

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda - Draft

Monday, January 4, 2016

4:00 PM

Council Chambers

City Council - Agenda Review

1. Agenda Review.

2. Citizens' Forum.

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda - Final

Monday, January 4, 2016

4:00 PM

Council Chambers

City Council - Amendments to the Agenda

Add Policy Agenda Item VI. - 6 at the request of the Administration as follows:

- VI.-6** [2015-2380](#) Adopt a Resolution finding and determining that the Resolution entitled "A Resolution declaring the intention of the Mayor and the City Council of the City of Hattiesburg, Mississippi, to issue Combined Water and Sewer Systems Revenue Bonds, Series 2016, of the City of Hattiesburg, Mississippi or borrow funds by entering into a loan with Mississippi Development Bank, All in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000.000.00) to raise money for the purpose of providing funds for (I) improving repairs, and extending the combined Water and Sewer System for the City of Hattiesburg, Mississippi; (II) other authorized purposes under the Mississippi Code Sections 31-25-1 ET SEQ., as amended and or/ supplemented from time to time, and/or Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time, as applicable; and (III) cost of issuance of the borrowing ;and directing publication of notice of such intention as adopted on November 30,2015, was duly published as required by law; that no petition or other objection of any kind or character against the bonds and/or loan secured by the notice described in said Resolution was filed; and authorizing said bonds and/or loan with the Mississippi Development Bank.

Attachments: [Resolution 1-5-2016](#)
 [publication](#)
 [executed Resolution 1-5-2016 RES#2016-3](#)



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2015-2380

File ID: 2015-2380

Type: Resolution

Status: Passed

Version: 1

Reference:

In Control: City Council

File Created: 01/04/2016

Brief Title: Resolution of no protest; and to issue combined water and sewer system revenue bonds, series 2016.

Final Action: 01/05/2016

Minute Book Number: MB2016-7-8

Title:

Adopt a Resolution finding and determining that the Resolution entitled "A Resolution declaring the intention of the Mayor and the City Council of the City of Hattiesburg, Mississippi, to issue Combined Water and Sewer Systems Revenue Bonds, Series 2016, of the City of Hattiesburg, Mississippi or borrow funds by entering into a loan with Mississippi Development Bank, All in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000.000.00) to raise money for the purpose of providing funds for (I) improving repairs, and extending the combined Water and Sewer System for the City of Hattiesburg, Mississippi; (II) other authorized purposes under the Mississippi Code Sections 31-25-1 ET SEQ., as amended and or/ supplemented from time to time, and/or Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time, as applicable; and (III) cost of issuance of the borrowing ;and directing publication of notice of such intention as adopted on November 30,2015, was duly published as required by law; that no petition or other objection of any kind or character against the bonds and/or loan secured by the notice described in said Resolution was filed; and authorizing said bonds and/or loan with the Mississippi Development Bank.

Notes:

Sponsors:

Enactment Date:

Attachments: Resolution 1-5-2016, publication, executed
Resolution 1-5-2016 RES#2016-3

Enactment Number:

Contact:

Meeting Date:

Drafter: Kermas Eaton

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Amendments to the Agenda	01/04/2016					
1	City Council	01/05/2016	Adopt				Pass
	Action Text: A MOTION was made by Council Member Carroll and seconded by Council Member Dryden to Adopt a Resolution finding and determining that the Resolution entitled "A Resolution declaring the intention of the Mayor and the City Council of the City of Hattiesburg, Mississippi, to issue Combined Water and Sewer Systems Revenue Bonds, Series 2016, of the City of Hattiesburg, Mississippi or borrow funds by entering into a loan with Mississippi Development Bank, All in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000.000.00) to raise money for the purpose of of providing funds for (I) improving repairs, and extending the combined Water and Sewer System for the City of Hattiesburg, Mississippi; (II) other authorized purposes under the Mississippi Code Sections 31-25-1 ET SEQ., as amended and or/ supplemented from time to time, and/or Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time, as applicable; and (III) cost of issuance of the borrowing ;and directing publication of notice of such intention as adopted on November 30,2015, was duly published as required by law; that no petition or other objection of any kind or character against the bonds and/or loan secured by the notice described in said Resolution was filed; and authorizing said bonds and/or loan with the Mississippi Development Bank.						
	There being no discussion, the Motion received the affirmative vote of the Council as follows:						
	Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor						
	Nays: 0						
		Yea: 5	Council Member Bradley Council Member Delgado Council Member Carroll Council Member Dryden Council Member Naylor				
	TEL-No Vote: 0						

