

**BE IT REMEMBERED** that a Regular Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 6:00 p.m. on August 9, 2016, being the second Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Tyrone Hendrix, President, Ward 6; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2; Kenneth Stokes, Ward 3; De'Keither Stamps, Ward 4; Charles Tillman, Ward 5 and, Margaret Barrett-Simon Vice-President, Ward 7. Directors: Tony Yarber, Mayor; Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Allice Lattimore, Deputy City Clerk and Monica Joiner, City Attorney.

Absent: None.

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The meeting was called to order by **President Tyrone Hendrix**.

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The invocation was offered by **Pastor Damarius Cotton** of The Faith Center.

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The following individual was introduced during the meeting:

- **Andrew Young**
- **Latrice Westbrook**
- **Jennifer Biard**

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**President Hendrix** requested that Agenda Items No. 26, 27, 25 and 28 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

**President Hendrix** recognized **Council Member Stamps** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI RECOGNIZING THE HARD WORK AND ACCOMPLISHMENTS OF SOUTHWEST JACKSON TEAM BLAZE**. Accepting the Resolution with appropriate remarks was **Reginald Burks**.

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**President Hendrix** recognized **Council Member Stamps** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING MR. TONY HERNANDO HANNAH AS A LIFELONG BUSINESSMAN AND HUMANITARIAN WITHIN THE CITY OF JACKSON**. Accepting the Resolution with appropriate remarks was **Tony Hernando Hannah**.

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**President Hendrix** recognized **Council Member Stokes** who **PRESENTED A WARD THREE PRESENTION TO GREGORY PIPPINS**. Accepting the Plaque with appropriate remarks was **Gregory Pippins**.

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**President Hendrix** recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING DR. LATONYA "T-BABY" BARNES FOR BEING AN ICONIC BLUES ARTIST AND LEADING CITIZEN.** Accepting the Resolution with appropriate remarks was **Latonya Barnes.**

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**President Hendrix** recognized the following individual who provided public comments regarding an agenda item during the meeting:

- **Marcus Wallace** expressed concerns regarding Agenda Item No. 21.

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**ORDER ACCEPTING THE BID OF AMY SOJOURNER INC. FOR TWENTY-FOUR MONTH SUPPLY OF CLAY GRAVEL AND BID OF WHITE SANDS INC. FOR TWENTY-FOUR MONTH SUPPLY OF WASHED GRAVEL (BID NO. 75078-051016).**

**WHEREAS,** sealed term bids for Clay Gravel and for Washed Gravel were opened on May 10, 2016, wherein five (5) bids were received; and

**WHEREAS,** the Maintenance Supply Division will distribute these materials to other divisions to be used in various repair projects within the City of Jackson; and

**WHEREAS,** the staff of the Maintenance Supply Division of the Department of Public Works recommends that the governing authorities deem the bid of Amy Sojourner, Inc., 113 Bobo Drive, Crystal Spring, MS 39059 to be the lowest and best bid received for the following item:

Item 1. Clay Gravel- \$8.00 per ton (Delivered by truck to Maintenance Supply) and deem the bid of White Sands, Inc., 6051 I-55 South, Byram, MS 39272 to be the lowest and best bid received for the following item:

Item 2. Wash Gravel - \$18.90 per ton (Delivered by truck to Maintenance Supply).

**IT IS, THEREFORE, ORDERED** that the bid of Amy Sojourner, Inc., 113 Bobo Driver, Crystal Spring 39059, received May 10, 2016, for a twenty-four-month supply of Clay Gravel in the amount of \$8.00 per ton, including delivery to Maintenance Supply (beginning June 1, 2016 and continuing for twenty-four months) and the bid of White Sands, Inc., 6051 I-55, Byram, MS 39272, received May 10, 2016, for a twenty-four month supply of Washed Gravel in the amount of \$18.90 per ton, including delivery to Maintenance Supply (starting June 1, 2016 and continuing for twenty-four months), are accepted as the lowest best bids received, it having been determined that these bids meet the specifications.

**IT IS FURTHER ORDERED** that payment for Clay Gravel and Washed Gravel be made from the General Fund.

**Council Member Stokes** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

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**Council Members Stokes** and **Stamps** left the meeting.

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**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, AUGUST 9, 2016 6:00 P.M.**

478

**ORDER APPROVING CLAIMS NUMBER 8929 TO 9355, APPEARING AT PAGES 1738 TO 1442 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$8,408,717.65 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 8929 to 9355 appearing at pages 1378 to 1442, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$13,831,761.19 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

**IT IS FURTHER ORDERED** that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

<b>FROM:</b>	<b>TO ACCOUNTS PAYABLE FUND</b>
1% INFRASTRUCTURE TAX	1,027,619.77
2007 TAX INR LO BONDS	21,009.00
2010 GO REFUNDING/RESTRUCTURIN	496,043.50
2012 WATER/SEWEER REFUNDING B&I	3,954,937.51
AMERICORP CAPITAL CITY REBUILD	4,500.32
BUSINESS IMPROV FUND (LANDSCP)	31,655.89
CAPITAL CITY REVENUE FUND	4,768.86
CONVEN REFUNDING, SRIES 2013A	1,324,843.75
DISABILITY RELIEF FUND	103,114.58
EARLY CHILDHOOD (DAYCARE)	8,789.70
EDI - SPECIAL PROJECT	1,145.00
EMPLOYEES GROUP INSURANCE FUND	28,061.66
FIRE PROTECTION	8,821.17
G O PUBL C IMP 2003 B & I (\$20M)	152,612.50
GENERAL FUND	1,129,697.10
HOME PROGRAM FUND	10,904.18
HOUSING COMM DEV ACT (CDBG) FD	3,962.09
LANDFILL/SANITATION FUND	87,189.37
MADISON SEWAGE DISP OP & MAINT	21.42
NCSC SENIOR AIDES	2,583.51
P E G ACCESS- PROGRAMMING FUND	1,217.00
PARKS & RECR FUND	51,247.36
POLICE PROP EVIDENCE CASH FUND	535.00
REPAIR & REPLACEMENT FUND	857.80
SEIZURE & FORFEITED PROP - FED	49,913.60
SEIZURE & FORFEITED PROP - STATE	1,087.15
STATE TORT CLAIMS FUND	3,224.40
TECHNOLOGY FUND	25,199.77
TRANSPORTATION FUND	6,897.68
WATER/SEWER CONST FD 1999-\$35M	2,500.00
WATER/SEWER CONST FD 2004-\$78M	93,461.00
WATER/SEWER OP & MAINT FUND	266,547.63
WATER/SEWER REVENUE FUND	46,699.17
WATR SEWR REFD B&I 2005 \$27,180	2,097,755.00
WATR SEWR REFD B&I 2001 \$50,663	2,782,337.75

**TOTAL**

**\$13,831,761.19**

**Council Member Barrett-Simon** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix and Priester.

Nays- Tillman.

Absent- Stamps and Stokes .

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**ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 8929 TO 9355 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that payroll deduction claims numbered 8929 to 9355 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$264,645.29 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

**IT IS FINALLY ORDERED** that the following expenditures from the accounts payable fund be made in order to pay amounts transferred thereto from the payroll fund for payment of the payroll deduction claims authorized herein for payment:

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		1,966,956.38
PARKS & RECR FUND		70,133.12
LANDFILL FUND		16,545.24
SENIOR AIDES		2,578.72
WATER/SEWER OPER & MAINT		207,320.12
PAYROLL FUND		1,110.00
PAYROLL	264,645.29	
EARLY CHILDHOOD		32,629.63
HOUSING COMM DEV		6,894.40
TITLE III AGING PROGRAMS		4,198.81
AMERICORP CAPITAL CITY REBUILD		9,626.64
TRANSPORTATION FUND		9,583.48
T-WARNER PA/GA FUND		4,542.62
SAMSHA		2,406.80

**TOTAL** **\$2,334,525.96**

**Council Member Barrett-Simon** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

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**Council Members Stokes and Stamps** returned to the meeting.

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**RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF A SERIES OF CITY OF JACKSON, MISSISSIPPI GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000, FOR THE PURPOSE OF ADVANCE REFUNDING AND DEFEASING CERTAIN OUTSTANDING DEBT OF THE CITY OF JACKSON, MISSISSIPPI; PRESCRIBING THE FORM AND DETAILS OF SAID REFUNDING BONDS; DIRECTING THE PREPARATION, EXECUTION AND DELIVERY OF SAID REFUNDING BONDS; PROVIDING CERTAIN COVENANTS OF SAID CITY IN CONNECTION WITH SAID REFUNDING BONDS; AUTHORIZING THE NEGOTIATED SALE OF SAID REFUNDING BONDS; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF A PRIVATE PLACEMENT AGREEMENT AND A COMMITMENT LETTER IN CONNECTION WITH THE SALE OF SAID REFUNDING BONDS; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF AN ESCROW TRUST AGREEMENT IN CONNECTION WITH SAID REFUNDING BONDS AND SAID OUTSTANDING DEBT; AND FOR RELATED PURPOSES.**

**WHEREAS**, the City Council of the City of Jackson, Mississippi (the "Governing Body"), acting for and on behalf of the City of Jackson, Mississippi (the "City"), is authorized by Sections 31-27-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time (the "Act") to issue general obligation refunding bonds of the City for the purpose of refunding certain general obligation indebtedness of the City, provided, among other things, that such refinancing results in net present value savings to maturity of not less than two percent (2%) of the bonds being refinanced; and

**WHEREAS**, the City, acting by and through the Governing Body, previously authorized and issued its \$26,210,000 (original principal amount) General Obligation Street Resurfacing Bond, Series 2009 (the "2009 City Bond") pursuant to a resolution of the Governing Body adopted on December 2, 2008 (the "2009 City Resolution"); and

**WHEREAS**, the Mississippi Development Bank (the "Bank") purchased the 2009 City Bond with the proceeds of its \$26,210,000 (original principal amount) Special Obligation Bonds, Series 2009 (City of Jackson, Mississippi General Obligation Street Resurfacing Project), dated January 6, 2009 (the "2009 Bank Bonds"); and

**WHEREAS**, the 2009 Bank Bonds were issued under an Indenture of Trust, dated as of January 1, 2009 (the "2009 Indenture"), by and between the Bank and U.S. Bank National Association, as successor in interest to Deutsche Bank National Association, as trustee (the "2009 Trustee") which described the terms and provisions of the 2009 Bank Bonds including the redemption provisions thereof; and

**WHEREAS**, the Governing Body, acting for and on behalf of the City, desires to provide for the advance refunding and defeasance of all or a portion of the outstanding 2009 City Bonds and all or a portion of the outstanding 2009 Bank Bonds (together, the "Refunded Bonds"); and

**WHEREAS**, the Governing Body, acting for and on behalf of the City, has determined that such advance refunding and defeasance would be in the financial best interest of the City; and

