

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 126-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment of Daniel Selover as a Commissioner on the Jackson County Emergency Communications District is hereby approved.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

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

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 21, 2013.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 127-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Minutes from Council Meeting held May 7, 2013 are hereby approved.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 21, 2013.

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**RESOLUTION NUMBER 017-2013  
PROCLAMATION  
(A Local Emergency)**

WHEREAS, the City Council of the City of Gautier, Mississippi does hereby find that the conditions of extreme peril to the safety of persons and property within the City of Gautier, Mississippi, is forecast to receive oil slick in the Gulf of Mexico due to the explosion and collapse of the Deep Water Horizon oil rig in the Gulf of Mexico.

NOW, THEREFORE, BE IT RESOLVED that a local emergency does exist throughout said City of Gautier, Mississippi; and

IT IS FURTHER PROCLAIMED AND RESOLVED that said local emergency shall be deemed to continue to exist until further notice.

IT IS FURTHER PROCLAIMED AND RESOLVED that the City Manager or Interim City Clerk is hereby authorized to executed any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

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

**PASSED AND ADOPTED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 21, 2013.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 128-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Privilege License Report for April 2013 is hereby received.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

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

**PASSED AND ADOPTED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 21, 2013.

City of Gautier  
Business Registry  
Apr-13

<u>Acct.</u>	<u>License #</u>	<u>Business Name /Owner</u>	<u>Amt.</u>
1057	2014-03-0003616	Jason Lauban Construction	\$20.00
414	2014-04-0003617	J.B. Morgan, Jr.	\$20.00
*1212	2014-04-0003618	Divine Style	\$20.00
435	2014-04-0003619	Waste Oil Collectors, Inc.	\$30.00
406	2014-04-0003620	Affordable Auto Glass	\$20.00
436	2014-04-0003621	Wayne Martin & Associates	\$20.00
1066	2014-04-0003622	Shane's Title Loans	\$20.00
472	2014-03-0003623	Stop and Go	\$44.00
413	2014-04-0003624	Magnolia State Const., Inc.	\$20.00
1041	2014-01-0003625	Riverside Auto Sales	\$22.40
367	2014-03-0003626	Hickory Hills Gulf Coast	\$49.50
409	2014-04-0003627	Hickory Resort Association	\$30.00
922	2014-04-0003628	All Pro Towing, LLC	\$20.00
*1213	2014-04-0003629	Bayland Motors	\$20.00
1119	2014-01-0003630	Plaza Package Liquor Store	\$39.20
*1214	2014-04-0003631	Zion Braiding Studio	\$20.00
906	2014-04-0003632	Family Focus, PLLC	\$20.00
905	2014-04-0003633	Design & Construction Management	\$20.00
395	2014-04-0003634	Coastal Painting/Gen. Contracts	\$30.00
405	2014-04-0003635	Gautier Chevron, #35	\$1,860.00
636	2014-03-0003636	Sears Protection Company	\$20.00
477	2014-03-0003637	Sears #2196	\$1,200.00
904	2014-04-0003638	Murphy Oil USA Inc. #8532	\$40.00
407	2014-04-0003639	Hallmark Wash-O-Rama	\$20.00
402	2014-04-0003640	F&H Trucking, LLC	\$78.00
352	2014-03-0003641	Jerry's Pawn, Inc.	\$550.00
403	2014-04-0003642	Foster A/C & Heating, Inc.	\$117.00
****1146	2013-00-0003643	Estabrook Toyota	\$250.00
****1147	2013-00-0003644	Estabrook Motor Company	\$250.00
*1215	2014-04-0003645	Terri Mendoza LCSW	\$20.00
399	2014-04-0003646	Curves for Women of Gautier	\$20.00
411	2014-04-0003647	Magnolia Mini Warehouses	\$20.00
321	2014-03-0003648	Dollar General Store, #2389	\$70.00
391	2014-04-0003649	Braly's Pt. Loma Marina	\$20.00
432	2014-04-0003650	Thomas Trans & Auto Repair	\$20.00
1058	2014-03-0003651	KC Interiors	\$22.00
982	2013-05-0003652	Lil Short Stop #5	\$48.00
982	2014-05-0003653	Lil Short Stop #5	\$40.00
401	2014-04-0003654	Edward Jones Investments	\$20.00
****1216	2013-00-0003655	Arm Security, Inc.	\$250.00
1144	2014-04-0003656	Courthouse Coffee	\$20.00
<b>Total</b>			<b>\$5,440.10</b>
*		New Business	4
**		Slot Amusement	0
***		Due Refund	0
****		Transient Vendor	1
*****		Closed Business	3
*****		Delinquent Renewals Issued	0

