street is losing some parking spaces.

Alderman Tanksley asked if the space by the Post Office is wide enough for a median and two-way traffic.

Kevin McLeod answered not the way it is drawn here. It wouldn't be enough room for a separate right turn lane off Main to Front St.

Alderman Tanksley asked what the timeline looks like.

Kevin McLeod stated I've been involved in projects with incentives, something to motivate the contractors to get the job done. It has worked well for those projects. We may need to look into doing that also. As of right now, I am looking at it all being complete in time for the Five Star City Festival of 2025. First, we'll do the sewer and water as a separate contract and start at College Street.

Mayor Graves stated a completion date by fall 2024 would be better.

Kevin McLeod answered yes. The sooner we can get started the better.

Alderman Moore asked if you had the Board approval of what direction we want to go in, and also Entergy's plans, you could get started, correct?

Kevin McLeod answered, I'd say by fall.

Alderman Hale asked if Kevin would still be able to change smaller details, like the green spaces for example, later if the Board decided to.

Kevin McLeod answered yes.

Alderman Dear asked if Kevin checks on the contractors when they get a project. Alderman Dear asked do we always have to take the lowest bid?

Alderman Moore answered lowest and best.

Kevin McLeod answered we have never used JM Duncan, the contractor for the Center St project, Phase I. We know of others that have and they had good references for them. The contractor on the Hwy 51 project, we have used them before and haven't had any previous

problems. You do go with the lowest and best bid. You have to have a reason and document it if you don't go with the lowest. JM Duncan is in damages and A & B Construction is almost in damages.

Alderman Dear asked how citizens and business owners will get to the businesses during construction.

Kevin McLeod answered they will be able to get to the door. They may not be able to park in front of the building. We will have to do some different things during construction to ensure access to buildings and safety. We will work with Public Works and other utility departments when it is necessary to cut utilities off and on, so that it interrupts the citizens and businesses the least amount possible.

Mayor Graves asked Jamie Sowell if she had any comments.

Jamie Sowell, Community Development/Tourism Director, stated that she doesn't like one-way streets any more than anyone else. It is standard procedure or practice that if you have one one-way street, you will have another one-way street going in the opposite direction. To make a loop. Doing the loop, the one-way streets, adds parking. This is one of the main reasons for doing this part of the project. We need to get moving with this. I know Kevin told you he needed an answer in 4-6 weeks, but he advised me prior to today that it was more urgent to make a decision now. This will allow us to start with parts of the project. I want to add parking for our businesses. I hear complaints about no parking all of the time. The sidewalk on Ward, coming off of Main St, is a safety issue. It will just take one complaint, one person to get hurt, to have a lawsuit and/or contact ADA. I've fallen off of the sidewalk there before. One of our officers had to pick up a person in a wheelchair and carry them from that part of the sidewalk on further south on Ward St. The turn radius needs to be corrected, for the firetrucks and other large trucks to be able to access that road safely. These are the main reasons for making Ward St and Center St one-way streets.

Mayor Graves asked if Ward can be a one-way street and Center St remain a two-way street. What would it affect?

Kevin McLeod answered parking mostly, and maybe confuse some drivers. You don't have to do both of the streets one-way. It is just done that way to help the flow of traffic and to make sense to drivers.

Alderman Moore stated right now College is a two-way street. Could we leave Tate St two-way?

Kevin McLeod answered you could. There are options for different things. There may be no parking on Tate St if it is a two-way street. I would have to look at it.

Alderman Dear stated, so you're saying no parking on Ward St if it is a two-way street.

Kevin McLeod answered correct. If we do the curb. Mr. McLeod stated there would be parallel parking from the Police Station and north if we did it as one-way.

Alderman Moore stated I'd say one-way on Ward St, College two-way, Center St one-way, and Tate St two-way. That way it would be a better flow and you could fix the sidewalk and curb problem. The goal is to be safer for pedestrian traffic.

Alderman Tanksley asked so in this proposal Tate St is one-way.

Alderman Moore stated we previously voted to make Tate St one-way.

Jamie Sowell stated yes, going the other way.