**WHEREAS**, pursuant to the Act, the Refunded Bonds can be legally or economically defeased; and

**WHEREAS**, the Governing Body, acting for and on behalf of the City, is authorized under the provisions of the Act, to, among other things, issue such refunding bonds in one or more series, provide for the terms and details of such refunding bonds, to sell such refunding bonds at public or private sale (which sale shall be on such terms and in such manner as the Governing Body shall determine to be in the City's best interest), to make arrangements for the retirement of the Refunded Bonds and to make all other arrangements relating to such refunding bonds subject to the requirements of the Act; and

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**WHEREAS**, the Governing Body has determined that the sale of such refunding bonds through private sale will provide the Governing Body with the greatest degree of flexibility in the marketing of such refunding bonds and will ensure the most favorable long term interest rates and will thereby maximize the interest savings for the City; and

**WHEREAS**, said refunding bonds shall be general obligations of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City; and

**WHEREAS**, the Governing Body has designated Raymond James & Associates, Inc., as private placement agent (the "Placement Agent") in connection with the sale of such refunding bonds and entered into a Private Placement Agreement with the Placement Agent (the "Private Placement Agreement") in connection therewith; and

**WHEREAS**, such refunding bonds will be sold to a purchaser or purchasers (the "Lender") pursuant to the terms and provisions of a Commitment Letter, to be dated as of the date of the sale of such refunding bonds (the "Commitment Letter"), by and between the Lender and the City; and

**WHEREAS**, there have been submitted to this meeting forms of:

- (a) the Private Placement Agreement between the Placement Agent and the City and the Commitment Letter between the Lender and the City providing for the terms and conditions of the sale of such refunding bonds to the Lender, and
- (b) an escrow trust agreement (the "Escrow Agreement") providing for the payment and redemption of the Refunded Bonds; and

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

**WHEREAS**, all conditions, acts and things required by the Act and the Constitution and laws of the State to have existed, to have happened and to have been performed precedent to and in connection with the adoption of this resolution, the sale and issuance of such refunding bonds, the execution and delivery of the Private Placement Agreement, the Commitment Letter and the Escrow Agreement have happened and have been performed in regular and due time, form and manner as required by law; and

**WHEREAS**, it is proposed that the Governing Body should take all such additional actions, authorize the execution of such documents and certificates and authorize such other actions and proceedings as shall be necessary in connection with the sale and issuance of such refunding bonds and the advance refunding and defeasance of the Refunded Bonds; and

**WHEREAS**, the issuance of such refunding bonds does not exceed any statutory or constitutional limitation upon indebtedness which may be incurred by the City.

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

**SECTION 1.** This resolution is adopted pursuant to the Act and other applicable laws of the State of Mississippi (the "State").

**SECTION 2.** Proceeding under the authority of the Act, there shall be and there are hereby authorized and directed to be issued a series of refunding bonds designated as the City of Jackson, Mississippi General Obligation Refunding Bonds, Series 2016A (the "Series 2016 Bonds") in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000), The Series 2016 Bonds are being issued to advance refund and defease all or a portion of the Refunded Bonds and to pay certain costs incident to the sale and issuance of the Series 2016 Bonds.

**SECTION 3.** The Governing Body hereby finds and determines that (a) the Act provides that the Series 2016 Bonds may be secured by a pledge of the same source of security as the Refunded Bonds; (b) the net proceeds of the Series 2016 Bonds shall be applied to the refunding and redemption of the Refunded Bonds and the payment of the costs of issuance related to the Series 2016 Bonds; (c) the Series 2016 Bonds shall not be issued unless all of the requirements of the Act and other applicable laws of the State are met, including without limitation, the requirement of at least a two percent (2%) net present value savings for the Refunded Bonds; (d) pursuant to the Act, the Series 2016 Bonds shall be general obligations of the City and the full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on the Series 2016 Bonds; (e) the total aggregate principal amount of the Series 2016 Bonds shall not exceed Fifteen Million Dollars (\$15,000,000); and (f) the Series 2016 Bonds shall not bear a greater overall maximum interest rate to maturity than eleven percent (11%) per annum as allowed by the Act.

**SECTION 4.** Due to the character of the Series 2016 Bonds, the complexity of structuring the Series 2016 Bonds and prevailing market conditions, the Series 2016 Bonds shall be sold to the Lender at private sale pursuant to the terms and provisions of the Commitment Letter. The Mayor of the City (the "Mayor"), acting for and on behalf of the City and with the assistance of the Financial Advisor (as hereinafter defined) is hereby authorized and directed to negotiate with the Lender for the sale of the Series 2016 Bonds and to make the final decisions regarding (a) the Lender, (b) the Refunded Bonds to be refunded and defeased, (c) the aggregate principal amount of the Series 2016 Bonds, (d) the redemption provisions, if any, of the Series 2016 Bonds, (e) the interest rates to be borne by the Series 2016 Bonds, and (f) to make all final determinations necessary to structure the Series 2016 Bonds.

**SECTION 5.** (a) In consideration of the purchase and acceptance of any and all of the Series 2016 Bonds by the registered owners thereof, this resolution shall constitute a contract between the City and the registered owners from time to time of the Series 2016 Bonds. The pledge made herein and the covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the registered owners of any and all of the Series 2016 Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction.

- (b) The Series 2016 Bonds shall be general obligations of the City, and the full faith, credit and resources of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Series 2016 Bonds. For the purposes of effectuating and providing for the payment of the principal of and interest on the Series 2016 Bonds, as the same shall respectively mature or otherwise be due and accrue, there shall be and is hereby levied a direct, continuing special tax upon all of the taxable property within the geographical limits of the City, adequate and sufficient, after allowance shall have been made for the expenses of collection and delinquencies in the payment of taxes, to produce sums required for the payment of the principal of and the interest on the Series 2016 Bonds when due; provided, however, that such tax levy for any year shall be abated *pro tanto* to the extent the City on or prior to September 1 of that year has transferred money to the Bond Fund (as hereinafter defined), or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Series 2016 Bonds due during the ensuing fiscal year of the City, in accordance with the provisions of this resolution. Said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to rate or amount. The avails of said tax are hereby irrevocably pledged for the payment of the principal of and interest on the Series 2016 Bonds as the same shall respectively mature or otherwise be due and accrue. Should there be a failure in any year to comply with the requirements of this Section 5(b), such failure shall not impair the right of the registered owners of any of the Series 2016 Bonds in any subsequent year to have adequate taxes levied and collected to meet the obligations of the Series 2016 Bonds, both as to principal and interest.

**SECTION 6.** The Series 2016 Bonds shall be dated the date of their delivery and shall bear interest from said date at the rates per annum to be set forth in the Commitment Letter; provided, however, that the Series 2016 Bonds shall not bear a greater overall maximum interest rate to maturity than eleven percent (11%) per annum as allowed by the Act, and the Series 2016 Bonds shall mature no later than January 1, 2024, in the years and in the principal amounts to be set forth in the Commitment Letter.

**SECTION 7.** The Series 2016 Bonds shall be issued as fully registered bonds issued in the denominations of \$250,000 or any integral multiple of \$1,000 in excess thereof and shall be numbered separately from R-1 upwards without regard to maturity.

**SECTION 8.** The Series 2016 Bonds are not subject to optional redemption. The Series 2016 Bonds may be subject to mandatory redemption as provided in the Commitment Letter, which redemption provisions shall be finalized and agreed to by the Mayor on the date the Commitment Letter is executed by the City and the Lender.

**SECTION 9.** The principal of said Series 2016 Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof as the same shall become due at a bank or banks within or without the State (the "Paying and Transfer Agent"). The Mayor is hereby authorized and directed to appoint a commercial bank or banks which is a member of the Federal Deposit Insurance Corporation to serve as Paying and Transfer Agent for the Series 2016 Bonds. Interest will be payable by wire transfer in immediately available funds upon the Paying and Transfer Agent, made payable to the account name and number filed with the Paying and Transfer Agent by the registered owner named as appears on, the registration records of the City maintained by the Paying and Transfer Agent for the Series 2016 Bonds pursuant to the provisions of Section 16 hereof.

**SECTION 10.** (b) The Private Placement Agreement in the form submitted to this meeting, shall be, and the same hereby is, approved in substantially said form. The Mayor is hereby authorized and directed to execute and deliver the Private Placement Agreement for and on behalf of and in the name of the City, with such changes, omissions, insertions and revisions, as may be approved by the Mayor, said execution being conclusive evidence of such approval. (b) The Commitment Letter in the form submitted to this meeting, shall be, and the same hereby is, approved in substantially said form. Subject to the provisions of Sections 3 and 6 hereof, the Mayor is hereby authorized and directed to execute and deliver the Commitment Letter for and on behalf of and in the name of the City, with such changes, omissions, insertions and revisions, as may be approved by the Mayor, said execution being conclusive evidence of such approval.

**SECTION 11.** The Escrow Agreement, in the form submitted to this meeting, shall be, and the same hereby is, approved in substantially said form. The Mayor and the and the City Clerk (the "Clerk") are hereby authorized and directed to execute and deliver the Escrow Agreement with such changes, insertions and revisions therein as such officers, as representatives of the Governing Body, may in their opinions determine to be required, said execution being conclusive evidence of such approval. The Mayor is hereby authorized and directed to designate a bank or banks within or without the State to serve as escrow trustee (the "Escrow Trustee") under the Escrow Agreement. All proceeds of the Series 2016 Bonds held by the Escrow Trustee shall be invested only as provided for by the Escrow Agreement, the 2009 City Resolution and the 2009 Indenture.

**SECTION 12.** Copies of the documents provided for in Sections 10 and 11 of this Bond Resolution in the forms submitted to this meeting and approved in substantially said forms by this resolution are on file in the office of the Clerk.

**SECTION 13.** The City covenants to comply with each requirement of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to maintain the exclusion of interest on the Series 2016 Bonds from gross income for federal income tax purposes, and in furtherance thereof, to comply with a certificate to be executed and delivered concurrently with the issuance of the Series 2016 Bonds, or such other covenants as may, from time to time, be required to be complied with in order to maintain the exclusion of interest on the Series 2016 Bonds from gross income for federal income tax purposes. The City shall not use or permit the use of any of the proceeds of the Series 2016 Bonds, or any other funds of the City, directly or indirectly, to acquire any securities, bonds or other investment property, and shall not take or permit to be

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taken any other action or actions, which would cause any Series 2016 Bond to be an "arbitrage bond" as defined in Section 148 of the Code. Notwithstanding any other provisions to the contrary, so long as necessary in order to maintain the exclusion of interest on the Series 2016 Bonds from gross income for federal income tax purposes under the Code, the covenants contained in this section shall survive the payment of the Series 2016 Bonds and the interest thereon, including any payment or defeasance thereof.