Text of Legislative File 2015-2380

Title

Adopt a Resolution finding and determining that the Resolution entitled "A Resolution declaring the intention of the Mayor and the City Council of the City of Hattiesburg, Mississippi, to issue Combined Water and Sewer Systems Revenue Bonds, Series 2016, of the City of Hattiesburg, Mississippi or borrow funds by entering into a loan with Mississippi Development Bank, All in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000.000.00) to raise money for the purpose of of providing funds for (I) improving repairs, and extending the combined Water and Sewer System for the City of Hattiesburg, Mississippi; (II) other authorized purposes under the Mississippi Code Sections 31-25-1 ET SEQ., as amended and or/ supplemented from time to time, and/or Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time, as applicable; and (III) cost of issuance of the borrowing ;and directing publication of notice of such intention as adopted on November 30,2015, was duly published as required by law; that no petition or other objection of any kind or character against the bonds and/or loan secured by the notice described in said Resolution was filed; and authorizing said bonds and/or loan with the Mississippi Development Bank.

Summary

Resolution of no protest.

Budget Information

Expenditure Type

Purchasing Item

Publication Information

A RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ENTITLED "A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, TO ISSUE COMBINED WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2016, OF THE CITY OF HATTIESBURG, MISSISSIPPI, OR TO BORROW FUNDS BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY FIVE MILLION DOLLARS (\$25,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) IMPROVING, REPAIRING, AND EXTENDING THE COMBINED WATER AND SEWER SYSTEM OF THE CITY OF HATTIESBURG, MISSISSIPPI; (II) OTHER AUTHORIZED PURPOSES UNDER MISSISSIPPI CODE SECTIONS 31-25-1 ET SEQ., AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AND/OR SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AS APPLICABLE; AND (III) COSTS OF ISSUANCE OF THE BORROWING; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION" AS ADOPTED ON NOVEMBER 30, 2015, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO PETITION OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE BONDS AND/OR THE LOAN SECURED BY THE NOTE DESCRIBED IN SAID RESOLUTION WAS FILED; AND AUTHORIZING SAID BONDS AND/OR LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK.

WHEREAS, the Mayor and City Council of the City of Hattiesburg, Mississippi (the "City"), acting for and on behalf of the said City, does hereby find, determine, adjudicate, and declare as follows, to-wit:

1. That on November 30, 2015, the Mayor and City Council of the City did adopt a certain resolution entitled **"A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, TO ISSUE COMBINED WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2016, OF THE CITY OF HATTIESBURG, MISSISSIPPI, OR TO BORROW FUNDS BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY FIVE MILLION DOLLARS (\$25,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) IMPROVING, REPAIRING, AND EXTENDING THE COMBINED WATER AND SEWER SYSTEM OF THE CITY OF HATTIESBURG, MISSISSIPPI; (II) OTHER AUTHORIZED PURPOSES UNDER MISSISSIPPI CODE SECTIONS 31-25-1 ET SEQ., AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AND/OR SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AS APPLICABLE; AND (III) COSTS OF ISSUANCE OF THE BORROWING; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION"** (the "Intent Resolution"); and that as required by law and as directed by the aforesaid Intent Resolution, the said Intent Resolution was (i) published once a week for at least three (3) consecutive weeks in *Hattiesburg American*, a newspaper published in the City

of Hattiesburg, Mississippi, and of 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 this Intent Resolution being not more than ten (10) days prior to December 30, 2015, the date set forth as the deadline for the filing of objection or protest, and being more than ten (10) days prior to January 5, 2016, the date set forth for the meeting of the Mayor and City Council to authorize the issuance of the Combined Water and Sewer System Revenue Bonds, Series 2016 (the "Bonds") of the City and/or to borrow funds by entering into a loan (the "Loan") with the Mississippi Development Bank secured by the Promissory Note (Hattiesburg, Mississippi Combined Water and Sewer System Revenue Bond Project) (the "Note"), which Loan and Note are to be funded from the proceeds of bonds of the Mississippi Development Bank (the "Bank Bonds"), said notice being published in said newspaper on December 10, 17 and 24, 2015, as evidenced by the publisher's affidavit heretofore presented and attached hereto as **EXHIBIT A**.