Alderman Hale stated when this is done, the streets will be re done, they will have new stripping. It will be obvious which direction the traffic goes. Although I do still say we have to have signs. Alderman Hale stated I'd agree with Alderman Moore, for Tate St to be two-way.

Alderman Dear asked what the parking would be for Tate St.

Kevin McLeod answered I wouldn't recommend any parking on Tate Street if it is two-way. I will check, but I think it's pretty tight.

Jamie Sowell stated a pro about Tate Street being two-way is the proximity to parking behind the hotel and Gabbert Park.

Alderman Moore agreed. The parking lot behind the hotel and at Gabbert Park are close enough. I think that would make it ok for not having parking on Tate St.

Alderman Hale stated I air on the side of Tate St being a one-way street, but I can go with it being a two-way street, I can see it.

Alderman Moore stated I think that would help you get started on the project. I'd like to see Tate St drawn out as a two-way street.

Kevin McLeod stated I can re do the map and send it out with it as a two-way street.

Alderman Moore stated when you look at Tate St will you also look at the median on Main St in front of the Post Office.

Kevin McLeod answered yes.

Jamie Sowell asked Kevin to look at the green spaces also.

Kevin McLeod answered he would look at the green spaces, the median on Main St in front of the Post office and two lanes of traffic, and also Tate Street being a two-way street.

Motion was made by Alderman Moore, seconded by Alderman Hale, to approve to make Ward Street a one-way street driving North and to make Center Street a one-way street driving South.

All voting yea: Alderman Simpson, Alderman Hale, Alderman Moore, and Alderman Tanksley.

All voting no: Alderman Dear.

Motion carried.

#### Reports / Updates from Jeff and Earnestine

Mayor Graves advised the Board that the new bills went out. We now have three full-time meter readers. Mayor Graves asked Public Works Director Jeff Rich and Utility Billing Supervisor Earnestine Cowans if we are back on track now, to not send the bills out late.

Public Works Director Jeff Rich answered we are on track. We are having some issues with information not being updated in the BBI system. When we change out meters, the new meter serial numbers are not being updated.

Mayor Graves advised the Board that he's heard from Francis and Katie, and others, the consensus is that BBI is antiquated. I've asked them to look into new software.

Jeff Rich stated that a guy from a radio read company came by to see him, advised that they have a special.

Mayor Graves stated we'd have to find the money first.

Earnestine Cowans stated that they have gotten some good feedback on the new bills. Mrs. Cowans answered if they can get the other books in, they may be able to get the bills out closer to on time. After we get the books in, we have to review them, and send out any re read needed.

Alderman Simson asked Mrs. Cowans to explain re reads to him. Alderman Simpson stated since we actually read the meters now, say a customer gets a high bill, they call, you look it up to review their history, and it does look high to you, and you send it out for a re-read. I get that. But if they are not even done reading, how do you have 300 re reads?

Earnestine Cowans answered if the consumption shows zero, or it is way off, I have to send it out. David C told me that he has told the guys if they can't find a meter after looking for a little bit, to move on instead of spending 30 minutes searching for it.

Alderman Simpson stated it just doesn't make sense to me to spend time, money, gas, resources, to send the staff back out to read it again if they are actually being read now, and not estimated. Alderman Simpson asked about how many of the re reads that were sent out weren't correct, needed changing.

Earnestine Cowans answered probably at least half or more than half.

Mayor Graves asked what the plan is going forward, we can't continue to send that many re reads out or send the bills out late.

Earnestine Cowans stated the meter readers are getting better, we only had about 30 that needed re read out of about 300 meters in book 1.

Mayor Graves stated so it's trending in the right direction.

Jeff Rich stated the ones that don't have the updated meter serial number and new reading in the system, it causes low, high or negative consumption, and therefore get sent back out as a re-read.

Earnestine Cowans stated I can't enter the information into the system if the book has already been built and uploaded to the handheld.

Mayor Graves asked, if my meter gets replaced in the middle of a billing cycle, how do you bill the usage.

Earnestine Cowans stated I have to wait for a reading. I used to estimate by using the average usage, but I can't do that anymore.

Mayor Graves stated yes, we can't estimate.

Alderman Dear asked Jeff Rich how are you doing on finding all of the meters.