**SECTION 14.** (a) Pursuant to the authority granted by the Act and the Registered Bond Act, being Sections 31-21-1 *et seq.*, Mississippi Code of 1972, as amended (the "Registered Bond Act"), the Series 2016 Bonds shall be executed by the manual or facsimile signature of the Mayor and the official seal of the City shall be affixed or lithographed or otherwise reproduced thereon, attested by the Clerk and the Series 2016 Bonds shall be authenticated by the Paying and Transfer Agent. The Paying and Transfer Agent shall authenticate each Series 2016 Bond by executing the Paying and Transfer Agent's Certificate thereon and no Series 2016 Bond shall be valid or become obligatory for any purpose until such certificate shall have been duly executed by the Paying and Transfer Agent. Such certificate, when duly executed on behalf of the City, shall be conclusive evidence that the Series 2016 Bond so authenticated has been duly authenticated and delivered. The validation certificate, for which provision is hereinafter made, to appear on the each Series 2016 Bond, shall be executed by the Clerk and the said certificate may be executed by the manual or facsimile signature of the Clerk.

(b) The Series 2016 Bonds shall be delivered to the Lender upon payment of the purchase price therefore in accordance with the terms and conditions of this resolution and the Commitment Letter, together with a complete certified transcript of the proceedings had and done in the matter of the authorization, sale, issuance and validation of the Series 2016 Bonds, and the final unqualified approving opinions of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Jackson, Mississippi ("Bond Counsel"). Prior to or simultaneously with the delivery by the Paying and Transfer Agent of any of the Series 2016 Bonds, the City shall file with the Paying and Transfer Agent: (a) a copy, certified by the Clerk, of the transcript of proceedings of the City in connection with the authorization, sale, issuance and validation of the Series 2016 Bonds; and (b) an authorization to the Paying and Transfer Agent, signed by the Mayor and the Clerk, to authenticate and deliver the Series 2016 Bonds to the Lender. The Paying and Transfer Agent is authorized and directed to authenticate the Series 2016 Bonds and deliver them to the Lender upon payment of the purchase price of the Series 2016 Bonds to the City in accordance with this resolution and the Commitment Letter.

(c) Certificates, blank as to denomination, rate of interest and date of maturity and sufficient in quantity in the judgment of the City to meet the reasonable transfer and reissuance needs of the Series 2016 Bonds, shall be printed and delivered to the Paying and Transfer Agent, and held by the Paying and Transfer Agent until needed for transfer or reissuance, whereupon the Paying and Transfer Agent shall imprint the appropriate information as to denomination, rate of interest and date of maturity prior to the registration, authentication and delivery thereof to the transferee holder. The Paying and Transfer Agent is hereby authorized upon the approval of the City to have printed from time to time as necessary additional certificates bearing the facsimile seal of the City and facsimile signatures of the persons who were the officials of the City as of the date of original issue of the Series 2016 Bonds. When the Series 2016 Bonds shall have been executed as herein provided, they shall be registered as an obligation of the City in a record maintained for that purpose in accordance with Section 16 hereof. The Clerk shall cause to be imprinted upon the reverse side of, or attached to, each of the Series 2016 Bonds, over her facsimile signature and facsimile seal, a certificate certifying that the Series 2016 Bonds have been validated which certificate shall be in substantially the form set out in Section 15 hereof.

**SECTION 15.** The forms of the Series 2016 Bonds, the certificates to appear on the reverse side of, or attached to, the Series 2016 Bonds and the Paying and Transfer Agent's Certificate shall be in substantially the following forms and the Mayor and the Clerk be and they are hereby authorized and directed to make such changes, insertions and omissions therein as may in their opinion be required:

[SERIES 2016 BOND FORM]

THE SALE, ASSIGNMENT, REPLACEMENT OR TRANSFER OF THIS BOND  
IS SUBJECT TO THE RESTRICTIONS IMPOSED THEREON  
BY THE WITHIN MENTIONED RESOLUTION

Number R- \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA

CITY OF JACKSON, MISSISSIPPI  
GENERAL OBLIGATION REFUNDING BOND,  
SERIES 2016A

INTEREST RATE	MATURITY DATE	DATED DATE

REGISTERED OWNER: \_\_\_\_\_

PRINCIPAL SUM: \_\_\_\_\_

THE CITY OF JACKSON, MISSISSIPPI (the "City"), a body politic existing under the Constitution and laws of the State of Mississippi (the "State"), hereby acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above or registered assigns, on the maturity date stated above, upon presentation and surrender of this Bond at the corporate trust office of \_\_\_\_\_ (such bank and any successor thereto hereinafter called collectively, the "Paying and Transfer Agent"), in \_\_\_\_\_, Mississippi, the principal sum stated hereon in lawful money of the United States of America, and to pay to the registered owner hereof or registered assigns interest on such principal sum, in like money, from the dated date of this Bond until the maturity date hereof, at the interest rate per annum stated hereon, payable on the first day of January and July of each year, commencing January 1, 2017, by wire transfer in immediately available funds from upon the Paying and Transfer Agent, made payable to the account name and number filed with the Paying and Transfer Agent by the registered owner named in the registration records kept and maintained by the Paying and Transfer Agent as of the close of business on the date which shall be the business day next preceding each interest payment date. Notwithstanding anything to the contrary herein, this Bond shall not be required to be presented or surrendered to receive any principal or interest payment (including in connection with any mandatory sinking fund redemption thereof) until the final maturity date of this Bond.

For the performance in apt time and manner of every official act herein required, and for the prompt payment of this Bond, both principal and interest, the full faith, credit and resources of the City are irrevocably pledged. The Bonds (as hereinafter defined) are and will be payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City. The City will levy annually a special tax upon all taxable property within the geographical limits of the City adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same falls due; provided, however, that such tax levy for any year shall be abated *pro tanto* to the extent the City on or prior to September 1 of that year has transferred money to the Bond Fund (as defined in the Resolution, as hereinafter defined), or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Bonds due during the ensuing fiscal year of the City, in accordance with the provisions of the Resolution (as hereinafter defined).

This Bond is one of an authorized issue of General Obligation Refunding Bonds, Series 2016A of like date, tenor and effect, except as to rate of interest and date of maturity, aggregating the principal sum of \_\_\_\_\_ (\$ \_\_\_\_\_) (the "Bonds") issued by the City pursuant to and in conformity with the Constitution and laws of the State, including, among others, Sections 31-27-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time (the "Act"), and pursuant to a resolution duly adopted by the City Council of the City on July 26, 2016 (the "Resolution"), for the purpose of (a) advance

refunding and defeasing all or a portion of the outstanding \$26,210,000 (original principal amount) Mississippi Development Bank Special Obligation Bonds, Series 2009 (City of Jackson, Mississippi General Obligation Street Resurfacing Project), dated January 6, 2009, and a corresponding portion of the \$26,210,000 (original principal amount) City of Jackson, Mississippi General Obligation Street Resurfacing Bond, Series 2009, and (b) paying the costs incident to the sale and issuance of the Bonds. Reference is hereby made to the Resolution, copies of which are on file at the corporate trust office of the Paying and Transfer Agent and at the Office of the City Clerk of the City, to all of the provisions of which the registered owner hereof assents by acceptance of this Bond.

This Bond is transferable only upon the records kept for that purpose at the corporate trust office of the Paying and Transfer Agent, upon surrender at said office, together with a written instrument of transfer satisfactory to the Paying and Transfer Agent duly executed by the registered owner or his authorized attorney, and thereupon a new Bond or Bonds of like maturity, interest rate and aggregate principal amount shall be issued to the transferee. In like manner, this Bond may be exchanged for an equal aggregate principal amount of Bonds of any other authorized denominations. Bonds are issuable in the authorized denominations of \$250,000 or any integral multiple of \$1,000 in excess thereof. The issuance, transfer, exchange and replacement of the Bonds of this issue and other similar matters are governed by conditions on file at the corporate trust office of the Paying and Transfer Agent and at the Office of the City Clerk of the City.

[The Bonds will be not be subject to optional redemption prior to their respective maturities.]

[MANDATORY SINKING FUND REDEMPTION PROVISIONS]

[Notice of the call for any redemption identifying the Bonds (or any portions thereof in authorized denominations) to be redeemed, will be given by the City at least thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption by mailing a copy of the redemption notice by registered or certified mail to the registered owners thereof and the registered owner of each Bond to be redeemed at the address shown on the records of the Paying and Transfer Agent. Failure to mail such notice to any particular owner of Bonds, or any defect in the notice mailed to any such owner of Bonds, will not affect the validity of any proceeding for the redemption of any other Bonds.]

All Bonds for the payment or redemption of which sufficient monies, or, to the extent permitted by the laws of the State, (a) direct obligations of, or obligations the payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America ("Government Obligations"), or (b) certificates of deposit or other securities fully secured by Government Obligations, or (c) evidences of ownership of proportionate interests in future interest or principal payments on Government Obligations held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the Government Obligations and which Government Obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated, or (d) municipal obligations, the payment of the principal of, interest and premium, if any, on which are irrevocably secured by Government Obligations and which Government Obligations are not subject to redemption prior to the date on which the proceeds attributable to the principal of such obligations are to be used and have been deposited in an escrow account which is irrevocably pledged to the payment of the principal of and interest and on such municipal obligations (all of which collectively, with Government Obligations, are hereinafter called "Defeasance Securities"), shall have been deposited with an escrow agent appointed for the purpose in trust for the owners thereof, which may be the Paying and Transfer Agent, (whether upon or prior to the maturity or the redemption date of such Bonds) and so long as the owners thereof shall have received (i) a verification report as to the adequacy of the escrow prepared by an independent nationally-recognized certified public accountant and (ii) a written opinion of nationally-recognized bond counsel that such defeasance shall not cause the interest on any outstanding Bonds to be included in the gross income of the registered owners thereof for federal income tax purposes, the such Bonds shall be deemed to have been paid within the meaning of the Resolution, shall cease to be entitled to any lien, benefit or security under the Resolution and shall no longer be deemed to be outstanding thereunder and the registered owners shall have no rights in respect thereof except to receive payment of principal of and interest on

such Bonds from the funds held for that purpose; provided, however, that if such Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given as provided in the Resolution or arrangements shall have been made for the giving thereof. Defeasance Securities will be considered sufficient under the Resolution if said investments, with interest, mature and bear interest in such amounts and at such times as will assure sufficient cash to pay currently maturing interest and to pay principal when due on such Bonds. For the purpose hereof, Defeasance Securities shall mean and include only (a) such Defeasance Securities which shall not be subject to redemption prior to their maturity other than at the option of the holder thereof or (b) Defeasance Securities which, if subject to redemption shall, nevertheless, in all events, regardless of when redeemed, provide sufficient and timely funds for payment of the principal of and interest on the Bonds to be paid thereby.