**THERE CAME FOR CONSIDERATION OF THE MAYOR AND COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI THE FOLLOWING:**

**RESOLUTION NUMBER 018-2013**

**A RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ENTITLED "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI (THE "CITY"), DECLARING THE INTENTION OF THE CITY TO ENTER INTO A LOAN (THE "LOAN") WITH THE MISSISSIPPI DEVELOPMENT BANK (THE "BANK") SECURED BY A PROMISSORY NOTE (THE "NOTE") PURSUANT TO MISSISSIPPI CODE 1972 ANNOTATED, SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED FROM TIME TO TIME (THE "BOND ACT") AND SECTIONS 31-25-1 ET SEQ., MISSISSIPPI CODE OF 1972, AS AMENDED FROM TIME TO TIME (THE "BANK ACT" AND TOGETHER WITH THE BOND ACT, THE "ACT") FOR THE PURPOSES OF PROVIDING FUNDS FOR IMPROVING, REPAIRING, AND EXTENDING THE COMBINED UTILITY SYSTEM OF THE CITY AND OTHER AUTHORIZED PURPOSES UNDER THE ACT, SAID LOAN AND NOTE BEING FUNDED BY THE BANK FROM THE ISSUANCE OF ITS NOT TO EXCEED \$3,500,000 SPECIAL OBLIGATION BONDS, SERIES 2013 (GAUTIER, MISSISSIPPI COMBINED UTILITY SYSTEM REVENUE PROJECT); AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION" AS ADOPTED ON APRIL 16, 2013, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO PETITION OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE LOAN SECURED BY THE NOTE DESCRIBED IN SAID RESOLUTION WAS FILED; AND AUTHORIZING SAID LOAN WITH THE BANK, SECURED BY THE NOTE.**

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

1. That on April 16, 2013, the Mayor and City Council of the City did adopt a certain resolution entitled **"A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI (THE "CITY"), DECLARING THE INTENTION OF THE CITY TO ENTER INTO A LOAN (THE "LOAN") WITH THE MISSISSIPPI DEVELOPMENT BANK (THE "BANK") SECURED BY A PROMISSORY NOTE (THE "NOTE") PURSUANT TO MISSISSIPPI CODE 1972 ANNOTATED, SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED FROM TIME TO TIME (THE "BOND ACT") AND SECTIONS 31-25-1 ET SEQ., MISSISSIPPI CODE OF 1972, AS AMENDED FROM TIME TO TIME (THE "BANK ACT" AND TOGETHER WITH THE BOND ACT, THE "ACT") FOR THE PURPOSES OF PROVIDING FUNDS FOR IMPROVING, REPAIRING, AND EXTENDING THE COMBINED UTILITY SYSTEM OF THE CITY AND OTHER AUTHORIZED PURPOSES UNDER THE ACT, SAID LOAN AND NOTE BEING FUNDED BY THE BANK FROM THE ISSUANCE OF ITS NOT TO EXCEED \$3,500,000 SPECIAL OBLIGATION BONDS, SERIES 2013 (GAUTIER, MISSISSIPPI COMBINED UTILITY SYSTEM REVENUE PROJECT); AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION"** (the "Intent Resolution"); and that as required by law and as directed by the aforesaid Intent Resolution the said Intent Resolution was (i) published once a week for at least three (3) consecutive weeks in *The Mississippi Press*, a newspaper published in the City of Pascagoula, Mississippi, and of general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, and the last publication of this

Intent Resolution being not more than ten (10) days prior to May 17, 2013, the date set forth as the deadline for the filing of objection or protest, and being more than ten (10) days prior to May 21, 2013, the date set forth for the meeting of the Mayor and City Council to authorize entering into a loan with the Mississippi Development Bank secured by a promissory note, said notice being published in said newspaper on April 26, May 3 and May 10, 2013, as evidenced by the publisher's affidavit heretofore presented and attached hereto as **EXHIBIT A**, and (ii) posted for at least twenty-one (21) days next preceding May 17, 2013 at three (3) public places in the City.

2. That on or prior to the hour of 5:00 o'clock p.m. on May 17, 2013, no petition signed by twenty percent (20%) of the qualified electors of said City objecting to and protesting such loan secured by the promissory note nor any other objection of any kind or character against entering into the loan secured by the promissory note described in the aforesaid resolution had been filed or presented by the qualified voters of said City; and

3. That the Mayor and City Council of the City is now authorized and empowered by the provisions of Mississippi Code 1972 Annotated, Sections 21-27-23 and 21-27-41 through 21-27-69, as amended (the "Bond Act"), to adopt this resolution (the "No Protest Resolution") to enter into the hereinafter described loan secured by the promissory note without any election on the question of entering into such loan secured by the promissory note; and

4. That the Mayor and City Council of the City, acting for an on behalf of the City, pursuant to Mississippi Code Annotated §§31-25-1 et seq., as amended (the "Act"), desire to enter into the loan, as hereinafter described, with the Mississippi Development Bank, secured by the promissory note and pursuant to the Act, the Intent Resolution and the No Protest Resolution the City is authorized to borrow funds by entering into such loan secured by the promissory note without the necessity of calling and holding an election on the question of entering into such loan secured by the promissory note.

