CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 20, 2006 – 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET

WELCOME AND CALL TO ORDER – Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Brabham, which was followed by the Pledge of Allegiance to the Flag led by Alderman Hisaw.

ROLL CALL – City Clerk, Russell Wall

Present:	Jehu Brabham – Alderman-at-Large
	Tony Hisaw – Alderman Ward 1
	Tony Greer - Alderman Ward 2
	Mike Bishop – Alderman Ward 3
	Mike Morgan – Alderman Ward 5
	William Barnett – Alderman Ward 6
Absent:	Phil Fisher – Alderman Ward 4

APPROVAL OF AGENDA ITEMS A-M

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to approve Consent Agenda Items A-M. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION AUTHORIZING THE NEGOTIATION OR SOLICITATION OF PROPOSALS FOR THE SALE BY THE MS DEVELOPMENT BANK OF ITS SPECIAL OBLIGATION BONDS, SERIES 2006 (CLINTON, MS CAPITAL IMPROVEMENTS PROJECT), IN THE PRINCIPAL AMOUNT OF $6,600,000 AND FOR RELATED PURPOSES

Upon presentation by Larry Harris, of Harris & Geno, PLLC, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Greer to approve a resolution authorizing the negotiation or solicitation of proposals for the sale by the MS Development Bank of its Special Obligation Bonds, Series 2006 (Clinton, MS Capital Improvements Project), in the principal amount of $6,600,000 and for related purposes. A copy of the resolution is attached. **MOTION CARRIED 5-1 WITH ALDERMAN MORGAN VOTING "NO"**

RESOLUTION APPROVING SENATE BILL 2236 OF PRIVATE SECURITY SERVICES BY OFF DUTY POLICE OFFICERS

Upon presentation by Don Byington, Police Chief, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Morgan to approve a resolution approving Senate Bill 2236 of Private Security Services by off-duty police officers. A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION AUTHORIZING THE APPLICATION FOR THE 2006 CAPITAL IMPROVEMENT GRANT PROGRAM

Upon presentation by Mayor Aultman, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve a resolution authorizing the Jackson-Hinds Library System to make a grant application on behalf of the City of Clinton for State Bond funds in the amount of $300,000. A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

RESOLUTION FINDING LACK OF OBJECTION OR PROTEST SUFFICIENT TO PRECLUDE THE MUNICIPALITY FROM PROCEEDING WITH THE NECESSARY IMPROVEMENTS, BEING A PUBLIC STREET OR ROADWAY AND THE DRAINAGE AND UTILITY IMPROVEMENTS RELATED THERETO, AND THE ASSESSMENT OF THE COST OF SUCH PUBLIC STREET OR ROADWAY AGAINST THE PROPERTY BENEFITTED AND FOR RELATED PURPOSES OF THE HAMPSTEAD BLVD PROJECT

Upon presentation by Ken Dreher, City Attorney, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Brabham to approve a resolution finding lack of objection or protest sufficient to preclude the municipality from proceeding with the necessary improvements, being a public street or roadway and the drainage and utility improvements related thereto, and the assessment of the cost of such public street or roadway against the property benefited and for related purposes of the Hampstead Blvd. Project. A copy of the resolution is attached. **MOTION CARRIED UNANIMOUSLY**

EXECUTIVE SESSSION

MOTION made by Alderman Brabham and **SECONDED** by Alderman Hisaw to consider entering executive session for the purpose of discussing a legal matter. **MOTION CARRIED UNANIMOUSLY**

MOTION made by Alderman Brabham and **SECONDED** by Alderman Hisaw to enter into executive session for the purpose of discussing a legal matter. **MOTION CARRIED UNANIMOUSLY**

The Mayor and Board of Aldermen entered executive session at 7:29 p.m. Also present in executive session were Ken Dreher, City Attorney, Ray Holloway, Parks/Recreation Director and Russell Wall, City Clerk. A discussion of a legal matter occurred during executive session. No action was taken during executive session. **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to exit executive session. **MOTION CARRIED UNANIMOUSLY**
The Mayor and Board of Aldermen exited executive session at 8:03 p.m.

ADJOURN 8:04 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Greer to adjourn.
MOTION CARRIED UNANIMOUSLY

APPROVED: Rosemary G. Aultman 7-21-2006
Rosemary Aultman, Mayor Date

ATTEST: Russell L Wall 7-21-2006
Russell L. Wall, City Clerk Date

CITY OF CLINTON
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TUESDAY, JUNE 20, 2006 – 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET

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ROLL CALL – City Clerk, Russell Wall

Present: Jehu Brabham – Alderman-at-Large
Tony Hisaw – Alderman Ward 1
Tony Greer - Alderman Ward 2
Mike Bishop – Alderman Ward 3
Mike Morgan – Alderman Ward 5
William Barnett – Alderman Ward 6

Absent: Phil Fisher – Alderman Ward 4

APPROVAL OF AGENDA ITEMS A-M

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to approve Consent Agenda Items A-M. **MOTION CARRIED UNANIMOUSLY**

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The Mayor and Board of Aldermen exited executive session at 8:03 p.m.