**IT IS HEREBY CERTIFIED, RECITED AND DECLARED** that all acts, conditions and things required to exist, happen and to be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the issuance of this Bond and the issue of which it forms a part, together with all other obligations of the City, does not exceed or violate any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until this Bond shall have been authenticated by the execution by the Paying and Transfer Agent of the Paying and Transfer Agent's Certificate hereon.

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

**IN WITNESS WHEREOF**, the City of Jackson, Mississippi, acting by and through its City Council, has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City, and has caused the official seal of the City to be affixed hereto, attested by the manual or facsimile signature of the City Clerk of the City.

(SEAL)

**CITY OF JACKSON, MISSISSIPPI**

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**PAYING AND TRANSFER AGENT'S CERTIFICATE**

This Bond is one of the Bonds of the above-designated issue of Bonds delivered in accordance with the terms of the within mentioned Resolution.

\_\_\_\_\_, as Paying and Transfer  
Agent

By \_\_\_\_\_  
Authorized Signature

Date of Registration and Authentication: \_\_\_\_\_



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Series 2016 Bonds, upon surrender thereof at said corporate trust office of the Paying and Transfer Agent with a written instrument of transfer satisfactory to such Paying and Transfer Agent duly executed by the registered owner or his authorized attorney, may be exchanged for Series 2016 Bonds of like maturity and interest rate of any other authorized denominations. Each such Series 2016 Bond shall be dated as of the date six (6) months preceding the interest payment date thereon next following the date of delivery of such Series 2016 Bond in registered form, unless such date of delivery shall be an interest payment date in which case it shall be dated as of such date of delivery, and every such Series 2016 Bond in registered form shall bear interest from its date.

So long as the Series 2016 Bonds shall remain outstanding, the City shall cause the Paying and Transfer Agent to maintain and keep, at its corporate trust office, registration records for the registration and transfer of Series 2016 Bonds, and, upon presentation thereof for such purpose at such corporate trust office, the City shall cause the Paying and Transfer Agent to register or cause to be registered thereon, and permit to be transferred thereon, under such reasonable regulations as the Paying and Transfer Agent may prescribe, any Bond. So long as any of the Series 2016 Bonds remain outstanding, the City shall make all necessary provisions to permit the exchange of Series 2016 Bonds at the corporate trust office of the Paying and Transfer Agent.

All Series 2016 Bonds shall be transferable only upon the registration records which shall be kept for that purpose at the corporate trust office of the Paying and Transfer Agent for the City, by the registered owner thereof in person or his authorized attorney, upon surrender thereof, together with a written instrument of transfer satisfactory to the Paying and Transfer Agent, duly executed by the registered owner or his authorized attorney, and upon such transfer there shall be issued in the name of the transferee a new Series 2016 Bond or Series 2016 Bonds in registered form of the same series in the same aggregate principal amount and of like maturity and interest rate as the Series 2016 Bond or Series 2016 Bonds surrendered. Series 2016 Bonds issued in connection with transfers shall be dated in the same manner provided above for the dating of Series 2016 Bonds issued in connection with exchanges.

Neither the City nor the Paying and Transfer Agent shall be required (a) to exchange or transfer Series 2016 Bonds for a period of fifteen (15) days next preceding an interest payment date on the Series 2016 Bonds or next preceding any selection of Series 2016 Bonds to be redeemed or thereafter until the first mailing of any notice of redemption, or (b) to transfer or exchange any Series 2016 Bond called for redemption.

All Series 2016 Bonds surrendered in any exchanges or transfers shall forthwith be canceled by the Paying and Transfer Agent and thereafter transmitted to the City.

Prior to the issuance or delivery of any Series 2016 Bond, whether upon original issuance, transfer, exchange or replacement, the Paying and Transfer Agent shall manually execute the certificate of authentication provided thereon. No Series 2016 Bond shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the Paying and Transfer Agent. Such certificate of the Paying and Transfer Agent upon any Series 2016 Bond executed on behalf of the City shall be conclusive evidence that the Series 2016 Bond so authenticated has been duly authenticated and delivered.

Series 2016 Bonds bearing the facsimile signature of any person who shall have been the Mayor or Clerk at the time such Series 2016 Bonds were originally dated or delivered by the City shall bind the City notwithstanding the fact that he or she may have ceased to be such officer prior to the delivery of such Series 2016 Bonds or was not such officer at the date of such Series 2016 Bonds.

Except as otherwise required by law, if (a) any mutilated Series 2016 Bond is surrendered to the Paying and Transfer Agent at its corporate trust office, or the Paying and Transfer Agent receives evidence to its satisfaction of the destruction, loss or theft of any Series 2016 Bond and (b) there is delivered to the Paying and Transfer Agent such security and/or indemnity as may be required by it to save harmless the City and the Paying and Transfer Agent, and as otherwise required by law, then, in the absence of notice to the Paying and Transfer Agent that such Series 2016 Bond has been acquired by a bona fide purchaser as such term is defined in the Uniform Commercial Code as it is then in effect in the State, the Paying and Transfer Agent shall authenticate and deliver, in exchange for any such mutilated Bond, or in lieu of any such destroyed, lost or stolen

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Series 2016 Bond, a new Series 2016 Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The Paying and Transfer Agent shall thereupon cancel any Series 2016 Bond so surrendered.

In case any mutilated, destroyed, lost or stolen Series 2016 Bond has become or is about to become due and payable, the Paying and Transfer Agent in its discretion may, instead of issuing a new Series 2016 Bond, pay such Series 2016 Bond.

Each new Series 2016 Bond issued pursuant to this Section in lieu of any surrendered, destroyed, lost or stolen Series 2016 Bond shall constitute an additional contractual obligation of the City and shall be entitled to all benefits equally and proportionately with any and all other Series 2016 Bonds duly issued. All Series 2016 Bonds shall be held and owed upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Series 2016 Bonds, and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Series 2016 Bonds or securities.

Notwithstanding the foregoing provisions of these Conditions, no Series 2016 Bonds shall be exchanged for other Series 2016 Bonds or be registered or transferred or issued or delivered by or on behalf of the City or the Paying and Transfer Agent pursuant to this Section at the request of a holder or owner of a Bond, except upon payment to such Paying and Transfer Agent by or on behalf of such holder or owner of a charge sufficient to reimburse the City and such Paying and Transfer Agent for any tax, fee, or other governmental charge required to be paid with respect to the transaction.

The City and the Paying and Transfer Agent may treat and consider the person in whose name any Series 2016 Bond shall be registered upon the registration records as herein provided as the holder and absolute owner thereof, whether such Series 2016 Bond shall be overdue or not, for the purpose of receiving payment of the principal thereof and interest thereon and for all other purposes whatsoever; provided, however, payment of, or on account of, the principal of and interest on such Series 2016 Bond shall be made only to, or upon the order of, such registered owner, and such payment so made shall be valid and effective to satisfy and discharge the liability upon such Series 2016 Bond to the extent of the sum or sums so paid, and neither the City nor any Paying and Transfer Agent shall be affected by any notice to the contrary.

**SECTION 17.** (a) So long as any of the Series 2016 Bonds shall remain outstanding, the City shall maintain with the Paying and Transfer Agent separate records for the registration and transfer of the Series 2016 Bonds. The Paying and Transfer Agent is hereby appointed registrar for the Series 2016 Bonds, in which the City the Paying and Transfer Agent shall register in such records and permit to be transferred thereon, under such reasonable regulations as may be prescribed, any Series 2016 Bond entitled to registration or transfer.

(b) The City shall pay or reimburse the Paying and Transfer Agent for reasonable fees for the performance of the services normally rendered and the incurring of normal expenses reasonably and necessarily paid as are customarily paid to paying agents, transfer agents and bond registrars, subject to agreement between the City and the Paying and Transfer Agent. Fees and reimbursements for extraordinary services and expenses, so long as not occasioned by the negligence, misconduct or willful default of the Paying and Transfer Agent, shall be made by the City on a case-by-case basis, subject, where not prevented by emergency or other exigent circumstances, to the prior written approval of the Governing Body.

(c) (1) A Paying and Transfer Agent may at any time resign and be discharged of its duties and obligations as Paying and Transfer Agent, by giving at least sixty (60) days written notice to the City, and may be removed as Paying and Transfer Agent at any time by resolution of the Governing Body delivered to the Paying and Transfer Agent. The resolution shall specify the date on which such removal shall take effect and the name and address of the successor Paying and Transfer Agent, and shall be transmitted to the Paying and Transfer Agent being removed within a reasonable time prior to the effective date thereof. Provided, however, that no resignation or removal of a Paying and Transfer Agent shall become effective until a successor Paying and Transfer Agent has been appointed pursuant to this resolution.

(2) Upon receiving notice of the resignation of the Paying and Transfer Agent, the City shall promptly appoint a successor Paying and Transfer Agent by resolution of the Governing Body. Any appointment of a successor Paying and Transfer Agent shall become effective upon acceptance of appointment by the successor Paying and Transfer Agent. If no successor Paying and Transfer Agent shall have been so appointed and have accepted appointment within thirty (30) days after the notice of resignation, the resigning Paying and Transfer Agent may petition any court of competent jurisdiction for the appointment of a successor Paying and Transfer Agent, which court may thereupon, after such notice as it may deem appropriate, appoint a successor Paying and Transfer Agent.

(3) In the event of a change of Paying and Transfer Agents, the predecessor Paying and Transfer Agent shall cease to be custodian of any funds held pursuant to this resolution in connection with its role as such Paying and Transfer Agent, and the successor Paying and Transfer Agent shall become such custodian; provided, however, that before any such delivery is required to be made, all fees, advances and expenses of the retiring or removed Paying and Transfer Agent shall be fully paid. Every predecessor Paying and Transfer Agent shall deliver to its successor Paying and Transfer Agent all records of account, registration records, lists of holders of the Series 2016 Bonds and all other records, documents and instruments relating to its duties as such Paying and Transfer Agent.

(4) Any successor Paying and Transfer Agent appointed under the provisions hereof shall be a bank, trust company or national banking association having Federal Deposit Insurance Corporation insurance of its accounts, duly authorized to exercise corporate trust powers and subject to examination by and in good standing with the federal and/or state regulatory authorities under the jurisdiction of which it falls.

(5) Every successor Paying and Transfer Agent appointed hereunder shall execute, acknowledge and deliver to its predecessor Paying and Transfer Agent and to the City an instrument in writing accepting such appointment hereunder, and thereupon such successor Paying and Transfer Agent, without any further act, shall become fully vested with all the rights, immunities and powers, and be subject to all the duties and obligations, of its predecessor.

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

(7) The City will provide any successor Paying and Transfer Agent with certified copies of all resolutions, orders and other proceedings adopted by the Governing Body relating to the Series 2016 Bonds.

(8) All duties and obligations imposed hereby on a Paying and Transfer Agent or successor Paying and Transfer Agent shall terminate upon the accomplishment of all duties, obligations and responsibilities imposed by law or required to be performed by this resolution.