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

**SECTION 1.** That the Mayor and City Council of the City, acting for an on behalf of the City, pursuant to the Act, the Intent Resolution and the No Protest Resolution are authorized to borrow funds by entering into Loan secured by the Note, as all hereinafter defined and described.

**SECTION 2.** That City shall be and is hereby authorized to enter into a loan with the Mississippi Development Bank pursuant to the Act (the "Loan") secured by the not to exceed \$3,500,000 Promissory Note (Gautier, Mississippi Combined Utility System Project) (the "Note"), which Loan and Note are to be funded from the proceeds of bonds of the Mississippi Development Bank (the "Bank Bonds") to raise money for the purpose of providing funds for (i) improving, repairing and extending the combined utility system of the City, and other authorized purposes under the Act, including funding a debt service reserve fund for the Bank Bonds and paying capitalized interest, and (ii) paying the costs of issuance of the Bank Bonds and the Note, in accordance with further orders, resolutions and directions of the Mayor and City Council.

Council Member Mayor Fortenberry moved and Council Member Martin seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Mayor Tommy Fortenberry	Voted: YES
Council Member Johnny Jones	Voted: YES
Council Member Hurley Ray Guillotte	Voted: YES
Council Member Gordon T. Gollott	Voted: YES
Council Member Scott D. Macfarland	Voted: YES
Council Member Adam D. Colledge	Voted: YES
Council Member Mary F. Martin	Voted: YES

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the No Protest Resolution adopted, on this the 21st day of May, 2013.

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**(SEAL)**

**EXHIBIT A**  
**PROOF OF PUBLICATION**

ButlerSnow 16376500v1

4-26-13 MS Press  
340 legals - Mississippi

**NOTICE OF SUCH INTENTION.**  
WHEREAS, the City of Gautier, Mississippi (the "City"), is authorized under the provisions of Sections 21-27-23 and 21-27-41 through 21-27-49, Mississippi Code of 1972, as amended from time to time (the "Bond Act") and Sections 31-25-1 et seq., Mississippi Code of 1972, as amended from time to time (the "Bank Act") and together with the Bond Act, the "Act"), to enter into a loan (the "Loan") with the Mississippi Development Bank (the "Bank") pursuant to the Act in such amounts as it may find necessary and proper in order to provide funds for the improvement, repair and extension of the combined utility system of the City (the "System") and other authorized purposes under the Act (together, the "Project"); and WHEREAS, the Mayor and City Council find and determine that it is necessary and proper to improve, repair and extend the System which improvements, repairs and extensions are to be done substantially in accordance with plans and specifications prepared by engineers employed by the City and approved by the Mayor and City Council; and WHEREAS, the Mayor and City Council have caused an estimate to be made of the cost of such improvements, repairs and extensions by competent engineers and the costs of such purposes under the Act from which estimates and other costs the Mayor and City Council find that the total aggregate, contemplated costs thereof will not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000); and WHEREAS, it is necessary for the health and well-being of the citizens of the City to enter into a loan (the "Loan") with the Bank secured by the Note pursuant to the Act, for the purposes herein stated, and for the Bank to issue its not to exceed \$3,500,000 Special Obligation Bonds, Series 2013 (Gautier Project) (the "Bank Bonds") to finance the Loan and the Note to fund the Project; and WHEREAS, it is necessary and economically feasible that the City issue its Note to secure the Loan from the Bank to the City and the Bank Bonds, pursuant to the Act, for the purposes herein stated and under the terms hereinafter set forth and as provided by law.

**IT IS THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI:**

**SECTION 1.** That the Mayor and City Council of the City of Gautier, Mississippi, do hereby declare its intention to enter into the Loan with the Bank secured by its Note said Loan and Note to be in a total amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) to raise money to provide funds for the Project.