ADJOURN 8:04 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Greer to adjourn.
MOTION CARRIED UNANIMOUSLY

APPROVED: Rosemary G. Aultman
Rosemary Aultman, Mayor

June 22, 2006
Date

ATTEST: Russell L Wall
Russell L. Wall, City Clerk

June 22, 2006
Date

BOARD APPROVED
JUN 20 2006
CITY OF CLINTON

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: JUNE 20, 2006 AGENDA ITEM NO. 7

CONSENT AGENDA: TO:

FOR:

ACCOUNT NO:

INTRODUCED BY: See file for complete contract

DISCUSSION/ACTION: Resolution Authorizing the Negotiation or Solicitation of Proposals for the Sale by the MS Development Bank of its Special Obligation Bonds, Series 2006 (Clinton, MS Capital Improvements Project), in the Principal Amount of Six Million Six Hundred Thousand Dollars ($6,600,000) and for Related Purposes

INTRODUCED BY: Mayor Aultman Larry Harris

BOARD ACTION: MOTION MADE BY: Hisaw

SECONDED BY: Greer

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	✓		
Bishop	✓		
Fisher	A		
Morgan		✓	
Barnett	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

The Mayor and Board of Aldermen of the City of Clinton, Mississippi (the "City"), took up the matter of approving the sale by the Mississippi Development Bank (the "Bank") of its Special Obligation Bonds, Series 2006 (Clinton, Mississippi, Capital Improvements Project), in the principal amount of Six Million Six Hundred Thousand Dollars ($6,600,000) the proceeds of which will provide the funds for a loan (the "Loan") between the Bank and the City pursuant to a loan agreement between the City and the Bank secured by a promissory note for the purposes of providing funds necessary to design, erect, equip and furnish municipal buildings, to purchase land therefor, if any; to design and erect a public library and purchase land, if any, equipment and books therefor; to construct, improve and pave streets and purchase land therefor, if any; to construct and/or improve water works systems, water supply systems, sewage systems and sewerage disposal systems, and to purchase property, real and personal, therefor, if any; and for related purposes within the City (the "Project").

After discussion of the subject, Alderman ________________________ offered and moved the adoption of the following resolution:

RESOLUTION AUTHORIZING THE NEGOTIATION OR SOLICITATION OF PROPOSALS FOR THE SALE BY THE MISSISSIPPI DEVELOPMENT BANK OF ITS SPECIAL OBLIGATION BONDS, SERIES 2006 (CLINTON, MISSISSIPPI, CAPITAL IMPROVEMENTS PROJECT), IN THE PRINCIPAL AMOUNT OF SIX MILLION SIX HUNDRED THOUSAND DOLLARS ($6,600,000) TO PROVIDE FUNDS FOR A LOAN BETWEEN THE CITY OF CLINTON, MISSISSIPPI, AND THE BANK PURSUANT TO A LOAN AGREEMENT BETWEEN THE CITY AND THE BANK SECURED BY A PROMISSORY NOTE (CLINTON, MISSISSIPPI, CAPITAL IMPROVEMENTS PROJECT) IN THE PRINCIPAL AMOUNT OF SIX MILLION SIX HUNDRED THOUSAND DOLLARS ($6,600,000); APPROVING THE FORM OF AND EXECUTION OF, AS APPLICABLE, THE LOAN AGREEMENT, THE NOTE, THE INDENTURE OF TRUST, THE PRELIMINARY OFFICIAL STATEMENT, THE OFFICIAL FORM OF PROPOSAL AND THE TAX INTERCEPT AGREEMENT.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi (the "Governing Body" of the "City"), acting for and on behalf of the City, does hereby find, determine and adjudicate as follows:

1. The City is authorized under the provisions of Section 31-25-1 *et seq.*, Mississippi Code of 1972, as amended (the "Act"), to borrow in such amounts as it may find necessary and proper for the purposes of providing funds necessary to design, erect, equip and furnish municipal buildings, to purchase land therefor, if any; to design and erect a public library and purchase land, if any, equipment and books therefor; to construct, improve and pave streets and purchase land therefor, if any; to construct and/or improve water works systems, water supply systems, sewage systems and sewerage disposal systems, and to purchase property, real and personal, therefor, if any;; and for related purposes within the City.

2. It is necessary, proper and economically feasible that the City borrow money by entering into a loan with the Bank, secured by the Note pursuant to the Act, for the purposes herein stated and under the procedures hereinafter set forth as provided by law to provide funds for the Project.