(d) Any corporation or association into which a Paying and Transfer Agent may be converted or merged, or with which it may be consolidated or to which it may sell or transfer its assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, shall be and become successor Paying and Transfer Agent hereunder and vested with all the powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of either the City or the successor Paying and Transfer Agent, anything herein to the contrary notwithstanding, provided only that such successor Paying and Transfer Agent shall be satisfactory to the City and eligible under the provisions of Section 17(c)(4) hereof.

**SECTION 18.** Subject to the restrictions contained herein, the registration of the Series 2016 Bonds may be transferred upon the registration records of the City upon delivery to the Paying and Transfer Agent, accompanied by a written instrument or instruments of transfer in form satisfactory to the Paying and Transfer Agent, duly executed by the registered owner of the Series 2016 Bonds or by its attorney-in-fact or legal representative, containing written instructions as to the detail of transfer of the Series 2016 Bonds, along with the social security number or federal employer identification number of such transferee. In all cases of a transfer of the Series 2016 Bonds, the Paying and Transfer Agent shall at the earliest practical time according to the provisions of this resolution enter the transfer of ownership in the registration records of the City and shall deliver in the name of the transferee a new fully registered note identical to the Series 2016 Bonds. The City may charge the registered owner of the Series 2016 Bonds for the registration of every such transfer sufficient to reimburse it for any tax, fee or any other governmental charge required (other than by the City) to be paid with respect to the registration of such transfer, and may require that such amounts be paid before any new such Series 2016 Bonds shall be delivered. The Series 2016 Bonds may only be transferred without the prior written consent of the City to (a) an affiliate of the Lender or (b) one or more banks, insurance companies or other financial institutions.

The Series 2016 Bonds may only be transferred upon compliance by the registered owner of the Series 2016 Bonds with the terms and provisions of this resolution, specifically, the registered owner of the Series 2016 Bonds must obtain from the purchaser or transferee thereof, and deliver to the City on or before the closing date thereof, a document satisfactory to the City and Bond Counsel to the effect that:

(a) Such purchaser is purchasing the Series 2016 Bonds for its own loan account for the purpose of investment and not with a view towards distribution or resale;

(b) Such purchaser has knowledge and experience in financial matters and is capable of evaluating the merits and risk of purchasing the Series 2016 Bonds;

(c) Such purchaser has read and fully understands this resolution;

(d) Such purchaser has had an opportunity to obtain and has received from the City all of the information, documents and materials which it regards as necessary to evaluate the merits and risks of its purchase of the Series 2016 Bonds;

(e) Such purchaser recognizes that Bond Counsel is not responsible for any information contained in or omitted from materials regarding the City, this resolution and the Series 2016 Bonds and acknowledges that it does not look to Bond Counsel to obtain such information on its behalf and that Bond Counsel is not a "municipal advisor" as such term is defined in the Securities and Exchange Act of 1934, as amended; and

(f) While it has no present intention to resell or otherwise dispose of all or any part of the Series 2016 Bonds purchased by it, such purchaser assumes responsibility for disclosing all material information originally provided to such purchaser by the City in compliance with all applicable federal and state laws in the event of its resale or transfer of the Series 2016 Bonds.

Prior to delivery of this Series 2016 Bonds, the Lender shall execute a document satisfactory to the City and Bond Counsel satisfying the provisions of (a) through (f) above.

**SECTION 19.** Such limitation shall not prohibit the Lender or any subsequent purchaser from selling, assigning or transferring participation interests in the Series 2016 Bonds to other financial institutions provided that any participation, custodial or similar agreement under which multiple ownership interests in the Series 2016 Bonds are created shall provide the method by which the owners of such interests shall establish the rights and duties of a single entity, owner, servicer or other fiduciary or agent acting on behalf of all of the assignees to act on their behalf with respect to the rights and interests of the registered owner of the Series 2016 Bonds, including with respect to the exercise of rights and remedies of the registered owner on behalf of such owners upon the occurrence of an event of default under the Series 2016 Bonds.

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**SECTION 20.** The Series 2016 Bonds shall be prepared and executed as soon as may be practicable after the adoption of this resolution and shall thereafter be delivered to the Lender.

**SECTION 21.** If (a) the City shall pay or cause to be paid to the owners of the Series 2016 Bonds the principal of, and interest to become due thereon at the times and in the manner stipulated therein and herein, (b) all fees and expenses of the Paying and Transfer Agent shall have been paid, and (c) the City shall have kept, performed and observed all and singular the covenants and promises in the Series 2016 Bonds and in this resolution expressed as to be kept, performed and observed by it or on its part, then the Series 2016 Bonds shall cease to be entitled to any lien, benefit or security under this resolution and shall no longer be deemed to be outstanding hereunder. If the City shall pay or cause to be paid to the owners of outstanding Series 2016 Bonds of a particular maturity, the principal of, and interest to become due thereon at the times and in the manner stipulated therein and herein, such Series 2016 Bonds shall cease to be entitled to any lien, benefit or security under this resolution and shall no longer be deemed to be outstanding hereunder.

All Series 2016 Bonds for the payment or redemption of which sufficient monies, or, to the extent permitted by the laws of the State, (a) direct obligations of, or obligations the payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America ("Government Obligations"), or (b) certificates of deposit or other securities fully secured by Government Obligations, or (c) evidences of ownership of proportionate interests in future interest or principal payments on Government Obligations held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the Government Obligations and which Government Obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated, or (d) municipal obligations, the payment of the principal of, interest and premium, if any, on which are irrevocably secured by Government Obligations and which Government Obligations are not subject to redemption prior to the date on which the proceeds attributable to the principal of such obligations are to be used and have been deposited in an escrow account which is irrevocably pledged to the payment of the principal of and interest and on such municipal obligations (all of which collectively, with Government Obligations, are hereinafter called "Defeasance Securities"), shall have been deposited with an escrow agent appointed for the purpose in trust for the owners thereof, which may be the Paying and Transfer Agent, (whether upon or prior to the maturity or the redemption date of such Series 2016 Bonds) and so long as the owners thereof shall have received (i) a verification report as to the adequacy of the escrow prepared by an independent nationally-recognized certified public accountant and (ii) a written opinion of nationally-recognized bond counsel that such defeasance shall not cause the interest on any outstanding Series 2016 Bonds to be included in the gross income of the registered owners thereof for federal income tax purposes, the such Series 2016 Bonds shall be deemed to have been paid within the meaning of this Section, shall cease to be entitled to any lien, benefit or security under this resolution and shall no longer be deemed to be outstanding hereunder and the registered owners shall have no rights in respect thereof except to receive payment of principal of and interest on such Series 2016 Bonds from the funds held for that purpose; provided, however, that if such Series 2016 Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given as provided herein or arrangements shall have been made for the giving thereof. Defeasance Securities will be considered sufficient if said investments, with interest, mature and bear interest in such amounts and at such times as will assure sufficient cash to pay currently maturing interest and to pay principal when due on the Series 2016 Bonds. For the purpose of this Section, Defeasance Securities shall mean and include only (a) such Defeasance Securities which shall not be subject to redemption prior to their maturity other than at the option of the holder thereof or (b) Defeasance Securities which, if subject to redemption shall, nevertheless, in all events, regardless of when redeemed, provide sufficient and timely funds for payment of the principal of and interest on the Series 2016 Bonds to be paid thereby.

**SECTION 22.** As authorized by the Act, the Series 2016 Bonds shall be submitted to validation in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Sections 31-13-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time, and to that end a certified transcript of all proceedings and other documents relating to the sale and issuance of the Series 2016 Bonds forthwith shall be prepared and forwarded to the State's Bond Attorney by Bond Counsel and the Clerk.

**SECTION 23.** (a) The City shall maintain with a qualified depository thereof a fund known as the "Series 2016A Bond Fund" (the "Bond Fund") in its name for the payment of the principal of and interest on the Series 2016 Bonds and the payment of the Paying and Transfer Agents' fees in connection therewith. There shall be deposited into the Bond Fund as and when received:

- (1) the accrued interest and premium, if any, if directed by the Mayor, received upon delivery of the Series 2016 Bonds;
- (2) the avails of all of the ad valorem taxes levied and collected pursuant to Section 5 hereof;
- (3) any income received from investment of monies in the Bond Fund; and
- (4) any other funds available to the City which may be lawfully used for payment of the principal of and interest on the Series 2016 Bonds, and which the Governing Body in its discretion, may direct to be deposited into the Bond Fund.

(b) As long as any principal of and interest on the Series 2016 Bonds remains outstanding, the Clerk is hereby irrevocably authorized and directed to withdraw from the Bond Fund sufficient monies to make the payments herein provided for and to transfer same to the account of the Paying and Transfer Agent in time to reach said Paying and Transfer Agent at least five (5) days prior to the date on which said interest or principal and interest shall become due.

**SECTION 24.** The principal proceeds received upon the sale of the Series 2016 Bonds shall be deposited with the Escrow Trustee in the Escrow Account and the Cost of Issuance Account (as such terms are defined in the Escrow Agreement) created pursuant to the Escrow Agreement. A portion of the proceeds of the Series 2016 Bonds shall be deposited in the Cost of Issuance Account and used by the Escrow Trustee to pay all legal fees and expenses including those of Bond Counsel and Owens Moss, PLLC, Jackson, Mississippi, as counsel to the City ("Issuer's Counsel"), the fees and expenses of Kipling, Jones & Company, Houston, Texas ("Financial Advisor"), Paying and Transfer Agent fees and expenses, premiums, commissions and all other fees and expenses incurred by the City in connection with the authorization, issuance, sale, validation and delivery of the Series 2016 Bonds. The balance of the proceeds of the Series 2016 Bonds shall be deposited in the Escrow Account and used by the Escrow Trustee for the payment of the principal and interest on the Refunded Bonds being refunded and defeased with the Series 2016 Bonds as such becomes due and payable and, upon redemption or maturity thereof, the principal of, premium, if any, and interest on such Refunded Bonds.

**SECTION 25.** The Governing Body, acting for and on behalf of the City, hereby irrevocably elects and directs that the Refunded Bonds selected for refunding shall be redeemed on such date as may be determined by the Mayor and the Director of Administration of the City (the "Director of Administration"), with the advice of the Financial Advisor, to be in the best interest of the City and that is in compliance with the terms and provisions of the 2009 Indenture and the 2009 City Resolution. The Director of Administration and the Escrow Trustee are hereby authorized and directed, as set forth in the 2009 Indenture and the 2009 City Resolution, to provide notice of the advance refunding and defeasance of the Refunded Bonds to the holders of such Refunded Bonds pursuant to the terms and provisions of the 2009 City Resolution, the 2009 Indenture and the Escrow Agreement.