**SECTION 2.** The principal and interest on the said Loan and Note shall be payable over a period not to exceed twenty (20) years solely from revenues derived and to be derived from operation of the combined utility system of the City, subject to the prior payment of the reasonable and necessary expense of operating and maintaining the System and subject to the prior lien of debt service on certain State Revolving Fund Loans (the "SRF Loans"), existing on the date of entering into the Loan and the issuance of the Note from the State of Mississippi to the City, and the parity lien of the City's outstanding \$9,995,000 Combined Utility System Revenue Refunding Bonds, Series 2012 (the "2012 Bonds"). Said Loan and Note shall not constitute an indebtedness of the City within the meaning of any statutory or charter restriction, limitation, or provision, and the taxing power of the City will not be pledged to the payment of said Loan and Note, but the same, together with the interest thereon, shall be payable solely from revenues of the System subject to the prior payment of the reasonable and necessary expense of operating and maintaining the System and the prior lien of debt service on the SRF Loans and the parity lien of the 2012 Bonds.

**SECTION 3.** Unless a protest in writing signed by not less than twenty percent (20%) of the qualified electors of the City of Gautier, Mississippi, objecting to and protesting against the Loan and the Note is filed with the City Clerk on or before 5:00 o'clock p.m. on May 17, 2013, the Mayor and City Council of the City of Gautier, Mississippi, will authorize the Loan and the issuance of the Note at a meeting of the Mayor and City Council set for 6:30 o'clock p.m. on May 21, 2013, which date shall be more than ten (10) days after the date of the last publication of this resolution. If such sufficient protest and objection is filed on or before the date and hour hereinabove set forth, the question of entering into said Loan and the issuance of the Note shall be submitted to an election to be held as provided in Mississippi Code 1972 Annotated, Section 21-27-43, as amended.

**SECTION 4.** This resolution shall be (i) published once a week for at least three consecutive weeks in The Mississippi Press, a newspaper published in the City of Pascagoula, Mississippi, and having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended; and the last publication of this resolution shall be not more than ten (10) days prior to the date hereinabove set forth as the deadline for the filing of objection or protest and shall be more than ten (10) days prior to the date hereinabove set forth for the meeting of the Mayor and City Council to authorize entering into said Loan and the issuance of the Note; and (ii) be posted for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in the City.

**SECTION 5.** The City Clerk is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of publication of this resolution and have the same before the Mayor and City Council on the day and hour hereinabove specified. Council Member Colledge moved and Council Member Martin seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

- Mayor Tommy Fortenberry  
Voted: Yes
- Council Member Johnny Jones  
Voted: Yes
- Council Member Hurley Ray Guillotte  
Voted: Yes
- Council Member Gordon T. Gollott  
Voted: Yes
- Council Member Scott D. Macfarland  
Voted: Yes
- Council Member Adam D. Colledge  
Voted: Yes
- Council Member Mary F. Martin  
Voted: Yes

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 16th day of April, 2013.

**TOMMY FORTENBERRY**  
MAYOR

**CITY CLERK**  
Cynthia Russell  
(SEAL)

THE MISSISSIPPI PRESS  
APRIL 26, MAY 3, 10, 2013

*M. H. L. 1 in M.S. Press April 26, 2013*

REVENUE PROJECT); AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION.

WHEREAS, the City of Gautier, Mississippi (the "City"), is authorized under the provisions of Sections 21-27-23 and 21-27-41 through 21-27-49, Mississippi Code of 1972, as amended from time to time (the "Bond Act") and Sections 31-25-1 et seq., Mississippi Code of 1972, as amended from time to time (the "Bank Act") and together with the Bond Act, the "Act") to enter into a loan (the "Loan") with the Mississippi Development Bank (the "Bank") secured by a promissory note (the "Note") pursuant to the Act in such amounts as it may find necessary and proper in order to provide funds for the improvement, repair and extension of the combined utility system of the City (the "System") and other authorized purposes under the Act (together, the "Project"); and WHEREAS, the Mayor and City Council find and determine that it is necessary and proper to improve, repair and extend the System which improvements, repairs and extensions are to be done substantially in accordance with plans and specifications prepared by engineers employed by the City and approved by the Mayor and City Council; and WHEREAS, the Mayor and City Council have caused an estimate to be made of the cost of such improvements, repairs and extensions by competent engineers and the costs of such estimates plus the costs of other authorized purposes under the Act from which estimates and other costs the Mayor and City Council find that the total aggregate contemplated costs thereof will not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000), and WHEREAS, it is necessary for the health and well-being of the citizens of the City to enter into a loan (the "Loan") with the Bank secured by the Note pursuant to the Act, for the purposes herein stated, and for the Bank to issue its not to exceed \$3,500,000 Special Obligation Bonds, Series 2013 (Gautier, Mississippi Combined Utility System Revenue Project) (the "Bank Bonds") to finance the Loan and the Note to fund the Project; and WHEREAS, it is necessary, proper and economically feasible that the City issue its Note to secure the Loan from the Bank to the City said Loan and Note being funded from the proceeds of the Bank Bonds, pursuant to the Act, for the purposes herein stated and under the procedures hereinafter set forth and as provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI:

SECTION 1. That the Mayor and City Council of the City of Gautier, Mississippi, do hereby declare its intention to enter into the Loan with the Bank secured by its Note said Loan and Note to be in a total amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) to raise money to provide funds for the Project.

