

MINUTES OF SEPTEMBER 12, 2024, SPECIAL MEETING

On this, the 12th day of September 2024, beginning at 6:00 p.m., the City Council convened in special session in the City Council Room. The meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 51 of the Government Code with the following being present and in attendance to wit:

Mayor Joe Davis, Council Members C.W. Ivey, Lloyd Roberts, Woody Richardson, Ed Bailey, Leslie Ivy, and Ray Dickson. Employees present were City Secretary Cindy Woodard, Police Chief Rex Plant, Librarian Jackie Owens, and Administrative Assistant Amalia Gaxiola.

Absent: Council Members Melisa McIntosh and David Gilbert

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Davis called the special meeting to order at 6:00 p.m. and noted a quorum present. He asked Alderman Roberts to voice the invocation. Davis asked Alderwoman Ivy to lead the Pledge of Allegiance. The following items were presented.

PUBLIC HEARING – OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON PROPOSED FISCAL YEAR 2024-2025 BUDGET AND 2024 TAX RATE: CITIZENS ARE LIMITED TO THREE (3) MINUTES TO ADDRESS COUNCIL REGARDING THE PROPOSED BUDGET OR TAX RATE

Mayor Davis opened the public hearing to citizen’s comments. City Secretary Woodard addressed proposed changes to some budget line items. No comments were made. Mayor Davis closed the public hearing at 6:12 p.m.

CONSIDER & APPROVE 2024-2025 MEMPHIS ECONOMIC DEVELOPMENT BUDGET

Mayor Davis informed how EDC is helping the City with the Airport project match which is big plus. City Secretary Woodard discussed some of the budget, revenues, and expenditure items. Alderman Bailey made a motion to approve the 2024-2025 MEDC budget as presented, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONSIDER & ADOPT ORDINANCE 698 APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, THROUGH SEPTEMBER 30, 2025

City Secretary Woodard stated that if the budget is approved with the recommended changes, that needs to be included in the motion. Alderman Roberts made the motion to adopt ordinance 698 approving the budget for the fiscal year beginning October 1, 2024, through September 30, 2025 with recommended changes, seconded by Alderman Bailey. The vote was unanimous in favor. A copy of the Ordinance 698 follows these minutes.

CONTINUATION OF SPECIAL MEETING MINUTES SEPTEMBER 12, 2024

CONSIDER RESOLUTION 9-12-24 RATIFYING THE ADOPTED BUDGET AND PROPERTY TAX RATE THAT RAISES MORE TOTAL PROPERTY TAXES THAN THE PREVIOUS YEAR

City Secretary Woodard stated this is a standard formality. Alderman Bailey made a motion to accept Resolution 9-12-24 ratifying the adopted budget and property tax rate that raises more total property taxes than the previous year, seconded by Alderman Roberts. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONSIDER & ADOPT ORDINANCE 699 LEVYING THE AD VALOREM TAX RATE FOR 2024

Alderman Roberts made a motion to adopt Ordinance 699 levying the Ad Valorem Tax Rate for 2024 as presented, seconded by Alderman Bailey. The vote was unanimous in favor. A copy of the Ordinance follows these minutes.

ADJOURN

Alderman Bailey moved to adjourn, seconded by Alderman Roberts. The vote was unanimous in favor. The special meeting was adjourned at 6:20 p.m. Following adjournment of this special meeting, the postponed regular council meeting from September 9, 2024, began.

MINUTES OF SEPTEMBER 12, 2024, REGULAR MEETING

On this, the 12th day of September 2024, beginning at 6:21 p.m., the City Council convened in regular session in the City Council Room. The meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 51 of the Government Code with the following being present and in attendance to wit:

Mayor Joe Davis, Council Members C.W. Ivey, Lloyd Roberts, Woody Richardson, Ed Bailey, Leslie Ivy, and Ray Dickson. Employees present were City Secretary Cindy Woodard, Police Chief Rex Plant, Librarian Jackie Owens, and Administrative Assistant Amalia Gaxiola.

Absent: Council Members Melisa McIntosh and David Gilbert

CALL TO ORDER AND INVOCATION

Mayor Davis called the regular meeting to order and stated the invocation and pledge of allegiance had already been done. The following items were presented.