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**SECTION 26.** The Arbitrage Group, Inc. is hereby appointed as the Verification Agent (the "Verification Agent") in connection with the Series 2016 Bonds and the Refunded Bonds. The Verification Agent will verify the arithmetical accuracy of certain computations prepared by the Placement Agent which show the present value difference between the debt service on the Series 2016 Bonds and the debt service on the Refunded Bonds, the yield on the Series 2016 Bonds and on the escrow and the sufficiency of the escrow to pay the principal of, premium, if any and interest on the Refunded Bonds as and when due, at maturity and upon redemption.

**SECTION 27.** Under the 2009 City Resolution, the 2009 Indenture and the Act, upon the issuance of the Series 2016 Bonds, the Refunded Bonds selected for refunding will be legally and economically defeased.

**SECTION 28.** The Mayor and the Director of Administration, with the advice of the Financial Advisor, are hereby authorized and directed to take all actions deemed necessary in connection with the investment of the proceeds of the Series 2016 Bonds for the Escrow Account, including, but not limited to, appointing an escrow bidding agent and entering into the appropriate agreements in connection therewith.

**SECTION 29.** The Mayor and/or the Director of Administration are hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G "Information Return for Governmental Obligations" in connection with the Series 2016 Bonds as required by Section 149(e) of the Code.

**SECTION 30.** The Mayor and/or the Director of Administration are hereby authorized to execute a non-arbitrage certification in connection with the Series 2016 Bonds in order to comply with Section 148 of the Code and the applicable regulations thereunder.

**SECTION 31.** Each member of the Governing Body, including the Mayor and the Clerk, are hereby authorized to execute such documents, instruments and papers, and do such acts and things as may be necessary or advisable in connection with the authorization, sale, preparation, execution, issuance and delivery of the Series 2016 Bonds.

**SECTION 32.** The Mayor and the Clerk are hereby directed to take all actions necessary to secure appropriate ratings on the Series 2016 Bonds.

**SECTION 33.** Except as otherwise expressly provided herein, nothing in this resolution, express or implied, is intended or shall be construed to confer upon any person or firm or corporation other than the City, the holders of the Series 2016 Bonds issued under the provisions of this resolution, the Governing Body and the Paying and Transfer Agent, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any of the provisions hereof. This resolution, and all of its provisions are intended to be and shall be for the sole and exclusive benefit of the City, the Governing Body and the holders from time to time of the Series 2016 Bonds issued under the provisions of this resolution.

**SECTION 34.** The Series 2016 Bonds are being sold to the Lender without a present view for re-selling the Series 2016 Bonds. The Lender shall be required to execute a certification satisfactory to the City upon delivery of the Series 2016 Bonds to the effect that the Series 2016 Bonds are being purchased for the loan account of the Lender without the present intent to re-sell. Based on the foregoing, the Series 2016 Bonds will be exempt from the continuing disclosure requirements of Securities Exchange Act Rule 15c-2-12. If requested by the Lender, the City will comply with the continuing disclosure requirements of Securities Exchange Act Rule 15c-2-12.

**SECTION 35.** All covenants, stipulations, obligations and agreements of the City contained in this resolution, shall be binding upon the City, and, except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution, shall be exercised or performed by the City. No stipulation, obligation or agreement herein contained or any other document necessary to conclude the issuance and sale of the Series 2016 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City, including its Governing Body, in his or her individual capacity, and no such officer, agent or employee shall be

personally liable on the Series 2016 Bonds or be subject to personal liability or accountability by reason of the issuance and sale thereof.

**SECTION 36.** 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.

**SECTION 37.** In the event any scrivener's errors shall be discovered in this resolution after the adoption hereof but prior to the issuance of the Series 2016 Bonds, the City hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this resolution prior to the issuance of the Series 2016 Bonds.

**SECTION 38.** All orders, resolutions or proceedings of the Governing Body in conflict with the provisions of this resolution shall be and are hereby repealed, rescinded and set aside, but only to the extent of such conflict.

**Council Member Barrett-Simon** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

\*\*\*\*\*

**ORDER REVISING THE FISCAL YEAR 2015-2016 BUDGET**

**WHEREAS,** certain needs and allocations in the amount of \$10,267,894 have arisen since the adoption of the Fiscal Year 2015-2016 budget; and

**WHEREAS,** the Fiscal Year 2015-2016 budget needs to be revised to provide funding for these needs; and

**WHEREAS,** the following funds are being revised:

General Fund (Fund 001)	\$ 435,535
State Tort Fund (Fund 018)	\$1,114,837
Water Sewer (Fund 030, 031, 032)	<u>\$8,717,522</u>
Total	\$10,267,894

**IT IS THEREFORE, ORDERED** that the Fiscal Year 2015-2016 budget be revised in the amount of \$10,267,894 as follows:

1.	<u>Fund</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>
	001	5899		435,535
	001	6753	435,535	

To adequately fund the Employee Group Insurance Fund.

2.	<u>Fund</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>
	001	5899		1,114,837
	001	6752	1,114,837	
	018	5911		1,114,837
	018	6722	1,114,837	

To appropriate additional funding to the Claims against the City Fund, in which the payment of multiple claims is anticipated to occur in FY2016.

	<u>Fund</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>
3.	031	various		4,447,229
	031	5912	4,447,229	
	032	6485		4,270,293
032	5912		4,270,293	
030	6753			8,717,522
030	5311		4,447,229	
030	5319		4,270,293	

To revise the Water Sewer Operations & Maintenance Fund, to reflect expected revenue performance.

**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

**President Hendrix** recognized **Michelle Day**, Interim Director of Administration, who stated that an amendment had been made on #2 on said order.

**Council Member Stokes** moved and **President Hendrix** seconded to amend #2 on said order. The motion prevailed by the following vote:

- Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stokes and Tillman.  
Nays- Stamps.  
Absent- None.

Thereafter, **President Hendrix** called for a vote on said item as amended:

**ORDER REVISING THE FISCAL YEAR 2015-2016 BUDGET**

**WHEREAS**, certain needs and allocations in the amount of \$10,267,894 have arisen since the adoption of the Fiscal Year 2015-2016 budget; and

**WHEREAS**, the Fiscal Year 2015-2016 budget needs to be revised to provide funding for these needs; and

**WHEREAS**, the following funds are being revised:

General Fund (Fund 001)	\$ 435,535
State Tort Fund (Fund 018)	\$1,114,837
Water Sewer (Fund 030, 031, 032)	<u>\$8,717,522</u>
Total	\$10,267,894

**IT IS THEREFORE, ORDERED** that the Fiscal Year 2015-2016 budget be revised in the amount of \$10,267,894 as follows:

1.	<u>Fund</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>
	001	5899		435,535
	001	6753	435,535	

To adequately fund the Employee Group Insurance Fund.

2.	<u>Fund</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>
	001	5899		331,837
	001	6752	331,837	
	001	6752	783,000	
	001	6752		783,000

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, AUGUST 9, 2016 6:00 P.M.**

	018	5911			1,114,837
	018	6722		1,114,837	

To appropriate additional funding to the Claims against the City Fund, in which the payment of multiple claims is anticipated to occur in FY2016.

	<u>Fund</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>
3.	031	various		4,447,229
	031	5912	4,447,229	
	032	6485		4,270,293
032	5912		4,270,293	
030	6753			8,717,522
030	5311		4,447,229	
030	5319		4,270,293	

To revise the Water Sewer Operations & Maintenance Fund, to reflect expected revenue performance.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stokes and Tillman.  
Nays- Stamps.  
Absent- None.

\*\*\*\*\*

**ORDER AUTHORIZING THE CITY OF JACKSON TO ENTER INTO AN AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION FOR THE JACKSON POLICE DEPARTMENT'S PARTICIPATION IN THE JACKSON HIDTA TASK FORCE FOR THE TERM OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017.**

**WHEREAS**, the City of Jackson has previously entered into an agreement with the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA") for the City of Jackson Police Department to participate in the Jackson HIDTA Task Force; and

**WHEREAS**, the DEA and the City of Jackson Police Department are desirous of entering into an agreement of participation in the Jackson HIDTA Task Force; and

**WHEREAS**, there is evidence that trafficking in narcotics and dangerous drugs exists in the Jackson, Mississippi area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of the State of Mississippi; and

**WHEREAS**, one of the primary missions of the task force is to disrupt the illicit drug trafficking activity in the Jackson area by immobilizing targeted violators and trafficking organizations; and

**WHEREAS**, to assist in this joint effort the Jackson Police Department will provide one (1) experienced officer to the Task Force for a period of not less than two years; and

**WHEREAS**, it is the intent of the joint effort to enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecution avenues by which to convict and incarcerate these offenders.

**IT IS HEREBY ORDERED** that the herein-described agreement between the City of Jackson Police Department and DEA for the term of October 1, 2016 through September 30, 2017, is hereby authorized.

**IT IS FURTHER ORDERED** that the Mayor of the City of Jackson and /or his designee is authorized to execute an agreement with the DEA for participation in the Jackson HIDTA Task Force.

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**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

\*\*\*\*\*

**ORDER AUTHORIZING THE CITY OF JACKSON TO ENTER INTO AN AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION FOR THE JACKSON POLICE DEPARTMENT'S PARTICIPATION IN THE DEA TASK FORCE FOR THE TERM OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017.**

**WHEREAS**, the City of Jackson has previously entered into an agreement with the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA") for the City of Jackson Police Department to participate in the DEA Task Force; and

**WHEREAS**, the DEA and the City of Jackson Police Department are desirous of entering into an agreement of participation in the DEA Task Force; and

**WHEREAS**, there is evidence that trafficking in narcotics and dangerous drugs exists in the Jackson, Mississippi area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of the State of Mississippi; and

**WHEREAS**, one of the primary missions of the task force is to disrupt the illicit drug trafficking activity in the Jackson area by immobilizing targeted violators and trafficking organizations; and

**WHEREAS**, to assist in this joint effort the Jackson Police Department will provide one (1) experienced officer to the Task Force for a period of not less than two years; and

**WHEREAS**, it is the intent of the joint effort to enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecution avenues by which to convict and incarcerate these offenders.

**IT IS HEREBY ORDERED** that the herein-described agreement between the City of Jackson Police Department and DEA for the term of October 1, 2016 through September 30, 2017, is hereby authorized.

**IT IS FURTHER ORDERED** that the Mayor of the City of Jackson and/or his designee is authorized to execute an agreement with the DEA for participation in the Jackson DEA Task Force.

**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION AND RELATED DOCUMENTS TO APPLY FOR AND ACCEPT FY 2016 GRANT FUNDING THROUGH THE MISSISSIPPI OFFICE OF HOMELAND SECURITY PROGRAM.**

WHEREAS, the focus of this grant is to participate in at State-wide Threat and Hazards Review to develop Mississippi's State Homeland Security Grant Program Funding Request, State Threat, Hazard Identification and Risk Assessment as well as the annual State Preparedness Report; and

WHEREAS, this grant will be awarded on a competitive basis; and

WHEREAS, funds will be used to address the city's jurisdiction's top threats, hazards and to address the capability gap to respond to identified threats and hazards;

WHEREAS, Mississippi Homeland Security Directive 5 mandates governments shall implement a consistent system for working together during incidents and events utilizing the National Incident Management System (NIMS) for effective incident and event management; and

WHEREAS, the 2016 Mississippi Office of Homeland Security Grant Program requires no matching funds.