3. It is in the best interest of the City for the Bank to issue its Special Obligation Bonds, Series 2006 (Clinton, Mississippi, Capital Improvements Project) in the principal amount of Six Million Six Hundred Thousand Dollars ($6,600,000) (the "Bonds") for the purpose of providing funds for the Loan between the Bank and the City.

4. The Governing Body desires:

(i) to employ in connection with the preparation and issuance of the Bonds and the loan and authorize the negotiation or the solicitation of proposals for the sale of the Bonds the firm Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor to the City and the Bank (the "Financial Advisor"), and Harris & Geno, PLLC, Ridgeland, Mississippi, as bond counsel ("Bond Counsel"), as hereinafter defined, to act for and on behalf of the City and the Bank;

(ii) to approve the form of and distribution of the preliminary official statement (the "Preliminary Official Statement") and the official form of proposal (the "Proposal Form") by the Financial Advisor and by Bond Counsel for the sale of the Bonds; and

(iii) to authorize the execution of the Proposal Form by the Mayor and City Clerk of the City for the sale of the Bonds subject to approval by the Bank and certain other conditions as hereinafter set forth.

5. The Governing Body finds it necessary to approve the form of and execution of , as

applicable, the Loan Agreement, dated as of July 1, 2006, between the Bank and the City, the Promissory Note (Clinton, Mississippi, Capital Improvements Project), dated as of July 1, 2006, of the City, the Indenture of Trust, dated as of July 1, 2006, between the Bank and Trustmark National Bank, Jackson, Mississippi (the "Trustee") (the "Indenture"), and the Tax Intercept Agreement, dated as of July 1, 2006, between the City and the Bank (the "Tax Intercept Agreement").

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

SECTION 1. The Governing Body of the City does hereby approve negotiation or the solicitation of proposals for the sale of the Bonds by the Financial Advisor and Bond Counsel for and on behalf of the Bank. Based on the recommendation of the Financial Advisor and Bond Counsel, the Mayor and City Clerk are hereby authorized to execute the Proposal Form to award the sale of the Bonds to the successful bidder for the Bonds with such changes, insertions and omissions as may be approved by such officers, said execution being evidence of such approval provided that the parameters in the following sentence are met. The Governing Body hereby agrees to the sale of the Bonds by the Bank in the principal amount not to exceed $6,600,000, pursuant to the terms and conditions of the Proposal Form subject to the approval of the Mayor and City Clerk of the following:

(1) the average annual net interest rate, which shall not exceed seven percent (7.00%);

(2) an amortization schedule for a term not to exceed twenty (20) years; and

(3) approval by the Bank.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to endorse upon the aforesaid Proposal Form a suitable notation as evidence of the acceptance thereof, for and on behalf of the City. The City Clerk of the City is hereby directed to forward to the Bank the executed Proposal Form.

SECTION 3. The form of the Loan Agreement, including the form of the Note, is hereby approved, and the Mayor and City Clerk of the City are hereby authorized and directed to execute said Loan Agreement and Note on behalf of the City. All provisions of the Loan Agreement, including the Note, when executed as authorized herein, shall be incorporated herein, and shall be deemed to be a part of this resolution fully and to the same extent as if separately set out verbatim herein, which said Loan Agreement and Note shall be in substantially the form attached hereto as Exhibit A, with such completions, changes, insertions and modifications as shall be approved by the officers executing and delivering same.

SECTION 4. The form of the Indenture as submitted to this meeting and made a part of this resolution as though set forth in full herein shall be, and the same hereby is, approved in substantially the form as attached hereto as Exhibit B with such completions, changes, insertions and modifications as shall be approved by the Mayor and City Clerk of the City prior to execution and delivery by the Mississippi Development Bank and the Trustee in connection with the loan to the City of the proceeds of the Bonds.

SECTION 5. The Preliminary Official Statement and the Proposal Form for the Bonds are hereby approved and ratified in substantially the form attached hereto. The Mayor is hereby authorized and directed to approve the final Official Statement on behalf of the Governing Body with such changes from the Preliminary Official Statement as she may approve, and the Governing Body hereby authorizes and ratifies, the distribution of said Preliminary Official Statement, the Proposal Form and said final Official Statement and the use thereof by the Financial Advisor and Bond Counsel in connection with the sale of the Bonds. Said Preliminary Official Statement and Proposal Form are hereinafter as set forth in Exhibit C and Exhibit D, respectively.