PUBLIC COMMENT

No comments

CONTINUATION OF MINUTES SEPTEMBER 12, 2024

APPROVE CONSENT AGENDA ITEMS

The consent agenda items were presented for approval: the regular meeting minutes from August 12, 2024, accept collections & pay expenditures for August 2024. Alderwoman Ivy moved to approve the consent agenda items, seconded by Alderman Roberts. All in favor except Alderman Ivey who was only against accepting payments made over what is budgeted.

CEMETERY ASSOCIATION REPORT

Randy Phillips was absent and Secretary Woodard presented his written report.

DEPARTMENT HEAD REPORTS ON MONTHLY ACTIVITIES

Librarian Jacquelyn Owens stated everything is running well and have been very busy. Received from the State of Texas that we are a certified Library for 2025. Important because of the support received from the State Library and benefits including databases. Waiting on Harrington Consortium yearly bill which offers ILS platform, inventory, and databases. The library is still checking out books, exercising, doing research, people still using after-hours Wi-Fi.

Chief Rex Plant read his written report. Stated he will be out the week of September 18th through 23rd for daughter's wedding so won't be at Hall County Picnic and he made arrangements with Sheriff's Department for coverage. Mayor Davis asked about keys to vehicles and Chief Plant stated they are in lock box at the PD. Chief Plant brought up the lack of street signs and house numbers when trying to locate an address. Mayor Davis stated they might have to put together a program to get this done. Chief Plant stated the school has cordially asked via email about updating school zones and state approved crosswalks. Dan Hawthorne could get with the City guys when they are ready to paint. Austin Elementary has changed their pickup and drop off as well, which needs immediate attention. Chief Plant said he would give an update on Officer Gruwell but not in open session. He stated that in his written report there is a day to day of what Officer Crandell does. Chief Plant stated he would like a 4th position and knows it's not in budget, but at a minimum he wants to hire part time people at a paid amount that makes it an incentive for them. Alderman Roberts questioned, per citizen concern, on why Officer Crandell is not on the street policing and just behind a desk. Plant stated she wasn't hired for that, police credentials gives her rights to do more in the police system than just an ordinary employee. Alderman Roberts asked if her title could be changed and Chief Plant suggested Desk Sargent. Mayor Davis asked where they are in Code Enforcement. Chief Plant stated some things were put on back burner due to budget and will resume getting back to sending letters.

City Secretary Woodard stated that PRPC sent out an invitation for their Annual meeting which will be in Amarillo at the First Responders Academy on September 26th. The keynote speaker will be Adriana Cruz and if anyone would like to attend, please RSVP by September 18th. City Secretary Woodard said the USDA grant came through and the new truck is in. USDA will issue \$22,946 and should be in bank account by Monday. The City's part is \$18,400. There are future grants available for persistent poverty which the area of Memphis falls in. There's also federal money and low 3.25% interest loans available too. USDA requires to annually report to them

CONTINUATION OF MINUTES SEPTEMBER 12, 2024

which we already do for the Water Storage Tank Roof. City Secretary Woodard said that USDA will be back on September 23rd to do a physical inspection of the pickup truck. The old water truck that Lambert is driving will be left at City Hall and will be used to go to the bank, cemetery, store runs, and traveling for training.

Public Works Director Casas was absent. Mayor Davis reported that they have filled a lot of potholes with the better mix because its been staying. They have also been working on a lot of leaks with some being on Main Street and did tree trimming on the square. EDC also had Isaac Torres do some tree trimming.

OLD BUSINESS

MOTION TO REMOVE THE TABLED ITEM OFF THE TABLE

Alderman Bailey made the motion to remove the tabled items from the table, seconded by Alderman Richardson. The vote was unanimous in favor.

CONSIDER APPROVAL OF REVISED POLICY AND PROCEDURE MANUAL

City Secretary Woodard discussed some changes made and would like to call an employee meeting once approved. Alderman Roberts stated that by law you must go over manual every two years for liability purposes. Alderman Ivey made a motion to approve the revised policy and procedure manual as presented, seconded by Alderwoman Ivy. The vote was unanimous in favor.