Jeff Rich answered we did have 2 we couldn't find today. They spent about 20 minutes looking, after that they write the address down so they can move on with reading meters and we will come back to find the meter later. Several are covered with dirt.



Amed the Delinquent and cut off policy and update fees for the Utility Billing DepartmentBOARD ORDER FOR UTILITY BILLING DEPARTMENT  
FOR FEES AND CUT OFF POLICY

The Mayor and Board of Aldermen took up for further consideration the fees and policy for non-payment of utility bills in the Utility Billing Department, of the City of Senatobia.

Upon motion made by Alderman Simpson, seconded by Alderman Hale, there was a unanimous vote to set the new fees and policy for late and non-payment of utility service bills adopted by the Board of Aldermen for the City of Senatobia, Mississippi, with the fees being as follows:

Late fee of 10% of the bill if the bill is not paid by the due date.

Delinquent fee of \$50 for non-water customers if not paid 10 days after the due date.

Reconnect fee of \$100 for customers that have services disconnected due to non-payment of account by 10 days after the due date.

Tampering fee of \$100 for the first offense of breaking a lock on a meter. Second and further offense will be a charge of \$100 for each offense and referred to the Police Department.

Tampering fee of \$150 for the first offense of intentionally breaking a water meter. Second and further offense will be a charge of \$150 for each offense and referred to the Police Department.

Tampering fee of \$150 for the first offense of intentionally breaking a gas meter. Second and further offense will be a charge of \$150 for each offense and referred to the Police Department.

ORDERED AND DONE on this the 18<sup>th</sup> day of April 2023.

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Greg Graves, Mayor  
City of Senatobia

Mayor Graves advised the Board that we've spoken about this topic at a previous meeting. We have provided you with a proposed set of fees and policy. We do have some customers that don't have water services with us, so we may need to do a separate fee for those accounts.

Mayor Graves and City Clerk Katie Harbin went over the current process and the proposed fees with the Board.

Alderman Simpson stated that he previously said he thinks we should do a \$100 reconnect fee for anyone that hasn't paid their bill by the cut off deadline. The guys will have to make sure they go and turn the services off as soon as they get the list.

Motion was made by Alderman Simpson, seconded by Alderman Hale, to approve the proposed delinquent, cut off, and reconnect fees and policy as presented, to be effective June 1, 2023. All voting yea, motion carried.

Mayor Graves advised the Board that where have also provided some proposed fees for if a customer breaks a lock on a meter, or a meter itself.

Motion was made by Alderman Simpson, seconded by Alderman Hale, to approve the proposed tampering fees and policy as presented, to be effective June 1, 2023. All voting yea, motion carried.

Economic Update – Britt Herrin

Britt Herrin advised that he needed an executive session.

Consent Agenda

Mayor Graves went over each consent agenda item, numbers 9-36, asked if anyone had any questions.

No questions asked.

Motion was made by Alderman Dear, seconded by Alderman Moore, to approve the consent agenda as presented. All voting yea, motion carried.

Approve Minutes from the Regular Mayor and Board of Aldermen meeting on April 4, 2023

Motion was made by Alderman Dear, seconded by Alderman Moore, to approve the Minutes from the Regular Mayor and Board of Aldermen Meeting on April 4, 2023. All voting yea, motion carried.

Approve Docket of Claims numbers: 28402 - 28599 for a total of \$914,442.53

Motion was made by Alderman Dear, seconded by Alderman Moore, to approve the Docket of Claim numbers 28402 - 28599 for a total of \$914,442.53. All voting yea, motion carried.

Authorize to pay First Security Bank for Invoice 041823 in the amount of \$910.00 for paying agent fees, for the 2023 GO Bond

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to pay First Security Bank for Invoice 041823 in the amount of \$910.00 for paying agenda fees, for the 2023 GO Bond. All voting yea, motion carried.

Authorize Firefighters Bedford Hunt, Mike Garrett, and Howard Boling to attend Instructors Class in Batesville, MS on April 24 – May 5, 2023, also authorize to pay registration and travel expenses

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to Firefighters Bedford Hunt, Mike Garrett, and Howard Boling to attend Instructors Class in Batesville, MS on April 24 – May 5, 2023, also authorize to pay registration and travel expenses. All voting yea, motion carried.