2. That on or prior to the hour of 10:00 o'clock a.m. on December 30, 2015, no petition signed by twenty percent (20%) of the qualified electors of said City objecting to and protesting such Bonds and/or Loan nor any other objection of any kind or character against the Bonds and/or Loan described in the aforesaid resolution had been filed or presented by the qualified voters of said City; and

3. That the Mayor and City Council of the City is now authorized and empowered by the provisions of provisions of Mississippi Code 1972 Annotated, Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time (the "Bond Act") and/or, as applicable, Sections 31-25-1 et seq., Mississippi Code of 1972, as amended and/or supplemented from time to time (the "Bank Act" and together with the Bond Act, the "Act"), to adopt this resolution (the "No Protest Resolution") to issue the Bonds and/or enter into the Loan without any election on the question of the issuance of the Bonds and/or the entering into such Loan; and

4. That the Mayor and City Council of the City, acting for an on behalf of the City, pursuant to the Act, desire to issue the Bonds and/or enter into the Loan with the Mississippi Development Bank, secured by the Note and pursuant to the Act, the Intent Resolution and the No Protest Resolution the City is authorized to borrow funds by issuing the Bonds and/or entering into the Loan without the necessity of calling and holding an election on the question of issuing the Bonds and/or entering into the Loan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the Mayor and City Council of the City, acting for an on behalf of the City, pursuant to the Act, the Intent Resolution and the No Protest Resolution are authorized to issue the Bonds and/or enter into the Loan secured by the Note.

SECTION 2. That City shall be and is hereby authorized to issue the Bonds and/or enter into the Loan to raise money for the purpose of providing funds for (i) repairing, improving and extending the combined water and sewer system of the City (the "System"); (ii) other authorized purposes under the Act; and (iii) paying the costs of issuance of the borrowing, in accordance with further orders, resolutions and directions of the Mayor and City Council, all in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000,000).

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Councilperson _____ seconded by Councilperson _____, and was adopted by the following vote, to-wit:

YEAS:

NAYS:

ABSENT:

The motion having received the affirmative vote of a majority of the Council members present, the President declared the motion carried and the resolution adopted, on this the 5th day of January, 2016.

(SEAL)

ATTEST:

CLERK OF COUNCIL

PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 5th day of January, 2016.

ATTEST:

CITY CLERK

MAYOR

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
FORREST COUNTY

PERSONALLY appeared before me, the undersigned notary public in and for Forrest County, Mississippi,

BRITTANY ASHLEY

PASTE PROOF HERE

H12998
CITY OF HBURG,
0200496415
MDB W&S Rev Bonds 2016

an authorized clerk of the HATTIESBURG AMERICAN, a daily newspaper published in the City of Hattiesburg, Forrest County, Mississippi who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

12/10/2015
12/10/2015
12/10/2015
12/17/2015
12/24/2015

Size: 1,753 words / 1.00 col. x 421.00 lines

Published: 3 time(s)

Total: \$572.21

Signed *Brittany Ashley*
Authorized Clerk of
The Hattiesburg American

SWORN to and subscribed before me on 12/24/2015

Jennifer J. Brogdon
Notary Public

DEC. 24, 2015
Date

(SEAL)



the meeting of the Governing Body to authorize the issuance of the Bonds or entering into a Loan with the Mississippi Development Bank.

SECTION 5. The City Clerk is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of publication of this resolution and have the same before the Governing Body on the day and hour hereinabove specified.

SECTION 6. The City reasonably expects that it will incur expenditures prior to the issuance of the Bonds or entering into the Loan with the Mississippi Development Bank, which it intends to reimburse with the proceeds of the Bonds upon the issuance thereof or the date of entering into the Loan. This declaration of official intent to reimburse expenditures made prior to the issuance of the Bonds or the authorization of the Loan in anticipation of the issuance of the Bonds or entering into the Loan is made pursuant to the Department of Treasury regulations Section 1.150-2 (the Reimbursement Regulations). The Project for which such expenditures are made is the same as described hereinabove. The maximum principal amount of debt expected to be issued or borrowed for the Project is the amount hereinabove set forth.

SECTION 7. If any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilman Carroll, seconded by Councilman Naylor and was adopted by the following roll call vote, to wit:

YEAS:
Bradley
Carroll
Dryden
Naylor

NAYS:
None

ABSENT:

TEL - DID NOT VOTE:
Deigado

The President thereby declared the motion carried and the resolution adopted this the 30th day of November, 2015.

(SEAL)

ATTEST:
/s/ Debra K Bernardo
CLERK OF COUNCIL

ADOPTED:
/s/ Kim Bradley
PRESIDENT

The above and foregoing resolution having been submitted to and approved by the Mayor, this the 30th day of November, 2015.