SECTION 6. The form of the Tax Intercept Agreement between the City and the Bank is hereby approved, and the Mayor and City Clerk of the City are hereby authorized and directed to execute said Tax Intercept Agreement on behalf of the City. All provisions of the Tax Intercept Agreement, when executed as authorized herein, shall be incorporated herein, and shall be deemed to be a part of this resolution fully and to the same extent as if separately set out verbatim herein, which said Tax Intercept Agreement shall be in substantially the form attached hereto as Exhibit E, with such completions, changes, insertions and modifications as shall be approved by the officers executing and delivering the same.

SECTION 7. Trustmark National Bank, Jackson, Mississippi, is hereby approved by the City to serve as trustee under the Indenture (the "Trustee").

SECTION 8. The Mayor or City Clerk of the City is hereby authorized and directed to sign requisitions and perform such other acts as may be necessary to authorize the Trustee to pay on the Closing Date of the Bonds the costs of issuance of said Bonds and cost of issuance for the Loan.

SECTION 9. Upon receiving the recommendation of the Financial Advisor, Bond Counsel and Counsel to the City, the Mayor is hereby authorized and directed to make all final determinations necessary to prepare the Preliminary Official Statement, Official Form of Proposal, Indenture of Trust, Loan Agreement, Note and Tax Intercept Agreement, for the sale of the Bonds, including the date of sale, the dated date of the Bonds, the final principal amount of the Bonds, the maturity schedule relating to the Bonds, the redemption terms of the Bonds and any other terms thereof; provided, however, that all such determinations shall be made subject to approval by the Executive Director of the Bank, to be evidenced by the execution of the Official Form of Proposal for the sale of the Bonds by the Mayor and City Clerk, acting for and on behalf of the City pursuant to this resolution, and by the Executive Director of the Bank, acting for and on behalf of the Bank pursuant to a resolution adopted by the Bank on June 14, 2006.

SECTION 10. If the Bank executes a commitment for the provision of municipal bond insurance and/or a debt service reserve surety bond for the Bonds and any additional documents and certificates which are required by any provider of such municipal bond insurance and/or debt service reserve surety bond selected to provide credit enhancement in connection with the issuance of the Bonds, the Mayor is hereby authorized to approve any changes, insertions and omissions as may be required by the provider of the municipal bond insurance and/or debt service reserve surety bond to the Indenture, Loan Agreement, Note, Tax Intercept Agreement, or Preliminary Official Statement as are approved by the Executive Director of the Bank evidenced by his execution of the commitment for said municipal bond insurance and/or debt service reserve surety bond and other additional documents and certificates.

SECTION 11. The Mayor and City Clerk of the City be, and they are hereby authorized and directed for and on behalf of the Governing Body, to take any and all such action as may be required by the City to carry out and to give effect to the aforesaid documents authorized pursuant to this resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this resolution in order to evidence said authority, including the approval of the final Official Statement in connection with the Bonds.

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

Alderman Jehu W. Brabham	voted: ______
Alderman Tony Hisaw	voted: ______
Alderman Tony Greer	voted: ______
Alderman Mike Bishop	voted: ______
Alderman Phil Fisher	voted: Absent
Alderman Mike Morgan	voted: ______
Alderman Bill Burnett	voted: ______

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the resolution adopted this the 20th day of June, 2006.

CITY OF CLINTON, MISSISSIPPI

By:______________________________________

Rosemary Aultman, Mayor

ATTEST:

____

Russell Wall, City Clerk

EXHIBIT A

LOAN AGREEMENT AND NOTE

EXHIBIT B

INDENTURE

EXHIBIT C

PRELIMINARY OFFICIAL STATEMENT

EXHIBIT D

PROPOSAL FORM

EXHIBIT E

TAX INTERCEPT AGREEMENT

A RESOLUTION AUTHORIZING THE APPLICATION
FOR THE 2006 CAPITAL IMPROVEMENT GRANT PROGRAM

Whereas, the Jackson-Hinds Library System through a Capital Needs Assessment has advised the City of Clinton that the present Clinton library facility is inadequate for meeting the needs of the growing community; and

Whereas, the Mayor and Board of Aldermen of the City of Clinton concur with the findings of the Capital Needs Assessment; and

Whereas, the Quisenberry family has donated 20 acres of prime real estate on which to construct a new facility; and

Whereas, the City of Clinton has engaged an architectural firm to commence with the planning and design for a new library facility; and

Whereas, the City of Clinton agrees to provide a maximum of $5,500,000.00 in funding to construct a new library, now

Therefore, the City of Clinton authorizes the Jackson-Hinds Library System to make a grant application on behalf of the City of Clinton for State Bond funds in the amount of $300,000.00.