Authorize Chief Foresman, Chantay Rhone, Travis McDonald, Howard Boling, and Alderman Brian Hale to travel to Ocala, FL on May 8-10, 2023, to do the final inspection on the new fire truck, expenses to be paid for by the manufacturer

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize Chief Foresman, Chantay Rhone, Travis McDonald, Howard Boling, and Alderman Brian Hale to travel to Ocala, FL on May 8-10, 2023, to do the final inspection of the new fire truck, with expenses being paid for by the manufacturer. All voting yea, motion carried.

Authorize to hire Terrance Henderson as a full-time CDL driver in the Public Works Department at a rate of \$15.00 per hour, pending background and drug screening results

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to hire Terrance Henderson as a full-time CDL driver in the Public Works Department at a rate of \$15.00 per hour, pending background and drug screening results. All voting yea, motion carried.

Authorize to end employment with part time Public Works employee James Mitchell as of April 24, 2023 (not needed anymore)

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to end employment with part time Public Works employee James Mitchell as of April 24, 2023. All voting yea, motion carried.

Authorize to move Gerald Terrance to Sewer Supervisor in the Public Works Department with a raise to \$14.00 per hour

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to move Gerald Terrance to Sewer Supervisor in the Public Works Department with a raise to \$14.00 per hour. All voting yea, motion carried.

Authorize to hire Anahi Garcia as a full time Administrative Clerk in the Administration Department at a rate of \$13.50 per hour, pending background and drug screening results

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to hire Anahi Garcia as a full time Administrative Clerk in the Administration Department at a rate of \$13.50 per hour, pending background and drug screening results. All voting yea, motion carried.

Authorize to hire Jennifer Turner as a full time Administrative Clerk in the Building Department at a rate of \$15.00 per hour, pending background and drug screening results

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to hire Jennifer Turner as a full time Administrative Clerk in the Building Department at a rate of \$15.00 per hour, pending background and drug screening results. All voting yea, motion carried.

Authorize to give Human Resources Director Jada Mayer a performance raise increasing the pay to \$16.00 per hour (HR as of 10/11/22)

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to give Human Resources Director Jada Mayer a performance raise increasing the pay to \$16.00 per hour. All voting yea, motion carried.

Authorize to move Firefighter Gilder to the rank of F2 with an increase in pay to \$14.70 per hour

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to move Firefighter Gilder to the rank of F2 with an increase in pay to \$14.70 per hour. All voting yea, motion carried.

Authorize to move Firefighter Williams to the rank of F2 with an increase in pay to \$14.70 per hour

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to move Firefighter Williams to the rank of F2 with an increase in pay to \$14.70 per hour. All voting yea, motion carried.

Authorize to move Police Officer J. Hickey to the rank of P-4, SRO Officer, with a decrease in pay to \$20.00 per hour (per Hickey's request)

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to move Police Officer J. Hickey to the rank of P-4, SRO Officer, with a decrease in pay to \$20.00 per hour, per his request. All voting yea, motion carried.

Authorize to promote Police Officer Willis McNeil to Sergeant with an increase in pay to \$22.00 per hour

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to promote Police Officer Willis McNeil to Sergeant with an increase in pay to \$22.00 per hour. All voting yea, motion carried.

Authorize to accept the resignation of Animal Shelter employee Cynthia Martin effective April 11, 2023

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to accept the resignation of Animal Shelter employee Cynthia Martin effective April 11, 2023. All voting yea, motion carried.

Authorize to hire Jennifer Ennis as a full-time Animal Shelter employee, at a rate of \$11.00 per hour, pending background and drug screening results

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to hire Jennifer Ennis as a full-time Animal Shelter employee, at a rate of \$11.00 per hour, pending background and drug screening results. All voting yea, motion carried.

Authorize to hire Jackson Prices as a part-time concession worker at the Sports Park

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to hire Jackson Prices as a part-time concession worker at the Sports Park. All voting yea, motion carried.

Authorize to hire John Triplett as a full-time Maintenance worker at the Sports Park, at a pay of \$16.00 per hour, pending background and drug screening results

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to hire John Triplett as a full-time Maintenance worker at the Sports Park, at a pay of \$16.00 per hour, pending background and drug screening results. All voting yea, motion carried.