/s/ Kermes Eaton
CITY CLERK

/s/ Johnny L. Dupree
MAYOR

PUBLISH: December 10,
17 and 24, 2015
0200496415-01

RESOLUTION
DECLARING THE
INTENTION OF THE
MAYOR AND CITY
COUNCIL OF THE CITY
OF HATTIESBURG,
MISSISSIPPI, TO ISSUE
COMBINED WATER AND
SEWER REVENUE
SYSTEM BONDS,
SERIES 2016, OF THE
CITY OF HATTIESBURG,
MISSISSIPPI, OR TO
BORROW FUNDS BY
ENTERING INTO A LOAN
WITH THE MISSISSIPPI
DEVELOPMENT BANK,
ALL IN THE PRINCIPAL
AMOUNT OF NOT TO
EXCEED TWENTY FIVE
MILLION DOLLARS
(\$25,000,000) TO RAISE
MONEY FOR THE
PURPOSE OF PROVIDING
FUNDS FOR (I)
IMPROVING, REPAIRING,
AND EXTENDING THE
COMBINED WATER AND
SEWER SYSTEM OF THE
CITY OF HATTIESBURG,
MISSISSIPPI; (II) OTHER
AUTHORIZED PURPOSES
UNDER MISSISSIPPI
CODE SECTIONS 21-25-1
ET SEQ., AS AMENDED
AND/OR SUPPLEMENTED
FROM TIME TO TIME,
AND/OR SECTIONS 21-27-
23 AND 21-27-41
THROUGH 21-27-69, AS
AMENDED AND/OR
SUPPLEMENTED FROM
TIME TO TIME, AS
APPLICABLE; AND (III)
COSTS OF ISSUANCE OF
THE BORROWING; AND
DIRECTING
PUBLICATION OF SUCH
NOTICE OF SUCH
INTENTION.

WHEREAS, the City of Hattiesburg, Mississippi (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 and/or supplemented from time to time (the "Bond Act") and/or, as applicable, Sections 31-25-1 et seq., Mississippi Code of 1972, as amended and/or supplemented from time to time (the "Bank Act") and together with the Bond Act, the "Act"), to issue bonds hereinafter proposed to be issued under the Bond Act or to enter into a loan for the purposes and amounts set forth herein under the Bond Act and the Bank Act, as applicable; and

WHEREAS, the Mayor and City Council of the City (the "Governing Body") find and determine that it is necessary and proper to provide funds for (i) repairing, improving and extending the combined water and sewer system of the City (the "System"); (ii) other authorized purposes under Mississippi Code Sections 31-25-1 et seq., as amended and/or supplemented from time to time and/or Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time, as applicable; and (iii) costs of issuance of the borrowing (together, the "Project"); and

WHEREAS, the Governing Body has caused an estimate to be made of the cost of such Project from which estimate the Governing Body finds that the contemplated costs thereof will not exceed Twenty Five Million Dollars (\$25,000,000); and WHEREAS, it is necessary for the health and well being of the citizens of the City to issue Combined Water and Sewer System Revenue Bonds, Series 2016 (the "Bonds") of the City or to borrow funds by entering into a loan (the "Loan") with the Mississippi Development Bank, all in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000,000) to raise money for the purpose of providing funds for the Project; and

WHEREAS, it is necessary, proper and economically feasible that the City issue its Bonds pursuant to the Bond Act or to enter into a Loan with the Mississippi Development Bank, pursuant to the Bond Act and the Bank Act, for the purposes herein stated and under the procedures hereinafter set forth and as provided by law; and

WHEREAS, the City reasonably expects that it will incur expenditures prior to the issuance of the Bonds or entering into the Loan with the Mississippi Development Bank, which it intends to reimburse with the proceeds of the Bonds upon the issuance thereof or the date of entering into the Loan. This declaration of official intent to reimburse expenditures made prior to the issuance of the Bonds or entering into the Loan in anticipation of the issuance of the Bonds or entering into the Loan is made pursuant to Department of Treasury regulations Section 1.150-2 (the Reimbursement Regulations). The Project for which such expenditures are made is the same as described hereinabove. The maximum principal amount of debt expected to be issued for the Project is the amount hereinabove set forth.

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

SECTION 1. The Governing Body hereby declares its intention to issue the Bonds pursuant to the Bond Act or enter into the Loan with the Mississippi Development Bank pursuant to the Bond Act and the Bank Act. In the principal amount of not to exceed Twenty Five Million Dollars (\$25,000,000) to raise money for the purpose of providing funds for the Project.

SECTION 2. The principal and interest on the said Bonds or the Loan with the Mississippi Development Bank shall be payable over a period not to exceed twenty (20) years solely from net revenue derived and to be derived from operation of the System, including any available proceeds of state revolving loans, if applicable, subject to the debt service on any outstanding, partly indebtedness. Said Bonds or Loan with the Mississippi Development Bank shall not constitute an indebtedness of the City within the meaning of any statutory or charter restriction, limitation, or provision, and the taxing power of the City will not be pledged to the payment of said Bonds or the Loan with the Mississippi Development Bank, but the same, together with the interest thereon, shall be payable solely from net revenues of the System.