SECTION 2. The principal and interest on the said Loan and Note shall be payable over a period not to exceed twenty (20) years solely from revenues derived and to be derived from operation of the combined utility system of the City, subject to the prior payment of the reasonable and necessary expense of operating and maintaining the system and subject to the prior lien of debt service on certain State Revolving Fund Loans (the "SRF Loans"), existing on the date of entering into the Loan and the issuance of the Note, from the State of Mississippi to the City, and the parity lien of the City's outstanding \$9,995,000 Combined Utility System Revenue Refunding Bonds, Series 2012

(the "2012 Bonds"). Said Loan and Note shall not constitute an indebtedness of the City within the meaning of any statutory or charter restriction, limitation, or provision, and the taxing power of the City will not be pledged to the payment of said Loan and Note, but the same, together with the interest thereon, shall be payable solely from revenues of the System subject to the prior payment of the reasonable and necessary expense of operating and maintaining the System and the prior lien of debt service on the SRF Loans and the parity lien of the 2012 Bonds.

SECTION 3. Unless a protest in writing signed by not less than twenty percent (20%) of the qualified electors of the City of Gautier, Mississippi, objecting to and protesting against the Loan and the Note is filed with the City Clerk on or before 5:00 o'clock p.m. on May 17, 2013, the Mayor and City Council of the City of Gautier, Mississippi, will authorize the Loan and the issuance of the Note at a meeting of the Mayor and City Council set for 6:30 o'clock p.m. on May 21, 2013, which date shall be more than ten (10) days after the date of the last publication of this resolution. If such sufficient protest and objection is filed on or before the date and hour hereinabove set forth, the question of entering into said Loan and the issuance of the Note shall be submitted to an election to be held as provided in Mississippi Code 1972 Annotated, Section 21-27-43, as amended.

SECTION 4. This resolution shall be (i) published once a week for at least three consecutive weeks in The Mississippi Press, a newspaper published in the City of Pascagoula, Mississippi, and having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended; and the last publication of this resolution shall be not more than ten (10) days prior to the date hereinabove set forth as the deadline for the filing of objection or protest and shall be more than ten (10) days prior to the date hereinabove set forth for the meeting of the Mayor and City Council to authorize entering into said Loan and the issuance of the Note; and (ii) be posted for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in the City.

SECTION 5. The City Clerk is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of publication of this resolution and have the same before the Mayor and City Council on the day and hour hereinabove specified. Council Member Colledge moved and Council Member Martin seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

- Mayor Tommy Fortenberry  
Voted: Yes
- Council Member Johnny Jones  
Voted: Yes
- Council Member Hurley Ray Guillotte  
Voted: Yes
- Council Member Gordon T. Gallot  
Voted: Yes
- Council Member Scott D. Macfarland  
Voted: Yes
- Council Member Adam D. Colledge  
Voted: Yes
- Council Member Mary F. Martin

Legal Advertising

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI (THE "CITY"), DECLARING THE INTENTION OF THE CITY TO ENTER INTO A LOAN (THE "LOAN") WITH THE MISSISSIPPI DEVELOPMENT BANK (THE "BANK") SECURED BY A PROMISSORY NOTE (THE "NOTE") PURSUANT TO MISSISSIPPI CODE 1972 ANNOTATED, SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-49, AS AMENDED FROM TIME TO TIME (THE "BOND ACT") AND SECTIONS 31-25-1 ET SEQ., MISSISSIPPI CODE OF 1972, AS AMENDED FROM TIME TO TIME (THE "BANK ACT") AND TOGETHER WITH THE BOND ACT, THE "ACT") FOR THE PURPOSES OF PROVIDING FUNDS FOR IMPROVING, REPAIRING, AND EXTENDING THE COMBINED UTILITY SYSTEM OF THE CITY AND OTHER AUTHORIZED PURPOSES UNDER THE ACT, SAID LOAN AND NOTE BEING FUNDED BY THE BANK FROM THE ISSUANCE OF ITS NOT TO EXCEED \$3,500,000 SPECIAL OBLIGATION BONDS, SERIES 2013 (GAUTIER, MISSISSIPPI COMBINED UTILITY SYSTEM