**IT IS HEREBY ORDERED** that the Mayor or his designee is authorized to execute the application and related documents to apply for and accept FY 2016 grant funding from the Mississippi Office of Homeland Security Grant Program.

**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

\*\*\*\*\*

**ORDER CONFIRMING THE MAYOR'S NOMINATION OF CARRIE JOHNSON TO THE 1% SALES TAX COMMISSION.**

WHEREAS, the Mayor has nominated Carrie Johnson as a member of the City of Jackson, Mississippi 1% Sales Tax Commission to be effective August 18, 2016; and

WHEREAS, this nomination is made pursuant to Section 21-23-3, Mississippi Code of 1972, as amended, and is now before the City Council for confirmation; and

WHEREAS, Gail Lowery's term will expire on August 18, 2016; and

WHEREAS, Carrie Johnson, after evaluation of her qualifications, has been nominated by the Mayor to fill said vacancy.

**IT IS THEREFORE ORDERED** that the Mayor's appointment of Carrie Johnson to the 1% Sales Tax Commission be confirmed with said term to expire August 18, 2017.

**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

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**President Hendrix** stated that said item would be held for a Confirmation Hearing.

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**Council Members Stokes** and **Tillman** withdrew their motion and second.

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**Council Member Tillman** moved and **Council Member Stokes** seconded to hold the Confirmation Hearing during the meeting. The motion prevailed by the following vote:

Yeas- Hendrix, Priestler, Stamps, Stokes and Tillman.  
Nays- Barrett-Simon and Foote.  
Absent- None.

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Thereafter, **President Hendrix** requested that the Clerk read the order:

**ORDER CONFIRMING THE MAYOR'S NOMINATION OF CARRIE JOHNSON TO THE 1% SALES TAX COMMISSION.**

**WHEREAS**, the Mayor has nominated Carrie Johnson as a member of the City of Jackson, Mississippi 1% Sales Tax Commission to be effective August 18, 2016; and

**WHEREAS**, this nomination is made pursuant to Section 21-23-3, Mississippi Code of 1972, as amended, and is now before the City Council for confirmation; and

**WHEREAS**, Gail Lowery's term will expire on August 18, 2016; and

**WHEREAS**, Carrie Johnson, after evaluation of her qualifications, has been nominated by the Mayor to fill said vacancy.

**IT IS THEREFORE ORDERED** that the Mayor's appointment of Carrie Johnson to the 1% Sales Tax Commission be confirmed with said term to expire August 18, 2017.

**Council Member Stokes** moved adoption; **Council Member Priestler** seconded.

Yeas- Hendrix, Priestler, Stamps, Stokes and Tillman.  
Nays- Foote.  
Abstention- Barrett-Simon.  
Absent- None.

\*\*\*\*\*

**ORDER CONFIRMING THE MAYOR'S NOMINATION OF JUDGE FRANK SUTTON, SR. TO THE 1% SALES TAX COMMISSION.**

**WHEREAS**, the Mayor has nominated Judge Frank L. Sutton, Sr. as a member of the City of Jackson, Mississippi 1% Sales Tax Commission to be effective August 18, 2016; and

**WHEREAS**, this nomination is made pursuant to Section 21-23-3, Mississippi Code of 1972, as amended, and is now before the City Council for confirmation; and

**WHEREAS**, Kishia Powell resigned from the commission on June 10, 2016; thereby creating a vacancy; and

**WHEREAS**, Judge Frank L. Sutton, Sr., after evaluation of his qualifications, has been nominated by the Mayor to fill said vacancy.

**IT IS THEREFORE ORDERED** that the Mayor's appointment of Judge Frank L. Sutton, Sr. to the 1% Sales Tax Commission be confirmed with said term to expire August 18, 2018.

**Council Member Barrett-Simon** moved adoption; **Council Member Stokes** seconded.

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**President Hendrix announced** that said item would be held for a Confirmation Hearing at a later date. Therefore, **Council Members Barrett-Simon and Stokes** withdrew their motion and second.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS BETWEEN THE CITY OF JACKSON AND VARIOUS CONTRACTORS FOR THE USE OF 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPLEMENT LIMITED HOUSING REPAIR ACTIVITIES.**

**WHEREAS**, on August 11, 2015, found at Minute Book 6-H Page 550, the Mayor was authorized to submit the City of Jackson's 2015 – 2019 Five Year Consolidated Plan containing its 2015 One-year Action Plan to the U. S. Department of Housing and Urban Development; and

**WHEREAS**, on December 2, 2015, HUD notified the City of its approval of the 2015 One Year Action Plan and issued Grant Agreements; and

**WHEREAS**, the Housing Rehabilitation component of the Consolidated Plan described projects the City of Jackson would undertake with 2015 Program Year funds; and

**WHEREAS**, on September 4-10, 2014 and October 2-8, 2015, the Department of Planning and Development through the Office of Housing and Community Development advertised to accept Request for Qualifications (RFQs) for the Neighborhood Enhancement Division (NED) to invest Community Development Block Grant (CDBG) funds for the rehabilitation of owner-occupied homes; and

**WHEREAS**, on September 19, 2014 and October 17, 2015, the Office of Housing and Community Development received Five (5) RFQ's; and

**WHEREAS**, five (5) contractors met all the qualification to be included in OHCD's list of approved contractors eligible to bid on rehabilitation contracts; and

**WHEREAS**, three (3) contractors were the lowest and best bidders for the rehabilitation of four (4) units on the list of homes scheduled to receive limited housing repair activities and will be required to enter into HUD approved contract agreements with the City of Jackson to perform Limited Housing Rehabilitation activities for low to moderate income households; and

**WHEREAS**, the City wants to award contracts to various contractors to perform emergency housing repair activities subject to completion and acceptance of the appropriate environmental evaluations.

**IT, IS THEREFORE, ORDERED** that the Mayor is authorized to execute contracts and any and all documents necessary with various contractors for the use of 2015 Program Year CDBG funds for the rehabilitation of four (4) units on the list of homes scheduled to receive limited housing repair activities. The contractor and bid amount is as follows:

Leflore Construction, LLC	2 Units	\$51,912.10
Multi-Con, Inc.	1 Unit	\$26,387.90
Anderson & Associates	1 Unit	\$27,337.20

**Council Member Stokes** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS BETWEEN THE CITY OF JACKSON AND VARIOUS CONTRACTORS FOR THE USE OF GENERAL FUNDS TO IMPLEMENT HOUSING REPAIR ACTIVITIES TO SATISFY COMPONENTS OF FEDERAL HOME FINDINGS AND THE VOLUNTARY COMPLIANCE AGREEMENT REGARDING THE BON AIR SUBDIVISION.**

WHEREAS, on May 28, 2013, found at Minute Book 6-D Page 648, the Mayor was authorized to execute a Voluntary Compliance Agreement (VCA) on behalf of the City of Jackson, Mississippi regarding the limited monitoring and onsite review of the Bon Air Subdivision project; and

WHEREAS, on June 2, 2016 and June 27, 2016, the Department of Planning and Development through the Office of Housing and Community Development conducted contractor walk-throughs for two properties in the Bon Air Subdivision that require the mandated repairs identified in the City's VCA; and

WHEREAS, on June 13, 2016 and July 13, 2016 the Office of Housing and Community Development received quotes from qualified, licensed, and certified contractors, the first walk through two (2) contractors submitted and on the second walkthrough four (4) contractors submitted; and

WHEREAS, one contractor from each bid submission was the lowest and best bidder for the units inspected during the separate walk through, these units are mandated to receive housing repairs that will meet the quality standards of both federal and the City's code enforcements compliances. These activities will be required to enter into HUD approved contract agreements with the City of Jackson, the Bon Air Subdivision homeowners, and contractors to perform repairs on these houses.

**IT, IS THEREFORE, ORDERED** that the Mayor is authorized to execute any and all documents necessary to enter into an Agreement with contractors for the use of general funds for the repair of two properties in the Bon Air Subdivision at the subject locations and for the amounts listed below:

Multi-Con, Inc.	117 Calhoun St.	\$16, 517.60
Leflore Construction, LLC	107 Calhoun St.	\$52,400.00

**Council Member Stamps** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

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**ORDER AUTHORIZING THE SINGLE SOURCE PURCHASE AND INSTALLATION OF CONTROL EQUIPMENT FROM JOHNSON CONTROLS, INC., FOR HVAC SYSTEM AT UNION STATION AND AUTHORIZING PAYMENT UPON SUCCESSFUL COMPLETION.**

WHEREAS, the HVAC system at Union Station is in need of repair; and

WHEREAS, repair of the HVAC system at Union Station requires replacement of equipment available from a single source, Johnson Controls, Inc.; and

WHEREAS, Johnson Controls, Inc. has agreed to complete the proposed work to effect the repair of the HVAC system at Union Station in an amount not to exceed \$7,935; and

**WHEREAS**, the Department of Public Works recommends that the governing authorities accept the quote of Johnson Controls, Inc. in an amount not to exceed \$7,935 and authorize full and final payment to Johnson Controls, Inc. in that amount when the work is successfully completed.

**IT IS, THEREFORE, ORDERED** that the noncompetitive quote of Johnson Controls, Inc. for furnishing and installing equipment to repair the HVAC at Union Station in an amount not to exceed \$7,935 is accepted as the lowest and best quote.

**IT IS FURTHER ORDERED** that payment to Johnson Controls, Inc. for performing said repair at Union Station in an amount not to exceed \$7,935 is authorized upon successful completion of the work.

**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Hendrix, Priestler, Stamps, Stokes and Tillman.

Nays- Foote.

Absent- None.

\*\*\*\*\*

**ORDER ACCEPTING THE PROPOSAL OF CSL SERVICES, INC. FOR BILLING METER INSTALLATION, AND MAINTENANCE AND REPORTING SERVICES FOR REGIONAL CUSTOMERS AND BASF.**

**WHEREAS**, the City of Jackson provides sewage transportation and treatment for customers outside the City of Jackson through contracts with the City of Ridgeland, Mississippi and Forest Woods Utilities; and

**WHEREAS**, the BASF facility on McDowell Road in the City of Jackson primarily uses well water for its industrial operations and the site is now in need of a replacement flow meter for metering and billing BASF's sewer usage; and

**WHEREAS**, City must operate and maintain flow meters at the BASF facility and at ten other locations to meter the sewage being transported and treated under the contracts with the City of Ridgeland and Forest Woods Utilities; and

**WHEREAS**, CSL Services, Inc. has been providing flow metering services to the City, including the installation, maintenance, and reporting, on the West Bank Interceptor for the previous three years as a requirement of the City's Clean Water Act Consent Decree; and

**WHEREAS**, CSL Services, Inc. has submitted a proposal to install a new meter at BASF, and to maintain, monitor, and report flows from eleven City of Jackson billing flow meters for an eighteen-month term for a total cost \$110,083.54; and

**WHEREAS**, CSL, Services, Inc. has also submitted a proposal for two additional one-year terms following the eighteen-month term in the amounts of \$49,947.66 for the first year and \$110,083.54 for the second year; and

**WHEREAS**, the Department of Public Works recommends that the governing authorities accept the proposal of CSL Services, Inc. for the initial eighteen-month period; and

**WHEREAS**, the Department of Public Works recommends that the governing authorities accept the two one-year terms, contingent on the performance of CSL Services, Inc. of the initial eighteen-month term and the City's need for services in each of the two one-year option terms.