SECTION 3. Unless a protest in writing signed by not less than twenty percent (20%) of the qualified electors of the City of Hattiesburg, Mississippi, objecting to and protesting against the issuance of said Bonds or entering into the Loan with the Mississippi Development Bank, is filed with the City Clerk on or 15:00 o'clock a.m. on December 30, 2015, the Governing Body will authorize the issuance of the Bonds or the Loan with the Mississippi Development Bank at a meeting of the Governing Body set for 6:00 o'clock p.m. on January 5, 2016, which date shall be more than ten (10) days after the date of the last publication of this resolution. If such sufficient protest and objection is filed on or before the date and hour hereinabove set forth, the question of the issuance of said Bonds or entering into the Loan with the Mississippi Development Bank shall be submitted to an election to be held as provided in Mississippi Code 1972, Annotated, Section 21-27-45, as amended supplemented from time to time.

SECTION 4. This resolution shall be published once a week for at least three consecutive weeks in the Hattiesburg American, a newspaper published in the City of Hattiesburg, Mississippi, and having general circulation therein and qualified under the provisions of the laws of the State of Mississippi, and the last publication of this resolution shall be not more than ten (10) days prior to the date hereinabove set forth as the deadline for the filing of objection or protest and shall be more than ten (10) days prior to the date hereinabove set forth for

A RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ENTITLED "A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, TO ISSUE COMBINED WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2016, OF THE CITY OF HATTIESBURG, MISSISSIPPI, OR TO BORROW FUNDS BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY FIVE MILLION DOLLARS (\$25,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) IMPROVING, REPAIRING, AND EXTENDING THE COMBINED WATER AND SEWER SYSTEM OF THE CITY OF HATTIESBURG, MISSISSIPPI; (II) OTHER AUTHORIZED PURPOSES UNDER MISSISSIPPI CODE SECTIONS 31-25-1 ET SEQ., AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AND/OR SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AS APPLICABLE; AND (III) COSTS OF ISSUANCE OF THE BORROWING; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION" AS ADOPTED ON NOVEMBER 30, 2015, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO PETITION OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE BONDS AND/OR THE LOAN SECURED BY THE NOTE DESCRIBED IN SAID RESOLUTION WAS FILED; AND AUTHORIZING SAID BONDS AND/OR LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK.

WHEREAS, the Mayor and City Council of the City of Hattiesburg, Mississippi (the "City"), acting for and on behalf of the said City, does hereby find, determine, adjudicate, and declare as follows, to-wit:

1. That on November 30, 2015, the Mayor and City Council of the City did adopt a certain resolution entitled **"A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, TO ISSUE COMBINED WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2016, OF THE CITY OF HATTIESBURG, MISSISSIPPI, OR TO BORROW FUNDS BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY FIVE MILLION DOLLARS (\$25,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) IMPROVING, REPAIRING, AND EXTENDING THE COMBINED WATER AND SEWER SYSTEM OF THE CITY OF HATTIESBURG, MISSISSIPPI; (II) OTHER AUTHORIZED PURPOSES UNDER MISSISSIPPI CODE SECTIONS 31-25-1 ET SEQ., AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AND/OR SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, AS APPLICABLE; AND (III) COSTS OF ISSUANCE OF THE BORROWING; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION"** (the "Intent Resolution"); and that as required by law and as directed by the aforesaid Intent Resolution, the said Intent Resolution was (i) published once a week for at least three (3) consecutive weeks in *Hattiesburg American*, a newspaper published in the City

of Hattiesburg, Mississippi, and of 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 this Intent Resolution being not more than ten (10) days prior to December 30, 2015, the date set forth as the deadline for the filing of objection or protest, and being more than ten (10) days prior to January 5, 2016, the date set forth for the meeting of the Mayor and City Council to authorize the issuance of the Combined Water and Sewer System Revenue Bonds, Series 2016 (the "Bonds") of the City and/or to borrow funds by entering into a loan (the "Loan") with the Mississippi Development Bank secured by the Promissory Note (Hattiesburg, Mississippi Combined Water and Sewer System Revenue Bond Project) (the "Note"), which Loan and Note are to be funded from the proceeds of bonds of the Mississippi Development Bank (the "Bank Bonds"), said notice being published in said newspaper on December 10, 17 and 24, 2015, as evidenced by the publisher's affidavit heretofore presented and attached hereto as **EXHIBIT A**.