May 3, 2013 published in MS Press

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAULTIER, MISSISSIPPI (THE "CITY"), DECLARING THE INTENTION OF THE CITY TO ENTER INTO A LOAN (THE "LOAN") WITH THE MISSISSIPPI DEVELOPMENT BANK (THE "BANK") SECURED BY A PROMISSORY NOTE (THE "NOTE") PURSUANT TO MISSISSIPPI CODE OF 1972 ANNOTATED SECTIONS 21-27-23 AND 21-27-41 THROUGH 21-27-69, AS AMENDED FROM TIME TO TIME (THE "BOND ACT") AND SECTIONS 31-25-1 ET SEQ. MISSISSIPPI CODE OF 1972, AS AMENDED FROM TIME TO TIME (THE "BANK ACT") AND TOGETHER WITH THE BOND ACT, THE "ACT" FOR THE PURPOSES OF PROVIDING FUNDS FOR IMPROVING, REPAIRING, AND EXTENDING THE COMBINED UTILITY SYSTEM OF THE CITY AND OTHER AUTHORIZED PURPOSES UNDER THE ACT, SAID LOAN AND NOTE BEING FUNDED BY THE BANK FROM THE ISSUANCE OF ITS NOT TO EXCEED \$3,500,000 SPECIAL OBLIGATION BONDS, SERIES 2013 (GAULTIER, MISSISSIPPI COMBINED UTILITY SYSTEM REVENUE PROJECT), AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION.

WHEREAS, the City of Gautier, Mississippi (the "City"), is authorized under the provisions of Sections 21-27-23 and 21-27-41 through 21-27-69, Mississippi Code of 1972, as amended from time to time (the "Bond Act") and Sections 31-25-1 et seq., Mississippi Code of 1972, as amended from time to time (the "Bank Act") and together with the Bond Act, the "Act"), to enter into a loan (the "Loan") with the Mississippi Development Bank (the "Bank") secured by a promissory note (the "Note") pursuant to the Act in such amounts as it may find necessary and proper in order to provide funds for the improvement, repair and extension of the combined utility system of the City (the "System") and other authorized purposes under the Act (together, the "Project"); and WHEREAS, the Mayor and City Council find and determine that it is necessary and proper to improve, repair and extend the System which improvements, repairs and extensions are to be done substantially in accordance with plans and specifications prepared by engineers employed by the City and approved by the Mayor and City Council; and

WHEREAS, the Mayor and City Council have caused an estimate to be made of the cost of such improvements, repairs and extensions by competent engineers and the costs of such estimates plus the costs of other authorized purposes under the Act from which estimates and other costs the Mayor and City Council find that the total aggregate contemplated costs thereof will not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000), and

WHEREAS, it is necessary for the health and well-being of the citizens of the City to enter into a loan (the "Loan") with the Bank secured by the Note pursuant to the Act, for the purposes herein stated, and for the Bank to issue its not to exceed \$3,500,000 Special Obligation Bonds, Series 2013 (Gautier, Mississippi Combined Utility System Revenue Project) (the "Bank Bonds") to finance the Loan and the Note to fund the Project; and

WHEREAS, it is necessary, proper and economically feasible that the City issue its Note to secure the Loan from the Bank to the City said Loan and Note being funded from the proceeds of the Bank Bonds, pursuant to the Act, for the purposes herein stated and under the procedures hereinafter set forth and as provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GAULTIER, MISSISSIPPI:

SECTION 1. That the Mayor and City Council of the City of Gautier, Mississippi, do hereby declare its intention to enter into the Loan with the Bank secured by its Note said Loan and Note to be in a total amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) to raise money to provide funds for the Project.

SECTION 2. The principal and interest on the said Loan and Note shall be payable over a period not to exceed twenty (20) years solely from revenues derived and to be derived from operation of the combined utility system of the City, subject to the prior payment of the reasonable and necessary expense of operating and maintaining the System and subject to the prior lien of debt service on certain State Revolving Fund Loans (the "SRF Loans"), existing on the date of entering into the Loan and the issuance of the Note, from the State of Mississippi to the City, and the parity lien of the City's outstanding \$2,950,000 Combined Utility System Revenue Refunding Bonds, Series 2012 (the "2012 Bonds"). Said Loan and Note shall not constitute an indebtedness of the City within the meaning of any statutory or charter restriction, limitation, or provision, and the taxing power of the City will not be pledged to the payment of said Loan and Note, but the same, together with the interest thereon, shall be payable solely from revenues of the System subject to the prior payment of the reasonable and necessary expense of operating and maintaining the System and the prior lien of debt service on the SRF Loans and the parity lien of the 2012 Bonds.

SECTION 3. Unless a protest in writing signed by not less than twenty percent (20%) of the qualified electors of the City of Gautier, Mississippi, objecting to and protesting against the Loan and the Note is filed with the City Clerk on or before 5:00 o'clock p.m. on May 17, 2013, the Mayor and City Council of the City of Gautier, Mississippi, will authorize the Loan and the issuance of the Note at a meeting of the Mayor and City Council set for 6:30 o'clock p.m. on May 21, 2013, which date shall be more than ten (10) days after the date of the first publication of this resolution. If such sufficient protest and objection is filed on or before the date and hour hereinabove set forth, the question of entering into said Loan and the issuance of the Note shall be submitted to an election to be held as provided in Mississippi Code 1972, Annotated, Section 21-27-43, as amended.