**IT IS, THEREFORE, ORDERED** that the proposal of CSL Services, Inc. for billing meter installation, monitoring, maintenance, and reporting for an eighteen-month term in the amount of \$110,083.54 is accepted.

**IT IS FURTHER ORDERED** that the proposal of CSL Services, Inc. for billing meter monitoring, maintenance and reporting for two one-year terms following the initial eighteen-month term in the amounts of \$49,947.66 for the first year and \$51,446.09 for the second year is accepted, contingent upon the performance of CSL Services, Inc. during the initial eighteen-month term and the City's need for services in each of the two one-year option terms.

**Council Member Stokes** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

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**ORDER ACCEPTING AN ENGINEERING SERVICES AGREEMENT WITH WAGGONER ENGINEERING, INC., FOR THE RIVERSIDE DRIVE ROAD IMPROVEMENTS-PHASE I (FROM PEACHTREE STREET TO I-55 BRIDGE), CITY PROJECT NUMBER 15B4010.701.**

**WHEREAS**, the Department of Public Works desires to have design engineering services for road, drainage, water, and sewer improvements to Riverside Drive from (Peachtree Street to I-55), Jackson, Mississippi, Hinds County, Mississippi; and

**WHEREAS**, Waggoner Engineering, Inc., a multi-disciplinary civil engineering firm located in Jackson, Mississippi submitted their firms Statement of Qualifications based on a solicitation for professional engineering services by the Department of Public Works; and

**WHEREAS**, Waggoner Engineering, Inc. has submitted a proposal based on its Statement of Qualifications to provide the City of Jackson design engineering phase services at a cost not to exceed \$965,000.00 for the Riverside Drive Road Improvements – Phase I from (Peachtree Street to I-55 Bridge); and

**WHEREAS**, the Department of Public Works recommends the City of Jackson enter into an Engineering Services Agreement with Waggoner Engineering, Inc., in the amount of \$965,000.00, for the Riverside Drive Road Improvements –Phase I from (Peachtree Street to I-55 Bridge), City Project Number 15B4010.701.

**IT IS, THEREFORE, ORDERED** that an engineering services agreement with Waggoner Engineering, Inc., in an amount not to exceed \$965,000.00, for Riverside Drive Road Improvements – Phase I from (Peachtree Street to I-55 Bridge), City Project Number 15B4010.701 is accepted.

**Council Member Barrett-Simon** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

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There came on for consideration Agenda Item No. 19:

**ORDER AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. FOR PROGRAM MANAGEMENT SERVICES FOR THE WASTEWATER CONSENT DECREE.** Said item was referred to the Rules Committee.

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**ORDER ACCEPTING THE DEDICATION OF OWNERSHIP OF THE CULVERT SYSTEM TO EASTOVER LAKE AND THE EASEMENT(S) ASSOCIATED THERETO.**

WHEREAS, the Hinds County Chancery Court entered a final order in Cause No. G2006-1760-O on July 16, 2010, mandating that the City, a third-party defendant, and the Defendants in the aforementioned cause of action fully repair a culvert system to Eastover Lake that was damaged by erosion caused by the culvert system falling into disrepair; and

WHEREAS, the Court found the City was responsible for 40% of the costs of the repairs to the damaged culvert system. The Defendants were found to own the culvert system and have an easement related to it; thus, the Defendants were responsible for the remaining costs of repair in addition to future maintenance of the culvert system; and

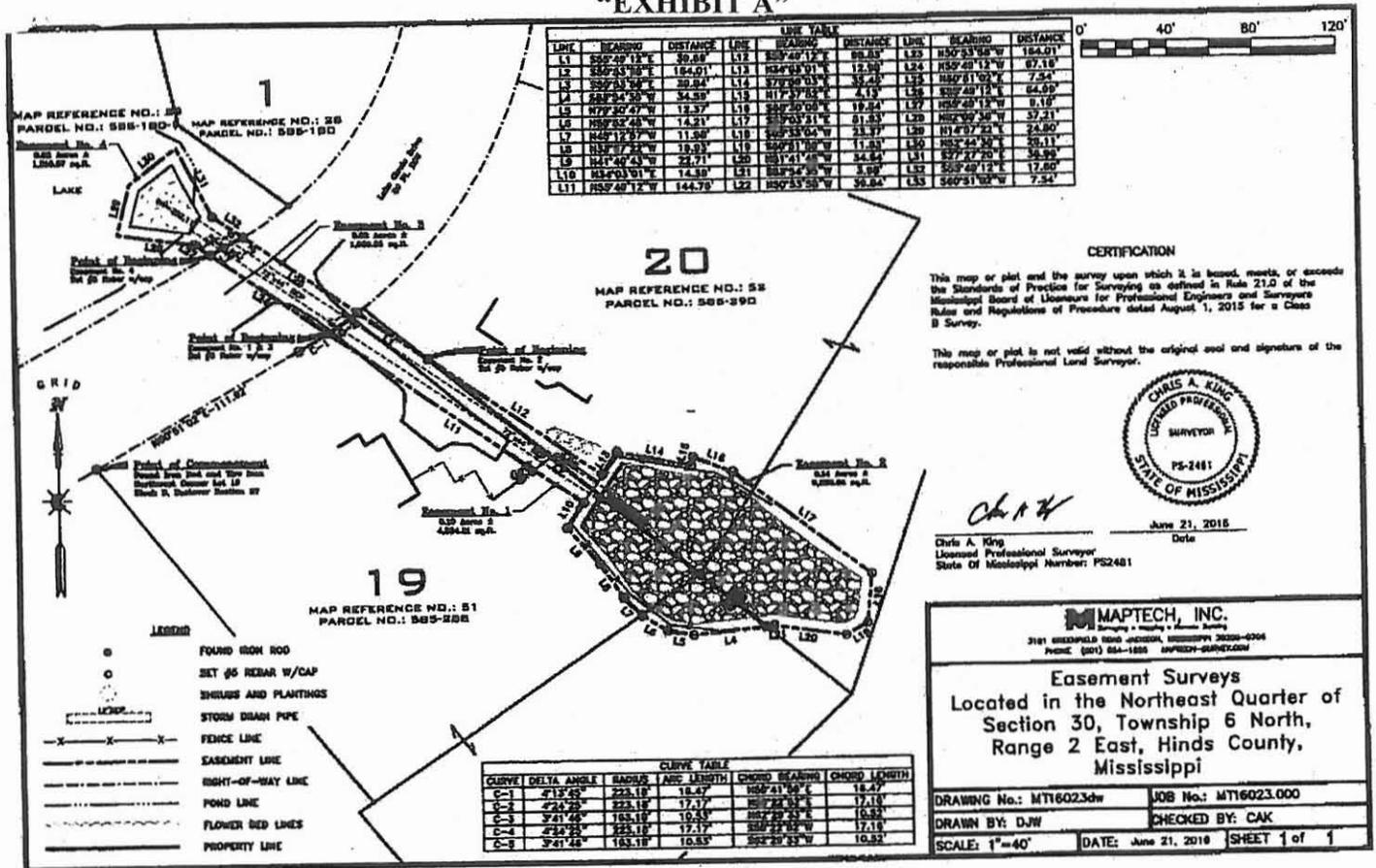
WHEREAS, on or about February 11, 2014, a formal settlement was authorized by the City Council and subsequently executed by all the parties wherein the parties agreed to shift their responsibilities under the final order for the benefit of all concerned. It was agreed that the Defendants would bear all of the costs for the repair and/or replace the culvert system in exchange for the City agreeing to accept the dedication of the culvert system once it was completed; and

WHEREAS, the reconstruction of the afore-mentioned culvert system has been completed, and a plat and accurate legal description of the culvert system and easement(s) associated thereto are attached as hereto "Exhibit A."

IT IS, THEREFORE, ORDERED that ownership of the culvert system to Eastover Lake and the easement(s) associated thereto as described in "Exhibit A", be accepted.

IT IS FURTHER ORDERED that the Mayor and Legal Counsel for the City are authorized to execute such other documents that may be necessary to effectuate the transfer of ownership of the culvert system and the easement(s) associated thereto.

"EXHIBIT A"



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Council Member Stokes moved adoption; Council Member Barrett-Simon seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

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There came on for consideration Agenda Item No. 21:

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AUTHORIZING LEGAL ACTION AGAINST SIEMENS INDUSTRY, INC. (BUILDING TECHNOLOGIES DIVISION) FOR VIOLATIONS OF ITS PERFORMANCE CONTRACTUAL AGREEMENT WITH THE CITY OF JACKSON.** Said item would be held until the next Regular Council meeting to be held on August 23, 2016 at 10:00 a.m.

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**DISCUSSION: BANCORPSOUTH:** President Hendrix recognized Dan Rollins, Chairman & CEO of BancorpSouth, who answered questions posed to him regarding discrimination issues.

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There came on for consideration Agenda Item No. 23:

**DISCUSSION: CONTINENTAL TIRE THE AMERICAS, LLC:** President Hendrix recognized Council Member Stokes who requested that said item be held until the next Regular Council meeting to be held on August 23, 2016 at 10:00 a.m.

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**DISCUSSION: CONTRACTS:** President Hendrix recognized Council Member Stamps who expressed concerns regarding the roll out of the 311 application.

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The following reports/announcements were provided during the meeting:

- **Mayor Yarber** announced that the City of Jackson has launched its New Customer Self-Service Portal for water bill customers. This portal allows customers to pay bills online, view account balances and copies of previous months' bills, and monitor and track water usage.
- **Council Member Priester** announced that Budget Hearings would begin on August 15, 2016 at 9:00 a.m.

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The meeting was closed in memory of the following individual:

- **Dr. Jackie Franklin**

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REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, AUGUST 9, 2016 6:00 P.M.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Zoning Council Meeting to be held at 2:30 p.m. on Monday, August 15, 2016 and at 8:14 p.m., the Council stood adjourned.

ATTEST:

Kristi Moore  
CITY CLERK

APPROVED:

[Signature], 8.12.16  
MAYOR DATE

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