2. That on or prior to the hour of 10:00 o'clock a.m. on December 30, 2015, no petition signed by twenty percent (20%) of the qualified electors of said City objecting to and protesting such Bonds and/or Loan nor any other objection of any kind or character against the Bonds and/or Loan described in the aforesaid resolution had been filed or presented by the qualified voters of said City; and

3. That the Mayor and City Council of the City is now authorized and empowered by the provisions of provisions of Mississippi Code 1972 Annotated, Sections 21-27-23 and 21-27-41 through 21-27-69, as amended and/or supplemented from time to time (the "Bond Act") and/or, as applicable, Sections 31-25-1 et seq., Mississippi Code of 1972, as amended and/or supplemented from time to time (the "Bank Act" and together with the Bond Act, the "Act"), to adopt this resolution (the "No Protest Resolution") to issue the Bonds and/or enter into the Loan without any election on the question of the issuance of the Bonds and/or the entering into such Loan; and

4. That the Mayor and City Council of the City, acting for an on behalf of the City, pursuant to the Act, desire to issue the Bonds and/or enter into the Loan with the Mississippi Development Bank, secured by the Note and pursuant to the Act, the Intent Resolution and the No Protest Resolution the City is authorized to borrow funds by issuing the Bonds and/or entering into the Loan without the necessity of calling and holding an election on the question of issuing the Bonds and/or entering into the Loan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the Mayor and City Council of the City, acting for an on behalf of the City, pursuant to the Act, the Intent Resolution and the No Protest Resolution are authorized to issue the Bonds and/or enter into the Loan secured by the Note.

SECTION 2. That City shall be and is hereby authorized to issue the Bonds and/or enter into the Loan to raise money for the purpose of providing funds for (i) repairing, improving and extending the combined water and sewer system of the City (the "System"); (ii) other authorized purposes under the Act; and (iii) paying the costs of issuance of the borrowing, in accordance with further orders, resolutions and directions of the Mayor and City Council, all in the principal amount of not to exceed Twenty Five Million Dollars (\$25,000,000).

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Councilperson Carroll seconded by Councilperson Dryden, and was adopted by the following vote, to-wit:

YEAS: Bradley
Delgado
Carroll
Dryden
Naylor

NAYS: None

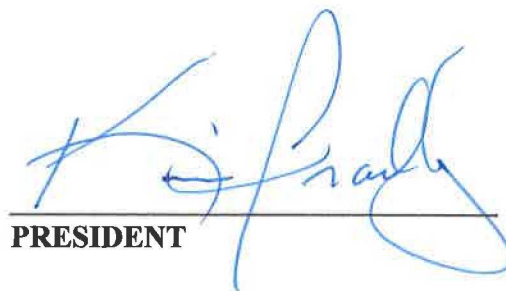
ABSENT:

The motion having received the affirmative vote of a majority of the Council members present, the President declared the motion carried and the resolution adopted, on this the 5th day of January, 2016.

(SEAL)

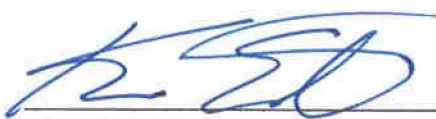
ATTEST:


CLERK OF COUNCIL


PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 5th day of January, 2016.

ATTEST:


CITY CLERK


MAYOR

EXHIBIT A
PROOF OF PUBLICATION

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
FORREST COUNTY

PERSONALLY appeared before me, the undersigned notary public in and for Forrest County, Mississippi,

BRITTANY ASHLEY

PASTE PROOF HERE

H12998
CITY OF HATTIESBURG,
0200496415
MDB W&S Rev Bonds 2016

an authorized clerk of the HATTIESBURG AMERICAN, a daily newspaper published in the City of Hattiesburg, Forrest County, Mississippi who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

12/10/2015
12/10/2015
12/10/2015
12/17/2015
12/24/2015

Size: 1,753 words / 1.00 col. x 421.00 lines

Published: 3 time(s)

Total: \$572.24

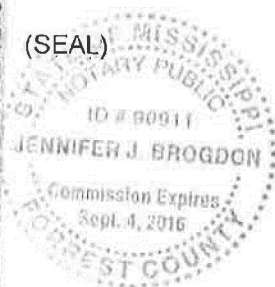
Signed *Brittany Ashley*
Authorized Clerk of
The Hattiesburg American

SWORN to and subscribed before me on 12/24/2015

Jennifer J. Brogdon
Notary Public

Dec. 24, 2015
Date

(SEAL)



the meeting of the
Governing Body to
authorize the issuance
of the Bonds or entering
into a Loan with the
Mississippi Development
Bank.

SECTION 5. The City
Clerk is hereby directed to
procure from the publisher
of the aforesaid newspaper
the customary proof of
publication of this resolution
and have the same before
the Governing Body on the
day and hour hereinabove
specified.