Authorize to accept the lowest and best quote from Cascade Engineering for the purchase of garbage cans

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to accept the lowest and best quote from Cascade Engineering for the purchase of garbage cans. All voting yea, motion carried.

Authorize to accept the lowest and best interest rate quote of 5.75% from BankFirst for a loan to purchase the new fire truck in the amount of \$1,249,117.00 with a 10-year term, refinancing the balance

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to accept the lowest and best interest rate quote of 5.75% from BankFirst for a loan to purchase the new fire truck in the amount of \$1,249,117.00 with a 10-year term, refinancing the balance. All voting yea, motion carried.

Authorize Mayor Graves to sign the Substantial Completion Certificate for the PATH Lighting project

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize Mayor Graves to sign the Substantial Completion Certificate for the PATH Lighting project. All voting yea, motion carried.

Authorize to surplus 8 blue and chrome executive office rolling chairs and dispose of

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to surplus 8 blue and chrome executive office rolling chairs and dispose of. All voting yea, motion carried.

Authorize to surplus and dispose of Police Unit # 310, a 2010 Chevrolet Tahoe with VIN # 1GNUKBE01AR165110 (seized vehicle, proceeds to go into the seized funds)

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to surplus and dispose of Police Unit # 310, a 2010 Chevrolet Tahoe with VIN # 1GNUKBE01AR165110 (seized vehicle, proceeds to go into the seized funds). All voting yea, motion carried.

Authorize to open a bank account at BankFirst Bank for the GO Bond 2023, authorizing Mayor Greg Graves, Alderman Adam Moore, Katie Harbin, Francis Johnson and Jada Mayer to be signers

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to open a bank account at BankFirst Bank for the GO Bond 2023, authorizing Mayor Greg Graves, Alderman Adam Moore, Katie Harbin, Francis Johnson and Jada Mayer to be signers. All voting yea, motion carried.

Approve the 2023 Street Rehab Design Proposal from Mendrop Engineering, also authorize Mayor Graves to sign necessary documents

Motion was made by Alderman Dear, seconded by Alderman Moore, to approve the 2023 Street Rehab Design Proposal from Mendrop Engineering, also authorize Mayor Graves to sign necessary documents. All voting yea, motion carried.

Authorize to set a Public Hearing on May 16, 2023, for an application to Rezone 965 Country Club Rd Senatobia from M-1 to R-2

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to set a Public Hearing on May 16, 2023, for an application to Rezone 965 Country Club Rd Senatobia from M-1 to R-2. All voting yea, motion carried.

Authorize to set a Public Hearing on May 16, 2023, to Amend the Fireworks Ordinance

Motion was made by Alderman Dear, seconded by Alderman Moore, to authorize to set a Public Hearing on May 16, 2023, to Amend the Fireworks Ordinance. All voting yea, motion carried.

Mayor's Corner

Securix

Mayor Graves advised the Board that Securix has a court date coming up regarding the issue that has been holding the process up.

Police Chief Chandler spoke and advised the Board of how the process with Securix works and how it is handled. We have processed around 1,000. If you have any questions regarding it, please let me know.

Paperless Agendas

Mayor Graves asked the Board if they would let Katie know if you are willing to use your iPad instead of receiving the paper copies for our agenda packets. It will help save on paper, ink, and time.

Authorize to go into closed session to discuss going into executive session for economic updates

Motion was made by Alderman Tanksley, seconded by Alderman Moore, to authorize to go into closed session to discuss going into executive session for economic updates. All voting yea, motion carried.

Authorize to go into executive Session for economic updates

Motion was made by Alderman Hale, seconded by Alderman Tanksley, to authorize to go into executive session for economic updates. All voting yea, motion carried.

Authorize to come out of executive session

Motion was made by Alderman Tanksley, seconded by Alderman Simpson, to authorize to come out of executive session. All voting yea, motion carried.

Adjourn

Motion was made by Alderman Simpson, and seconded by Alderman Tanksley, to adjourn until May 2, 2023, at 5pm. All voting yea, motion carried.

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Greg Graves, Mayor

ATTEST:

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Katie Harbin –City Clerk