NEW BUSINESS

DISCUSS AND CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF MEMPHIS, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF \$1,284,000 CITY OF MEMPHIS, TEXAS TAX NOTE, SERIES 2024 FOR WATER SYSTEM IMPROVEMENTS; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID NOTE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

City Secretary Woodard presented an 18-page Ordinance 697 that needs to be signed by Mayor Davis and herself which will then go to the Attorney General for signature. They should have funding by the first week of October. When funds are received, some money can be invested with Texas Class Pool to cover the interest of the Project but cannot make money from those funds. Project is supposed to start in November. Alderman Roberts made a motion to accept Ordinance 697 authorizing the issuance and sale of \$1,284,000 City of Memphis, Texas Tax Note Series 2024 for water system improvements, seconded by Alderman Richardson. The vote was unanimous in favor. A copy of the Ordinance follows these minutes.

CONTINUATION OF MINUTES SEPTEMBER 12, 2024

CONSIDER INSTALLING HANDRAILS ON MAIN STREET – SASHA LAMB

Mayor Davis stated that we do need handrails on the square and the reason there's handrails now is because 25 or so years ago they were installed as part of an Eagle Scout project. Alderman Bailey stated that Sasha is working tonight and would like it to be put on the agenda for next month. Alderman Bailey made a motion to table till next month, seconded by Alderman Roberts. The vote was unanimous in favor.

DISCUSSION AND ACTION TO ADOPT WRITTEN FINDINGS AS TO COLLECTION SERVICES CONTRACT AND APPROVE A CONTINGENT FEE CONTRACT WITH PERDUE BRANDON FIELDER COLLINS & MOTTS, LLP PURSUANT TO ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE, SAID CONTRACT BEING FOR THE COLLECTION OF COURT FINES AND FEES, ALONG WITH OTHER FEES OWED TO THE CITY OF MEMPHIS (THE "CITY"), AND NOTICE OF WHICH IS PROVIDED WITH THE AGENDA IN ACCORDANCE WITH SECTION 2254.1036 OF THE GOVERNMENT CODE

City Secretary Woodard summed up previous info given at last meeting. Contract will be for a period of one year beginning on the execution day and auto-renews from year to year for an additional 12-month period or either party gives a 30-day notice. Alderman Dickson made the motion to approve the contract with Perdue, Brandon, Fielder, Collins & Motts for collections of court fines and fees, and other fees owed to the city. seconded by Alderman Bailey. The vote was unanimous in favor.

CONSIDER HIRING PART-TIME POLICE OFFICER

Chief Plant stated that due to the incident with Officer Gruwell he would rather have a 4th Officer but can do with two part-time officers. He will have to offer higher pay as a good incentive for them to come work here Mayor Davis asked if he has the budget for it. Chief Plant stated he could use 70% of Officer Gruwell's salary and extra labor but wants permission to hire part-time officers. Alderman Bailey made the motion to hire a part-time officer, seconded by Alderwoman Ivy. All in favor of the motion were Bailey, Dickson, Ivy, Richardson and Roberts. Alderman Ivey voted against the motion. The motion passed 5 in favor, one against.

CONSIDER HIRING LANDFILL EMPLOYEE

Alderman Roberts asked if they punch a time clock and who holds them accountable. It was stated that their supervisor holds them accountable and time sheets are filled out which the supervisor is accountable for. Alderwoman Ivy asked who holds the Supervisor accountable and City Secretary Woodard stated it's the Public Works Director. Alderman Dickson made the motion to consider hiring a landfill employee, seconded by Alderman Richardson. The vote was unanimous in favor.

CONTINUATION OF MINUTES SEPTEMBER 12, 2024

CONSIDER APPROVAL OF HALL COUNTY APPRAISAL DISTRICT 2025/2026 CONTRACT FOR SERVICES

City Secretary Woodard stated she sent the 2-year contract in packet. Alderman Bailey made the motion to approve the Hall County Appraisal District 2025/2026 contract for services, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CAST VOTES FOR CANDIDATES FOR TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD ELECTION

City Secretary Woodard did not send that information out but a list was presented to Mayor Davis. She recommendation that the Mayor make the vote or either abstain. Alderwoman Ivy made a motion to cast votes, seconded by Alderman Roberts. The vote was unanimous in favor.