SECTION 6. The City
reasonably expects that it
will incur expenditures prior
to the issuance of the
Bonds or entering into the
Loan with the Mississippi
Development Bank, which it
intends to reimburse with
the proceeds of the Bonds
upon the issuance thereof
or the date of entering into
the Loan. This declaration
of official intent to
reimburse expenditures
made prior to the issuance
of the Bonds or the
authorization of the Loan in
anticipation of the issuance
of the Bonds or entering
into the Loan is made
pursuant to the Department
of Treasury regulations
Section 1.150-2 (the
Reimbursement
Regulations). The Project
for which such expenditures
are made is the same as
described hereinabove.
The maximum principal
amount of debt expected to
be issued or borrowed for
the Project is the amount
hereinabove set forth.

RESOLUTION
DECLARING THE
INTENTION OF THE
MAYOR AND CITY
COUNCIL OF THE CITY
OF HATTIESBURG,
MISSISSIPPI, TO ISSUE
COMBINED WATER AND
SEWER SYSTEM
REVENUE BONDS,
SERIES 2016, OF THE
CITY OF HATTIESBURG,
MISSISSIPPI, OR TO
BORROW FUNDS BY
ENTERING INTO A LOAN
WITH THE MISSISSIPPI
DEVELOPMENT BANK,
ALL IN THE PRINCIPAL
AMOUNT OF NOT TO
EXCEED TWENTY FIVE
MILLION DOLLARS
(\$25,000,000) TO RAISE
MONEY FOR THE
PURPOSE OF PROVIDING
FUNDS FOR (i)
IMPROVING, REPAIRING,
AND EXTENDING THE
COMBINED WATER AND
SEWER SYSTEM OF THE
CITY OF HATTIESBURG,
MISSISSIPPI, (ii) OTHER
AUTHORIZED PURPOSES
UNDER MISSISSIPPI
CODE SECTIONS 21-25-1
ET SEQ., AS AMENDED
AND/OR SUPPLEMENTED
FROM TIME TO TIME,
AND/OR SECTIONS 21-27-
23 AND 21-27-41
THROUGH 21-27-69, AS
AMENDED AND/OR
SUPPLEMENTED FROM
TIME TO TIME AS
APPLICABLE; AND (iii)
COSTS OF ISSUANCE OF
THE BORROWING; AND
DIRECTING
PUBLICATION OF SUCH
NOTICE.

WHEREAS, the City of
Hattiesburg, Mississippi
(the "City"), is authorized
under the provisions of
Mississippi Code Section
1-272, Annotated, Sections 21-27-
23 and 21-27-41 through 21-
27-69, as amended and/or
supplemented from time to
time (the "Bond Act")
and/or, as applicable,
Sections 31-25-1 et seq.,
Mississippi Code of 1972,
as amended and/or
supplemented from time to
time (the "Bank Act") and
together with the Bond Act
and the Bank Act, to issue
bonds hereinafter proposed to
be issued under the Bond Act
or to enter into a loan for
the purposes and amounts
set forth herein under the
Bond Act and the Bank Act,
as applicable; and

WHEREAS, the Mayor and
City Council of the City
(the "Governing Body") find
and determine that it is
necessary and proper to
provide funds for (i)
repairing, improving and
extending the combined
water and sewer system of
the City (the "System"); (ii)
other authorized purposes
under Mississippi Code
Sections 21-25-1 et seq.,
as amended and/or
supplemented from time to
time and/or Sections 21-27-
23 and 21-27-41 through 21-
27-69, as amended and/or
supplemented from time to
time, as applicable; and (iii)
costs of issuance of the
borrowing. Together, the
"Project"; and

WHEREAS, the
Governing Body has
caused an estimate to be
made of the cost of such
Project from which estimate
the Governing Body finds
that the contemplated costs
thereof will not exceed
Twenty Five Million Dollars
(\$25,000,000); and
WHEREAS, it is necessary
for the health and well
being of the citizens of the
City to issue Combined
Water and Sewer System
Revenue Bonds, Series
2016 (the "Bonds") of the
City or to borrow funds by
entering into a loan (the
"Loan") with the Mississippi
Development Bank, all in
the principal amount of not
to exceed Twenty Five
Million Dollars
(\$25,000,000) to raise
money for the purpose of
providing funds for the
Project; and

WHEREAS, it is
necessary, proper and
economically feasible that
the City issue its Bonds
pursuant to the Bond Act
or to enter into a Loan with
the Mississippi Development
Bank, pursuant to the Bank
Act and the Bank Act, for
the purposes herein stated
and under the procedures
hereinafter set forth and as
provided by law; and

WHEREAS, the City
reasonably expects that it
will incur expenditures prior
to the issuance of the
Bonds or entering into the
Loan with the Mississippi
Development Bank, which it
intends to reimburse with
the proceeds of the Bonds
upon the issuance thereof
or the date of entering into
the Loan. This declaration
of official intent to
reimburse expenditures
made prior to the issuance
of the Bonds or entering
into the Loan is made
pursuant to the Department
of Treasury regulations
Section 1.150-2 (the
Reimbursement
Regulations). The Project
for which such expenditures
are made is the same as
described hereinabove.
The maximum principal
amount of debt expected to
be issued for the Project is
the amount hereinabove set
forth.