SECTION 4. This resolution shall be () published once a week for at least three consecutive weeks in The Mississippi Press, a newspaper published in the City of Pascagoula, Mississippi, and having a general circulation in

the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended; and the last publication of this resolution shall be not more than ten (10) days prior to the date hereinabove set forth as the deadline for the filing of objection or protest and shall be more than ten (10) days prior to the date hereinabove set forth for the meeting of the Mayor and City Council to authorize entering into said Loan and the issuance of the Note; and (ii) be posted for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in the City.

SECTION 5. The City Clerk is hereby directed to procure from the publisher of the foregoing newspaper the customary proof of publication of this resolution and have the same before the Mayor and City Council on the day and hour hereinabove specified. Council Member Colledge moved and Council Member Martin seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

- Mayor Tommy Fortenberry  
Voted: Yes
- Council Member Johnny Jones  
Voted: Yes
- Council Member Hurley Ray Guillotte  
Voted: Yes
- Council Member Gordon T. Gollott  
Voted: Yes
- Council Member Scott D. Macfarland  
Voted: Yes
- Council Member Adam D. Colledge  
Voted: Yes
- Council Member Mary F. Martin  
Voted: Yes

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 16th day of April, 2013.

TOMMY FORTENBERRY  
MAYOR

CITY CLERK  
Cynthia Russell

(SEAL)

THE MISSISSIPPI PRESS  
APRIL 26, MAY 3, 10, 2013

*Published in MS Press May 10, 2013*

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 129-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the water and sewer account credit in the amount of \$671.55 at 9023 Ferry Point is hereby approved.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

**AYES:** Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge

**NAYS:** None

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

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

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 21, 2013.

## Tricia Thigpen

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**From:** Cindy Russell <crussell@gautier-ms.gov>  
**Sent:** Friday, May 17, 2013 9:11 AM  
**To:** Tricia Thigpen  
**Subject:** FW: Joey Cumbest

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**From:** Samantha Abell [mailto:sabell@gautier-ms.gov]  
**Sent:** Friday, May 17, 2013 6:30 AM  
**To:** Tricia Thigpen; Cindy Russell  
**Cc:** chad.jordan@clearwatersol.com  
**Subject:** Fwd: Joey Cumbest

Please add to next consent agenda. It didn't make it this time.

Thanks.

Samantha Abell  
Gautier City Manager

Begin forwarded message:

**From:** Chad Jordan <[chad.jordan@clearwatersol.com](mailto:chad.jordan@clearwatersol.com)>  
**Date:** May 15, 2013 3:34:30 PM CDT  
**To:** "Samantha D. Abell" <[sabell@gautier-ms.gov](mailto:sabell@gautier-ms.gov)>  
**Cc:** [dbrown@gautier-ms.gov](mailto:dbrown@gautier-ms.gov)  
**Subject:** Fwd: Joey Cumbest

Do we need to hear from the rest of the council or can we go ahead and credit his account?

Begin forwarded message:

**From:** Tommy Fortenberry <[tlfortenberry@hotmail.com](mailto:tlfortenberry@hotmail.com)>  
**Date:** May 8, 2013 4:06:31 PM CDT  
**To:** john <[jfjones1@cableone.net](mailto:jfjones1@cableone.net)>  
**Cc:** "[adamcolledge@aol.com](mailto:adamcolledge@aol.com)" <[adamcolledge@aol.com](mailto:adamcolledge@aol.com)>, Samantha Abell <[sabell@gautier-ms.gov](mailto:sabell@gautier-ms.gov)>, Gordon Gollott <[gollottd@bellsouth.net](mailto:gollottd@bellsouth.net)>, Hurley Ray Guillothe <[councilmanward2@gautier-ms.gov](mailto:councilmanward2@gautier-ms.gov)>, Mary Martin <[marymartincouncilwomanatlarge@yahoo.com](mailto:marymartincouncilwomanatlarge@yahoo.com)>, Scott Macfarland <[sdmacfarland@peoplepc.com](mailto:sdmacfarland@peoplepc.com)>, Chad Jordan <[chad.jordan@clearwatersol.com](mailto:chad.jordan@clearwatersol.com)>  
**Subject:** Re: Joey Cumbest

Mr. Cumbest is a good man. He is well capable of paying his bills. But I don't blame him for not wanting to pay something that he's not getting.