Alderman Brabham made a motion to approve the foregoing Resolution, Alderman Greer seconded the motion to adopt the foregoing Resolution, and the vote thereupon was as follows:

Alderman Jehu W. Brabham voted: yes
Alderman Tony Hisaw voted: yes
Alderman Tony Greer voted: yes
Alderman Mike Bishop voted: yes
Alderman Phil Fisher voted: absent
Alderman Mike Morgan voted: yes
Alderman Bill Barnett voted: yes

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the resolution adopted this the 20th day of June, 2006.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

ATTEST:

Russell Wall
Russell Wall, City Clerk

RESOLUTION

RESOLUTION FINDING LACK OF OBJECTION OR PROTEST SUFFICIENT TO PRECLUDE THE MUNICIPALITY FROM PROCEEDING WITH THE NECESSARY IMPROVEMENTS, BEING A PUBLIC STREET OR ROADWAY AND THE DRAINAGE AND UTILITY IMPROVEMENTS RELATED THERETO, AND THE ASSESSMENT OF THE COST OF SUCH PUBLIC STREET OR ROADWAY AGAINST THE PROPERTY BENEFITTED AND FOR RELATED PURPOSES OF THE <u>HAMPSTEAD BOULEVARD PROJECT</u>

WHEREAS, by Resolution duly adopted on the 2nd day of May 2006, (the "Resolution of Necessity"), the Board of Mayor and Aldermen of the City of Clinton, Mississippi (respectively the "Governing Authority" and the "Municipality") determined the necessity of constructing a public street or roadway (the "Project") and further determined that the entire cost of such project should be assessed against the property owners benefited thereby; and,

WHEREAS, the Project determined by the Governing Authority to be necessary and in the public interest is described as follows:

> A paved public road including all necessary right-of-way and related drainage and utility improvements. The roadway will be a hard surfaced (asphalt) street and will be a portion of the Hampstead Boulevard project. The actual location of the portion of Hampstead Boulevard included as part of this local improvement project is described more fully in Exhibit "B" attached to and made a part hereof and such description includes the terminal points of this project as laid out in the Benefited Area described in Exhibit "A". The local improvement project set out herein includes a temporary construction easement described in Exhibit "C" and a permanent easement described in Exhibit "D", all of which are attached hereto and made a part hereof.
>
> The materials to be used in this local improvement project are those commonly used in the construction of an asphalt roadway and related drainage and utility improvements. The proposed materials are more fully described in Exhibit "E", attached hereto and made a part hereof.

WHEREAS, the Governing Authority in the Resolution of Necessity found and determined that the property to be benefited by the Project (the "Benefited Area") is described as follows:

See Exhibit "A" attached hereto.

WHEREAS, the Governing Authority found and determined that the property owners benefited by the Project and their addresses as shown on the land rolls last approval by the county and against whose property the entire cost thereof should be assessed are:

Morrison Heights Baptist Church
201 Morrison Drive
Clinton, MS 39056
(601)924-5620

and,

WHEREAS, the Governing Authority in the aforesaid Resolution of Necessity determined that the estimated cost of the Project was estimated to be $542,545.00; and,

WHEREAS, the Resolution of Necessity set a public hearing of the Governing Authority to be held at 7:00 p.m. on June 6, 2006, as the date and meeting on and at which objections and remonstrances to the hereinbefore described improvements were to be made and directed the City Clerk to cause publication of a notice of the time and place of such meeting at which such objections or remonstratives could be heard as required by law and further directed the City Clerk to mail, by certified mail, postage prepaid, within the time and in the manner required by law and the Resolution of Necessity, the notice of the meeting at which objections or remonstrances could be filed or presented by or on behalf of the owners whose property will be benefited by the Project and affected by the Resolution of Necessity; and,

WHEREAS, the authority of the Governing Authority to determine the necessity for the Project, to authorize the construction of the Project, to determine that the entire cost of the Project and of raising the funds for the construction thereof should be assessed against the property benefited thereby, and to raise the necessary funds for the construction of the Project by entering into a loan agreement with the Mississippi Development Bank; and,

WHEREAS, as evidenced by the Proof of Publication which is Exhibit "1" to this Resolution and by the Certificate of the City Clerk of the Municipality which is Exhibit "2" to this Resolution, both of which are incorporated herein in their entirety, publication of the Notice of Hearing for the presentation of objections and remonstrances to the authorization, construction, and financing of the Project as described in the Resolution of Necessity was duly made on May 19, 2006, May 28, 2006, and June 2, 2006, in the Clarion-Ledger, a public newspaper having a general circulation in the Municipality and copies of such notice were duly mailed in the manner required by law to the property owners hereinbefore named, being all of the property owners affected by the construction of the Project and the assessment of the cost of raising funds for the construction therefore, the date of such hearing being a date not less than fifteen (15) days after the first publication of such notice, as aforesaid; and,

WHEREAS, all things, acts and deeds required or contemplated by applicable laws of the State of Mississippi and by the Resolution of Necessity have been properly done and performed; and,

WHEREAS, at the time, place and date specified in the before described notice the Governing Authority did meet for the purpose of hearing objections or remonstrances to the construction and financing of the Project, including, but not limited to, the assessment of the entire cost thereof against the property benefited, and at such meeting the Governing Authority considered the objections, protests and remonstrances presented and hereby finds and determines that property owners owning more than fifty percent (50%) of the property involved and determined by the Governing Authority to be benefited by the contemplated Project did not file a protest against the construction and financing of the project either in person or by their representatives; and,

WHEREAS, after due consideration, the Governing Authority does find and determine that the improvements constituting the Project are necessary and in the public interest and that the total cost of such improvements should be assessed against the property benefited, which is defined herein as the Benefited Area.