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

SECTION 1. The
Governing Body hereby
declares its intention to
issue the Bonds pursuant to
the Bond Act or enter into
the Loan with the
Mississippi Development
Bank pursuant to the Bond
Act and the Bank Act, in the
principal amount of not to
exceed Twenty Five Million
Dollars (\$25,000,000) to
raise money for the
purpose of providing funds
for the Project.

SECTION 2. The
principal and interest on the
said Bonds or the Loan with
the Mississippi
Development Bank shall be
payable over a period not to
exceed twenty (20) years
solely from net revenue
derived and to be derived
from operation of the
System, including any
available proceeds of state
revolving loans, if
applicable, subject to the
debt service on any
outstanding partly
indebtedness. Said Bonds
or Loan with the Mississippi
Development Bank shall
not constitute an
indebtedness of the City
within the meaning of any
statutory or charter
restriction, limitation, or
provision, and the taxing
power of the City will not be
pledged to the payment of
said Bonds or the Loan with
the Mississippi
Development Bank, but the
same, together with the
interest thereon, shall be
payable solely from net
revenue of the System.

SECTION 3. Unless a
protest in writing signed by
not less than twenty
percent (20%) of the
qualified electors of the City
of Hattiesburg, Mississippi,
objecting to and protesting
against the issuance of said
Bonds or entering into the
Loan with the Mississippi
Development Bank, is filed
with the City Clerk on or
10:00 o'clock a.m. on
December 30, 2015, the
Governing Body will
authorize the issuance of
the Bonds or the Loan with
the Mississippi
Development Bank at a
meeting of the Governing
Body set for 6:00 o'clock
p.m. on January 5, 2016,
which date shall be more
than ten (10) days after the
date of the last publication
of this resolution. If such
sufficient protest and
objection is filed on or
before the date and hour
hereinabove set forth, the
question of the issuance of
said Bonds or entering into
the Loan with the
Mississippi Development
Bank shall be submitted to
an election to be held as
provided in Mississippi
Code Section 21-27-43, as
amended and/or
supplemented from time to
time.

SECTION 4. This
resolution shall be
published once a week for
at least three consecutive
weeks in the Hattiesburg
American, a newspaper
published in the City of
Hattiesburg, Mississippi,
and having general
circulation therein and
qualified under the
provisions of the laws of the
State of Mississippi, and
the last publication of the
resolution shall be not more
than ten (10) days prior to
the date hereinabove set
forth as the deadline for the
filing of objection or protest
and shall be more than ten
(10) days prior to the date
hereinabove set forth for

SECTION 7. If any one or
more of the provisions of
this resolution shall for any
reason be held to be illegal
or invalid, such illegality or
invalidity shall not affect
any of the other provisions
of this resolution, but this
resolution shall be
construed and enforced as
if such illegal or invalid
provision or provisions had
not been contained herein.

The above and foregoing
resolution, after having
been first reduced to
writing, was introduced by
Councilman Carroll,
seconded by Councilman
Mayor and was adopted by
the following roll call vote,
to wit:

YEAS:
Bradley
Carroll
Dryden
Naylor

NAYS:
None

ABSENT:
TEL. - DID NOT VOTE:
Daigado

The President thereby
declared the motion carried
and the resolution adopted
this 30th day of
November, 2015.

(SEAL)
ATTEST:
/s/ Debra K. Bernardo
CLERK OF COUNCIL

ADOPTED:
/s/ Kim Bradley
PRESIDENT

The above and foregoing
resolution having been
submitted to and approved
by the Mayor, this 30th
day of November, 2015.

/s/ Kermas Eaton
CITY CLERK
/s/ Johnny L. Dupres
MAYOR

PUBLISH: December 10,
17 and 24, 2015.

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, January 4, 2016

4:00 PM

Council Chambers

City Council - Work Session

1. Auction of HPD Surplus Weapons - Bradley
2. Q & A with MDEQ Official on Land Application Permit - Delgado
3. Increased Costs for Recycling - Dryden

[2015-2378](#)

Sumrall Recycling Letter, 12-3-15, Notifying City of Per Ton Charge for Curbside Single Stream Recycling Material

Attachments: [Sumrall Recycling Letter, Per Ton Charge for Single Stream Recycling, 12-3-15](#)

[2015-2379](#)

Landfill Savings Report, 2015, COH

Attachments: [Landfill savings](#)