CONSIDER RESOLUTION 9-9-24A ADOPTING THE UPDATED INVESTMENT POLICY

City Secretary Woodard stated one paragraph on page 2 was changed in the policy which allows to invest in Pools. Mayor Davis asked if there's an amount that will be put into that and Secretary Woodard said no and in the next council meeting, they should discuss how much of the funds from Government Capitol they want to invest. Alderman Ivey made the motion to accept Resolution 9-9-24A adopting the updated Investment Policy, seconded by Alderman Dickson. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONSIDER RESOLUTION 9-9-24B FOR PARTICIPATION IN TEXAS COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM TRUST PROGRAM (TEXAS CLASS) AND APPROVING THE TEXAS CLASS APPLICATION

City Secretary Woodard presented the Resolution to participate in Texas Class Investment Pool. Alderman Richardson made a motion to accept Resolution 9-9-24B for participation in Texas Class, seconded by Alderman Dickson. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONSIDER TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL CYBER INTERLOCAL AGREEMENT FOR 2024/2025 CYBER SECURITY COVERAGE

City Secretary Woodard provided document that TML sent. She stated last years cost was \$175 and this year it's \$1,000 and core plus is \$1,250. She stated this is a \$25 million pool of all members which is a first come first serve basis. She added that Farley's backs our systems up daily and di not see the need for this type of coverage. Alderwoman Ivy made a motion to pass, seconded by Alderman Roberts. The vote was unanimous in favor.

CONTINUATION OF MINUTES SEPTEMBER 12, 2024

CONSIDER AUDIT ENGAGEMENT SERVICES WITH FOSTER, LAMBERT & FOARD, LLC FOR 2024

City Secretary Woodard presented the audit engagement letter agreement. Alderman Bailey made a motion to accept the audit engagement services with Foster, Lambert and Foard, LLC for 2024, seconded by Alderman Dickson. The vote was unanimous in favor.

CONSIDER AWARDING BID FOR FUEL SERVICES FOR 2024/2025 FISCAL YEAR

City Secretary Woodard stated there was only one bid from A-1 Fuel & Supply. Alderman Richardson moved to award the fuel services for 2024/2025 fiscal year to A-1 Fuel & Supply, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONSIDER RESOLUTION 9-6-24C TO DOCUMENT THE GOVERNING BODY'S SUPPORT AND ACCEPTANCE OF THE AIRPORT CAPITAL IMPROVEMENT PROJECT WITH TXDOT

City Secretary Woodard presented the Resolution for the City to commit that we will supply our 10% match for the runway rehabilitation. Mayor Davis stated the total project cost is estimated at \$1,581,482. Alderwoman Ivy made the motion to consider Resolution 9-6-24C to document the governing body's support and acceptance of the Airport Capital Improvement Project with TXDOT, seconded by Alderman Bailey. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONSIDER UTILITY BENEFIT OPTION FOR VOLUNTEER FIREMEN

City Secretary Woodard informed that the in-town firemen were given the benefit of free sewer and trash and with these benefits being taxable, we'd have to give them a monthly check and send out 1099s. The firemen stated we cannot do that as it will make them paid and not a volunteer. Woodard talked with Public Works Director Casas and he suggested we issue a \$50 credit on their water bill which will come out of the expense account under the Fire Department for Utility Benefit which keeps them under \$600 and prevents 1099s. Alderman Bailey made a motion to approve the \$50.00 per month utility benefit to the volunteer firemen, seconded by Alderman Richardson. The vote was unanimous in favor.


CONSIDER CHANGING DATE FOR OCTOBER REGULAR COUNCIL MEETING

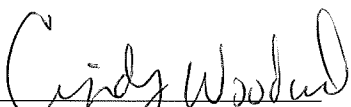
City Secretary Woodard stated October 14th is Columbus day. Alderwoman Ivy made a motion to change the October regular council meeting to October 7, 2024, seconded by Alderman Dickson. The vote was unanimous in favor.