NOW, THEREFORE, Be it Resolved by the Board of Mayor and Aldermen of the City of Clinton, Mississippi:

1. After due notice in the time and manner required by law protests, objections or remonstrances by or on behalf of a majority of the property owners owning more than fifty percent (50%) of the property involved and, determined to be benefited by the contemplated Project were not filed or presented in the time and manner required by law at the meeting of the Governing Authority held at 7:00 p.m. on June 6, 2006, for such purpose and as provided in the aforesaid notice, the Resolution of Necessity, and the laws of the State of Mississippi.

2. The Governing Authority of the Municipality does hereby determine and find that the contemplated Project is necessary and in the public interest of the Municipality and the citizens thereof, that the Project should be constructed in accordance with the plans and specifications thereof on file in the office of the City Clerk of the Municipality and that the total cost of such improvement should be assessed against the property benefited thereby and that

the cost assessed against each lot or parcel of land benefited by the Project shall constitute the amount of special assessment for the owners part of the cost of the Project.

3. The Governing Authority of the Municipality does hereby find and determine that the Project is specifically described as follows:

> A paved public road including all necessary right-of-way and related drainage and utility improvements. The roadway will be a hard surfaced (asphalt) street and will be a portion of the Hampstead Boulevard project. The actual location of the portion of Hampstead Boulevard included as part of this local improvement project is described more fully in Exhibit "B" attached to and made a part hereof and such description includes the terminal points of this project as laid out in the Benefited Area described in Exhibit "A". The local improvement project set out herein includes a temporary construction easement described in Exhibit "C" and a permanent easement described in Exhibit "D", all of which are attached hereto and made a part hereof.
>
> The materials to be used in this local improvement project are those commonly used in the construction of an asphalt roadway and related drainage and utility improvements. The proposed materials are more fully described in Exhibit "E", attached hereto and made a part hereof.

4. The Governing Authority does hereby find and determine that the property benefited by the Project, which is identified as the Benefited Area, is specifically described as follows:

See Exhibit "A" attached hereto.

5. The Governing Authority does hereby find and determine that the owners of the property benefited by the Project and their addresses as shown on the land rolls last approved by the county are:

Morrison Heights Baptist Church
201 Morrison Drive
Clinton, MS 39056
(601)924-5620

6. The Governing Authority finds and determines that the estimated cost of the Project, based on estimates prepared by the City Engineer of the Municipality, are as follows:

See Exhibit "F" attached hereto.

7. The Governing Authority finds and determines that all of the costs of the project shall be assessed against the property benefited and designated as the Benefited Area, the amount of such costs to be assessed against each lot or parcel of land benefited by the Project shall be fixed by subsequent resolution of the Governing Authority.

SO RESOLVED, by the Board of Mayor and Aldermen of the City of Clinton, Mississippi at its regularly scheduled meeting duly held on the 20th day of June, 2006.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
ROSEMARY B. AULTMAN, Mayor

ATTEST:

Russell L Wall
Russell Wall, City Clerk

RESOLUTION-BR-SEWER
6/20/06-JBELL

OATH OF OFFICE

STATE OF MISSISIPPI

COUNTY OF HINDS

I, SAM HABEEB, do solemnly swear that I will faithfully support the Constitution of the United States and the laws of the State of Mississippi; that I am not disqualified from holding the office of JUDGE PRO TEM, City of Clinton, Mississippi; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Sam Habeeb
SAM HABEEB

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of June, 2006.

Rosemary G. Aultman
ROSEMARY G. AULTMAN, MAYOR

ATTEST:

Russell L Wall
RUSSELL WALL, CITY CLERK

6-20-06
DATE

SEAL

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: June 20, 2006 AGENDA ITEM NO. 8

CONSENT AGENDA: TO:

BOARD APPROVED
JUN 20 2006
CITY OF CLINTON

FOR:

ACCOUNT NO.:

INTRODUCED BY:

DISCUSSION/ACTION: Approval of private security services by off duty police officers.
Senate Bill 2236 (attached)

INTRODUCED BY: DB

BOARD ACTION:

MOTION MADE BY: Bishop

SECONDED BY: Morgan

ACTION TAKEN:

VOTE CAST:	"AYE"	"NAY"
Brabham	✓	
Hisaw	✓	
Greer	✓	
Bishop	✓	
Fisher	A	
Morgan	✓	
Barnett	✓	
Mayor Aultman		

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE GIVES THE CLERK TIME TO PREPARE THE AGENDA AND ALSO TO COPY THE AGENDA. PLEASE REMEMBER ALL OF THIS TAKES SOME TIME AND THIS IS WHY WE HAVE THIS DEADLINE. THANKS.