Mayor Fortenberry

On May 8, 2013, at 2:45 PM, "john" <jfjones1@cableone.net> wrote:

No problem for me.

**From:** [adamcolledge@aol.com](mailto:adamcolledge@aol.com)  
**Sent:** Wednesday, May 08, 2013 2:37 PM  
**To:** 'Samantha Abell'; 'Gordon Gollott'; 'Hurley Ray Guillotte'; 'Johnny Jones'; 'Mary Martin'; 'Mayor Fortenberry'; 'Scott Macfarland'  
**Cc:** [Chad Jordan](mailto:Chad Jordan)  
**Subject:** Re: Joey Cumbest

Works for me.

Sent from my Cellular South BlackBerry® Smartphone

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**From:** "Samantha Abell" <[sabell@gautier-ms.gov](mailto:sabell@gautier-ms.gov)>  
**Date:** Wed, 8 May 2013 14:33:38 -0500  
**To:** 'Adam Colledge' <[adamcolledge@aol.com](mailto:adamcolledge@aol.com)>; 'Gordon Gollott' <[gollottd@bellsouth.net](mailto:gollottd@bellsouth.net)>; 'Hurley Ray Guillotte' <[councilmanward2@gautier-ms.gov](mailto:councilmanward2@gautier-ms.gov)>; 'Johnny Jones' <[JFJones1@cableone.net](mailto:JFJones1@cableone.net)>; 'Mary Martin' <[marymartincouncilwomanatlarge@yahoo.com](mailto:marymartincouncilwomanatlarge@yahoo.com)>; 'Mayor Fortenberry' <[tfortenberry@hotmail.com](mailto:tfortenberry@hotmail.com)>; 'Scott Macfarland' <[sdmacfarland@peoplepc.com](mailto:sdmacfarland@peoplepc.com)>  
**ReplyTo:** <[sabell@gautier-ms.gov](mailto:sabell@gautier-ms.gov)>  
**Cc:** <[chad.jordan@clearwatersol.com](mailto:chad.jordan@clearwatersol.com)>  
**Subject:** FW: Joey Cumbest

Council,

We have a property owner who has been paying his water/sewer bill although 3 of his immediate neighbors have not received bills and have not been paying. In order to address this, the residents are now receiving bills that include the water/sewer that they've used in the past without charge. However, this still leaves the fact that Mr. Cumbest has some outstanding fees from when he stopped paying after realizing his neighbors weren't being charged. To accept our role in the confusion that led to Mr. Cumbest ceasing payments, I recommend that we credit Mr. Cumbest's account for \$671.55. This matter will be placed on your next consent agenda as a simple "account credit". Please see the email below.

Thank you.

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**From:** Chad Jordan [<mailto:chad.jordan@clearwatersol.com>]  
**Sent:** Tuesday, May 07, 2013 1:20 PM  
**To:** Samantha D. Abell  
**Cc:** [dbrown@gautier-ms.gov](mailto:dbrown@gautier-ms.gov)  
**Subject:** Fwd: Joey Cumbest

I would like to credit his account the amount listed below for the purpose of closure and the fact that he was diligent and honest in paying for many years. Let me know your thoughts.

Begin forwarded message:

**From:** "Darlene Brown" <[dbrown@gautier-ms.gov](mailto:dbrown@gautier-ms.gov)>  
**Date:** May 7, 2013 12:10:08 PM CDT  
**To:** "Chad Jordan"  
<[chad.jordan@clearwatersol.com](mailto:chad.jordan@clearwatersol.com)>  
**Subject:** Joey Cumbest  
**Reply-To:** <[dbrown@gautier-ms.gov](mailto:dbrown@gautier-ms.gov)>

Chad,  
The balance for Joey Cumbest is \$671.55. The total on his water not paid is \$289.50. The total on his sewer is \$331.05. Let me know if you need anything else on this account.

**Darlene Brown, Customer Service Manager**  
ClearWater Solutions, LLC  
3330 Hwy 90  
Gautier, MS 39553  
228-497-2276

**Mayor and Council discussed Consent Item #7 – Grant application to the U.S. Department of Transportation for Transportation Investment Generating Economic Recovery (TIGER) Program funding.**

**There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:**

**ORDER NUMBER 130-2013**

**IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to submit a grant application to the U.S. Department of Transportation for funding through the 2013 Transportation Investment Generating Economic Recovery (TIGER) Program.**

**IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.**

**Motion was made by Councilman Guillotte, seconded by Councilman Gollott and the following vote was recorded:**

**AYES: Tommy Fortenberry  
Johnny Jones  
Hurley Ray Guillotte  
Gordon Gollott  
Mary Martin  
Scott Macfarland  
Adam Colledge**

**NAYS: None**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

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

**PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 21, 2013.**