

There came on for consideration the matter of providing financing for various capital improvements for the City of Gluckstadt, Mississippi, and after a discussion of the subject matter Alderman S. Day offered and moved the adoption of the following resolution:

**RESOLUTION DECLARING THE INTENTION OF THE BOARD OF ALDERMEN OF THE CITY OF GLUCKSTADT, MISSISSIPPI (THE "CITY"), TO EITHER ISSUE GENERAL OBLIGATION BONDS OF THE CITY, ISSUE A GENERAL OBLIGATION BOND OF THE CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK, OR ENTER INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000) TO RAISE MONEY FOR THE PURPOSE OF (A) PURCHASING, ERECTING, REPAIRING, IMPROVING, ADORNING AND EQUIPPING MUNICIPAL BUILDINGS, INCLUDING CONSTRUCTING AND FURNISHING A MUNICIPAL COURT BUILDING AND POLICE STATION, AND FOR PURCHASING LAND THEREFOR, IF NECESSARY; (B) FOR OTHER RELATED PURPOSES AUTHORIZED UNDER SECTIONS 21-33-301 ET SEQ. AND SECTIONS 31-25-1 ET SEQ., MISSISSIPPI CODE OF 1972, AS AMENDED AND SUPPLEMENTED; (C) AND PAYING FOR COSTS OF ISSUANCE OF THE BORROWING; AND FOR RELATED PURPOSES.**

**WHEREAS**, the Mayor and Board of Aldermen (the "Governing Body") of the City of Gluckstadt, Mississippi (the "City"), acting for and on behalf of the City, is authorized by Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended and supplemented (the "City Bond Act"), to issue general obligation bonds for the purposes set forth therein, including, but not limited to, (a) purchasing, erecting, repairing, improving, adorning and equipping municipal buildings, including constructing and furnishing a municipal court building and police station, and purchasing land therefor, if necessary; (b) for other related purposes authorized under Sections 21-33-301 *et seq.*, and Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented; (c) and for paying for costs of issuance of the borrowing (collectively items (a)-(c) are the "Project"); and

**WHEREAS**, the Governing Body, acting for and on behalf of the City, is also authorized under the City Bond Act and Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented (the "Bank Act"), and other applicable laws of the State, to (a) issue a general obligation bond of the City to be sold to the Mississippi Development Bank (the "Bank") to finance the costs of the Project, or (b) enter into a loan or loans with the Bank to borrow money to finance the costs of the Project; and

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

**WHEREAS**, the Governing Body is authorized pursuant to the City Bond Act and the Bank Act to provide funding for the costs of the Project either through the issuance of (a) general

obligation bonds of the City pursuant to the City Bond Act in a total aggregate principal amount of not to exceed Eight Million Dollars (\$8,000,000) (the "Bonds"), (b) a general obligation bond of the City to be sold to the Bank in a total aggregate principal amount of not to exceed Eight Million Dollars (\$8,000,000) (the "City Bond"), or (c) by entering into a loan or loans with the Bank to borrow money from the Bank in a total principal amount not to exceed Eight Million Dollars (\$8,000,000) (the "Loan"); and

**WHEREAS**, it would be in the best interest of the City for the Governing Body to provide funding for the costs of the Project by borrowing money through the issuance of the Bonds or the City Bond or by entering into the Loan; and

**WHEREAS**, the City reasonably expects that it will incur expenditures in connection with the Project for which the City intends to reimburse itself with the proceeds of the Bonds, the City Bond or the Loan; and

**WHEREAS**, the Governing Body is authorized and empowered by the City Bond Act, the Bank Act, and the Refunding Act to issue the Bonds or the City Bond or to enter into the Loan for the purposes herein set forth and there are no other available funds on hand or available from regular sources of income for such purposes.

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

**SECTION 1.** The Governing Body, acting for and on behalf of the City, hereby declares its intention to either (a) issue and sell the Bonds pursuant to the City Bond Act in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000), (b) issue and sell the City Bond to the Bank pursuant to the City Bond Act and the Bank Act in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000), or (c) enter into the Loan with the Bank pursuant to the City Bond Act and the Bank Act in a principal amount not to exceed Eight Million Dollars (\$8,000,000).

**SECTION 2.** The Bonds or the City Bond will be issued or the Loan will be entered into for the purpose of financing the Project, as authorized by the City Bond Act and the Bank Act.

**SECTION 3.** The Bonds or the City Bond may be issued in one or more series and, if issued, will 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. The Loan, if issued, will be payable from available revenues of the City and will not constitute an indebtedness of the City within the meaning of any constitutional or statutory restrictions, limitations, or provisions, and the taxing power of the City will not be pledged to the payment of the Loan.

**SECTION 4.** The Governing Body proposes to direct the issuance of all or any portion of the Bonds or the City Bond or to authorize the Loan in the amount and for the purposes and secured as aforesaid at a meeting of the Governing Body to be held at its usual meeting place located at the City Hall in the City, located at 343 Distribution Drive, Madison, Mississippi, at the hour of 6:00 p.m. on May 9, 2023, or at some meeting or meetings subsequent thereto; provided, however, that if ten percent (10%) or fifteen hundred (1,500), whichever is less, of the qualified electors of the City shall file a written protest with the City Clerk against the issuance of the Bonds or the City Bond or the authorization of the Loan on or before the aforesaid date and hour, then the Bonds or the City Bond shall not be issued or the Loan shall not be entered into unless approved at an election on the question thereof called and held as is provided by law; provided, further that if no protest is filed, then the Bonds or the City Bond may be issued and sold in one or more series or the City may enter into the Loan without an election on the question of the issuance thereof at any time within a period of two (2) years after May 9, 2025.

**SECTION 5.** In full compliance with the City Bond Act, the City Clerk is hereby directed to (i) publish a copy of this resolution once a week for at least three (3) consecutive weeks in *Madison County Journal*, a newspaper published in the City, and having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, with the first publication being not less than twenty-one (21) days prior to May 9, 2023, and the last publication being made not more than seven (7) days prior to May 9, 2023, and (ii) post a copy of this resolution in at least three (3) public places within the City for at least twenty-one (21) days prior to May 9, 2023.

**SECTION 6.** The City Clerk is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of the publication of this resolution and the required notice and have the same before the Governing Body on the date and hour specified in Section 4 hereof.

**SECTION 7.** The City hereby declares its official intent to reimburse itself from the proceeds of the Bonds, the City Bond or the Loan for expenses incurred with respect to the Project subsequent to the date of this resolution. This resolution is intended as a declaration of official intent under Treasury Regulation 1.150-2. The Bonds, the City Bond or the Loan will not exceed the aggregate principal amount of Eight Million Dollars (\$8,000,000).

**SECTION 8.** 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.

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

Alderman Bates  
Alderman Powell

voted:   Aye    
voted:   Aye

Alderman Slay  
Alderman Taylor  
Alderman Williams

voted: Aye  
voted: Aye  
voted: Aye

The Mayor declared the motion carried and the resolution be adopted this the 5 day of April, 2023.

Wally Morrison

Mayor

ATTEST:

Lindsay Kellum  
City Clerk



(Seal)

**PLEASE PUBLISH THIS RESOLUTION IN *THE MADISON COUNTY JOURNAL* ON THE FOLLOWING DATES: APRIL 13, 20, 27, AND May 4, 2023.**