A RESOLUTION APPROVING SENATE BILL 2236 OF PRIVATE SECURITY SERVICES BY OFF DUTY POLICE OFFICERS

Senate Bill No. 2236 in the Regular Session of the Mississippi Legislature for 2006 provides that municipalities my authorize off-duty use of uniforms and weapons by certain law enforcement officers engaging in private employment under certain circumstances.

The Mayor and Board of Aldermen of the City of Clinton do hereby find as a matter of fact that the off-duty use of uniforms and weapons at the locations listed in Exhibit "A" attached hereto by the Full Time and Reserve Police Officers listed in Exhibit "B" attached hereto is approved as of the 20th day of June, 2006. The Mayor and Board of Aldermen further find that the off-duty use of uniforms and weapons at the locations herein specified by the officers herein identified is not likely to bring disrepute to the City of Clinton or its police department, or the officers identified herein or law enforcement generally, and that the use of the official uniform and weapon in the discharge of the officer's private security endeavor promotes the public interest.

Alderman Bishop made a motion to approve the foregoing resolution, Alderman Morgan seconded the motion to adopt the foregoing resolution, and the vote thereupon was as follows:

Alderman Brabham	voted: yes
Alderman Hisaw	voted: yes
Alderman Greer	voted: yes
Alderman Bishop	voted: yes
Alderman Fisher	voted: absent
Alderman Morgan	voted: yes
Alderman Barnett	voted: yes

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the resolution adopted this the 20th day of June, 2006.

CITY OF CLINTON, MISSISSIPPI

BY: Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST:

Russell L Wall
Russell ~~R~~ L. Wall, City Clerk

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

MISSISSIPPI LEGISLATURE REGULAR SESSION 2006

By: Senator(s) Brown To: Judiciary, Division B

SENATE BILL NO. 2236
(As Sent to Governor)

AN ACT TO AUTHORIZE OFF-DUTY USE OF UNIFORMS AND WEAPONS BY CERTAIN LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Certified law enforcement officers or certified part-time law enforcement officers, as defined in Section 45-6-3, who are employed by a county or municipality may wear the official uniform and may utilize the official firearm issued by the employing jurisdiction while in the performance of private security services in off-duty hours. The governing authority of a municipality must approve of such use of the uniform and official weapon by municipal law enforcement officers by act spread upon the minutes of such board and approved by the chief executive. The sheriff of a county must approve such use of the uniform and official weapon by deputy sheriffs. Approval shall be on an employee-by-employee basis and not by general order. Any proceedings regarding application or approval and the minutes regarding same shall be a public record.

(2) Each governing board and chief executive or sheriff shall determine before the use of the official uniform and weapon is approved that the proposed employment is not likely to bring disrepute to the employing jurisdiction or its law enforcement agency, the officer at issue, or law enforcement generally, and that the use of the official uniform and weapon in the discharge of the officer's private security endeavor promotes the public interest.

(3) Acts and omissions of an officer in discharge of private security employment shall be deemed to be the acts and omissions of the person or entity employing the officer for such private security services, and not the acts and omissions of the jurisdiction whose uniform and weapon are approved for such private security use. An employer employing the officer for private security services shall hold harmless the jurisdiction by which the officer is employed and fully indemnify the jurisdiction for any expense or loss, including attorney's fees, which results from any action taken against the jurisdiction arising out of the acts or omissions of the officer in discharge of private security services while wearing the official uniform or using the official weapon. Neither the state nor any subdivision thereof shall be liable for acts or omissions of an officer in the discharge of the private security employment duties.

(4) Certified police officers performing private jobs during their off-duty hours are required to notify the appropriate law enforcement agency of the place of employment, the hours to be worked, and the type of employment.

(5) The official uniform and weapon may be worn and utilized only at locations which are within the jurisdiction of the governmental entity whose uniform and weapon are involved.

SECTION 2. This act shall take effect and be in force from and after its passage.

ST: Law enforcement officers; allow off-duty use of equipment and uniform under certain circumstances.

Clinton Police Department
Law Enforcement
Policies and Procedures

Subject: Secondary or Off-Duty Employment	**Policy Number:**
Issue Date:	**Revision Date:**
Approval Authority Title and Signature:	

POLICY:

It is the policy of Clinton Police Department to limit the types of off-duty or secondary employment activities officers may undertake in order to maintain accountability, and avoid potential *conflicts of interest*.