CONTINUATION OF MINUTES SEPTEMBER 12, 2024

MAYOR AND COUNCIL ITEMS OF COMMUNITY INTEREST

Chief Plant wanted to clarify the title of Officer Crandell. He again suggested Desk Sargent and they were okay with that. Mayor Davis would like to thank City Secretary Woodard for all the work and figures. Woodard thanked them for the raises for all City Employees. Alderwoman Ivy thanked everyone for what they do and asked for all Department heads to come to the Council meetings. Alderman Bailey appreciates employees for what they do and City Secretary Woodard and Chief Plant. Alderman Richardson thanked City Secretary Woodard for saving them on the new pickup. Alderman Roberts would like to thank City Secretary Woodard and Marla and all staff and for the potholes being fixed. Alderman Dickson thanks to everyone. Alderman Ivey thanks to everyone and Cindy and Rex. Mayor Davis wanted to reiterate that they need to look at the budget to get a roll off dumpster and clean up on Morning Side as it's a mess and a fire hazard. Need to also fix the basketball goals and get the skid steer for cleanup. Get with the school for the handrails. Alderman Bailey moved to adjourn the meeting, seconded by Alderwoman Ivy. The vote was unanimous in favor. The meeting was adjourned at 8:17 p.m.

Approved: 
Joe Davis, Mayor

Attest: 
Cindy Woodard, City Secretary

RESOLUTION NO. 9-9-24A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS, REPEALING RESOLUTION NO. 11-9-2020D AND ADOPTING THE CITY OF MEMPHIS'S OFFICIAL INVESTMENT POLICY; PROVIDING FOR THE INCORPORATION OF PREMISES; AND AN EFFECTIVE DATE.

WHEREAS, each year, the City Council must review and adopt an official investment policy for the City of Memphis for investment of its funds pursuant to Chapter 2256 of the Texas Government Code, as amended; and

WHEREAS, the City of Memphis's Investment Policy, which contains investment strategies, has been reviewed and considered by the City Council; and

WHEREAS, the City Council now wishes to adopt the following as the City's Investment Policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:

SECTION 1. The recitals to the Resolution are true and correct and are incorporated into this Resolution for all purposes.

SECTION 2. That the City Council has reviewed the City of Memphis's Investment Policy, and the investment strategies contained therein, as provided in Exhibit A, attached hereto and incorporated as if set forth fully herein.

SECTION 3. That the City Council hereby adopts the City of Memphis's Investment Policy, as provided in Exhibit A. The City shall only invest its funds in investment authorized under the Policy. All investments authorized by the Policy shall be authorized by Chapter 2256 of the Texas Government Code, as amended.

SECTION 4. That all previous investment policies of the City of Memphis are hereby rescinded.

SECTION 5. That the City Council hereby designates the City Secretary as the Investment Officer of the City, responsible for the investment of its funds.

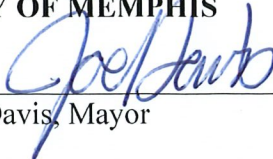
SECTION 6. That this Resolution shall become effective upon its passage and approval by the City Council of the City of Memphis.

READ, APPROVED, AND ADOPTED by the City Council of the City of Memphis, Texas on the

19th day of September 2024.

C.W.

CITY OF MEMPHIS



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary

Resolution to Participate

NO. 9-9-24B

WHEREAS, the Public Funds Investment Act, Texas Government Code, Section 2256.001 et seq. (the Act) requires the governing body of each local government in this state to adopt investment policies in accordance with the terms of the Act; and

WHEREAS, pursuant to the requirements of the Act, the Board of Trustees (the Governing Body) of the City of Memphis (the Local Government) has previously reviewed and adopted an investment policy (the Policy) that provides in part that the funds of the local government will be invested in investments permitted by the Act in order to: (i) invest only in investments legally permitted under Texas law; (ii) minimize risk by managing portfolio investments so as to preserve principal and maintain a stable net asset value; (iii) manage portfolio investments to ensure that cash will be available as required to finance operations; and (iv) maximize current income to the degree consistent with legality, safety, and liquidity; and

WHEREAS, pursuant to the Policy and the Act, the Local Government has appointed City Secretary (the Investment Officer) to act as the investment officer of the Local Government; and