PROCEDURES:

Prohibited Off-Duty Employment:
Employees of Clinton Police Department may not engage in secondary or off-duty employment that:

1. Represents a potential *conflict of interest* between the department and a private employer including, but not limited to:

   a. Collecting debts, repossessing merchandise, or towing vehicles;
   b. Conducting personal or private investigations through access of departmental information, files, or records;
   c. Assisting in case preparation or investigation for any criminal defense or civil proceeding;
   d. Working for any bail bond company
   e. Working for any business or labor group on strike; or
   f. Any occupation regulated or licensed by the law enforcement agency or its civilian board.

2. Threatens the dignity of the department and the law enforcement profession including establishments which:

   a. Sell pornographic books or magazines, sexual devices or videos, or provide entertainment or services of a sexual nature;
   b. Sell, manufacture, or transport alcoholic beverages; or
   c. Provide illegal gambling.

Approved Off-Duty Employment:
Law enforcement officers may engage in off-duty employment in their official police capacity, which involves:

1. A contract agreement between Clinton Police Department and a profit-making or not-for-profit government agency which may include:

    a. Traffic control and pedestrian safety;
    b. Crowd control or law enforcement services at special events;
    c. Routine law enforcement for public authorities; &
    d. Plainclothes assignments.

General Guidelines for Off-Duty Employment:
The following guidelines apply to employees and officers of Clinton Police Department regarding off-duty employment:

1. Any employee considering off-duty employment must request permission in writing to the Chief of Police stating the working hours and duties of such employment. Such requests must be approved prior to the commencement of outside employment. Permission is implied when notice of off-duty employment is posted by the Chief of Police, the Captain of Operations or the Captain of Administration.
2. In order to be eligible for off-duty employment, a law enforcement employee must be in good standing with the department. Continued departmental approval of a law enforcement employee's off-duty employment is contingent on such good standing.
3. Officers who are on medical or other leave due to sickness, temporary disability or on-duty injury will not be eligible to engage in off-duty employment.
4. A law enforcement officer may work a maximum of twenty-four [24] hours of off-duty employment per week. Additionally, an officer may not work in excess of sixteen [16] hours a day, whether on–duty, off-duty or a combination thereof.
5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the law enforcement officer's performance of duty.
6. No off duty employment should be longer in time than the officer's regular assigned shift.
7. Law enforcement officers engaged in any off-duty employment are subject to call-out in case of emergency, and may be expected to leave his off-duty employment in such situations.
8. Permission for an officer to engage in outside employment may be revoked when it is determined to be against the interests of the department.

Workman's compensation, public liability benefits, and legal representation are not available to employees of the department as a result of off-duty employment, unless conducting official police business in a contract position between the department and another agency.

Full Time Officers

Captain Michael Warren
Captain Michael Gill
Lt. Randy Ruffin
Lt. George Rush
Lt. Kimball Gober
Lt. Van Gunter
Lt. Terry Harris
Lt. Gene Mashburn
Sgt. George Reese
Lt. Chris Dill
Lt. Glenn Sikes
Sgt. Creston Burch
Lt. Steve Menotti
David Penson
Kevin Richards
Sgt. Todd Peterson
Sgt. Ronnie Clark
Sgt. Scott Herrington
Octavius Sample
James McNamee
Josh Frazier
Ted Rogers
Michael Kelly
Shawn Umbrello
Darin Lofton
JoAnna Adcock
Sean Smith
Andre Cameron
Im Davidson
Bart Evans
Chris Strickland
Gary Reach
Ricky Townsend
Ryan Hall
Jason Miller
Al Kimbrell
Shane Hamann
Clint Hatch
Clint Bowman
Greg Davis
Tommy Danna
Stephen Wersler
Keith Hollingshead
Brad Burns
Michael McDonald

Reserve Police Officers

Hilton Turner
Richard Ritchie
Eddie Robertson
Jesse Slaven
Aubrey Wells
Matt Campbell
Richard Hanks
Larry Crittenden
Clay McPherson
Gene Selby
Kevin Albritton
Rodney Harris
Rob Smith
Tracy Funchess
Keith Ruffin
Cedrick Baker
Jim Burke
Donald Hughes

Recurring Off-Duty Security Details
Clinton Public Schools
Mississippi College
Traceway Park
Hammett's Crossing Shopping Center
Brick Streets & Fall Festival
Funtime Skateland
Ms. Private School Association
Ms. High School Activities Association
Wal-Mart
Morrison Heights Baptist Church
Indian Lanes Bowling

Parkway Baptist Church
First United ~~Methodist~~ Church
Metodist