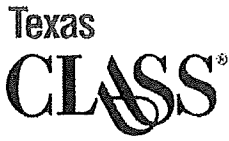
WHEREAS, the Act provides that funds under the control of a Local Government may be invested through investment pools meeting the standards of Section 2256.016 of the Act; and

WHEREAS, the Local Government has received and reviewed the Information Statement, dated April 2021 (the Information Statement), of Texas Cooperative Liquid Assets Securities System Trust (the Program), an investment pool administered by Public Trust Advisors, LLC that sets forth the information required by Section 2256.016(b) of the Act; and

WHEREAS, the Local Government has determined that the investments proposed to be acquired by the Program are of a type that are permitted by the Act and are consistent with the Policy; and

WHEREAS, the Local Government has determined that an investment in the Program will assist the Local Government in achieving the goals set forth in the Policy and will tend to preclude imprudent investment activities arising out of investment transactions conducted between the Local Government and the Program; and

WHEREAS, the Local Government understands that the Program operates through the Ninth Amended and Restated Trust Agreement dated as of February 25, 2021 (the Trust Agreement), that provides the terms on which the Program will operate and the rights of the Participants in the Program and sets forth the responsibilities of Public Trust Advisors, LLC as the administrator of the Program (the Administrator) and of UMB Bank as custodian (the Custodian);



Texas Cooperative Liquid Assets Securities System Trust

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT:

That the form, terms, and provisions of the Trust Agreement, a draft of which was presented and reviewed at this meeting, providing for the creation of the Program and for the rights of the Program Participants and the duties and responsibilities of the Administrator be and the same are hereby approved and adopted; and that the Investment Officer be and he or she is hereby authorized and directed to execute and deliver to the Administrator and the Custodian in the name and on behalf of the Local Government a participation certificate evidencing the agreement of the Local Government to be bound by the Trust Agreement substantially in the form of the Trust Agreement reviewed and approved at this meeting, together with such changes therein as may be approved by the said officer, such approval to be conclusively evidenced by the execution thereof; and be it further

Resolved that the investment program established by the Trust Agreement is hereby found and determined to be consistent with the Policy and to preclude imprudent investment activities arising out of investment transactions conducted between the Local Government and the Program; and be it further

Resolved that the Governing Body hereby officially finds and determines that the facts and recitations contained in the preamble of this Resolution are true and correct; and be it further

Resolved that the Governing Body hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted for the time required by law preceding this meeting and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof were discussed, considered, and formally acted upon all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act; and be it further

Resolved that the officers of the Local Government, and each of them, shall be and each is expressly authorized, empowered, and directed from time-to-time to do and perform all acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the Local Government all certificates, instruments, and other papers, whether or not herein mentioned, as they may determine to be necessary or desirable in order to carry out the terms and provisions of this Resolution and of the Trust Agreement hereby authorized and approved, such determination to be conclusively evidenced by the performance of such acts and things and the execution of any such certificate, financing statement, instrument, or other paper; and be it further

Resolved that this Resolution shall take effect and be in full force upon and after its passage.

Handwritten signature, date 9/17/23, and printed name JOE DAVIS

Blank lines for Authorized Signature, Date, and Printed Name

RESOLUTION 9-9-24C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS, TO DOCUMENT THE SUPPORT AND ACCEPTANCE OF THE TXDOT REHABILITATION OF EXISTING AIRPORT RUNWAY; PROVIDE THE CITY OF MEMPHIS'S AGREEMENT TO MAKE IMPROVEMENTS TO THE AIRPORT; PROVIDE 10% OF THE TOTAL PROJECT COSTS AND ACKNOWLEDGE TXDOT AS AGENT FOR ADMINISTRATION OF FEDERAL AND STATE FUNDS FOR PROJECT.

WHEREAS, the City of Memphis intends to make certain improvements to THE Memphis Municipal Airport; and

WHEREAS, the general description of the project is described as: Rehabilitation of existing runway; and

WHEREAS, the City of Memphis intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be \$1,581,482, and the City of Memphis will be responsible for 10% of the total project costs currently estimated to be \$158,148; and

WHEREAS, the City of Memphis names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

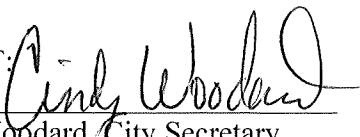
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:

That the City of Memphis hereby directs the Mayor to execute on behalf of the City of Memphis, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to Memphis Municipal Airport.

READ, APPROVED, AND ADOPTED by the City Council of the City of Memphis, Texas on the 9th day of September 2024.

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C.W.

ATTEST:


Cindy Woodard, City Secretary

CITY OF MEMPHIS


Joe Davis, Mayor

“Note” - The “City of Memphis, Texas Tax Note, Series 2024” shall mean and include collectively the Note initially issued and delivered pursuant to this Ordinance and all substitute Notes exchanged therefor, as well as all other substitute Note and replacement Note issued pursuant hereto, and the term “Note” shall mean any of such Notes.

“City Council” - The City Council of the Issuer.

“Code” - The Internal Revenue Code of 1986, and any amendments thereto.

“Date of Delivery” - The date the Note is initially delivered to the Purchaser in exchange for the purchase price therefor.

“Issuer” - City of Memphis, Texas, a duly incorporated municipality and political subdivision of the State in Tarrant and Denton Counties, Texas.

“Ordinance” - This ordinance and all amendments hereof and supplements hereto.

“Paying Agent/Registrar” - The bank, trust company, financial institution or other entity so named in accordance with the provisions of Section 4 of this Ordinance.

“Purchaser” - The initial purchaser of the Note designated in Section 16.

“Project” - Collectively, those public improvements for the Issuer being financed with the proceeds of the Note, to wit: to pay all or part of the Issuer’s costs incurred by the Issuer in connection with acquiring, constructing, installing, and equipping additions, improvements, extensions, and equipment for the Issuer’s waterworks and sewer system, including line replacement and relocation, and the payment of professional services and costs of issuance related to the note.

“Holder” - The registered holder of the Note from time to time as shown in the books kept by the Paying Agent/Registrar as the registrar and transfer agent for the Note.

“State” - The State of Texas.

SECTION 2. RECITALS, AMOUNT AND PURPOSE OF THE NOTE. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The Note is hereby authorized to be issued and delivered in the aggregate principal amount of \$1,284,000 FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE ISSUER’S CONTRACTUAL OBLIGATIONS INCURRED WITH RESPECT TO THE ACQUISITION AND CONSTRUCTION OF THE PROJECT.

SECTION 3. DESIGNATION, DATE, NUMBERS, AND MATURITY OF NOTE. The Note issued pursuant to this Ordinance shall be designated: “CITY OF MEMPHIS, TEXAS TAX NOTE, SERIES 2024,” and there shall be issued, sold, and delivered hereunder one fully registered Note, without interest coupons, dated September 26, 2024 and finally maturing September 15, 2031, with principal payable in installments on the dates and in the manner specified in the FORM OF NOTE. The Note shall be issued in the principal amount stated above, and shall be numbered R-1, with any Note issued in replacement thereof being in the denomination and principal amount hereinafter stated and numbered consecutively from R-2 upward, payable to the Holder, or to the

registered assignee of said Note (in each case, the "Holder"). The Note shall bear interest from the delivery date specified in the FORM OF NOTE, at the rate specified in the FORM OF NOTE. Said interest shall be payable in the manner provided and on the dates stated in the FORM OF NOTE.

SECTION 4. CHARACTERISTICS OF THE NOTE.

(a) Registration, Transfer, Conversion and Exchange; Authentication. The Issuer shall keep or cause to be kept at the office of Simmons Bank in Pine Bluff, Arkansas (the "Paying Agent/Registrar"), books or records for the registration of the transfer of the Note (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations and transfers as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Holder of the Note to which payments with respect to the Note shall be mailed, as herein provided; but it shall be the duty of the Holder to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration and transfer of a substitute Note. Registration of assignments and transfers of the Note shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

Except as provided in Section 4(c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel a Note surrendered for transfer or the Note when paid in full. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing transfer of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Note in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of transfer of the Note as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, said Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Note which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General of the State (the "Attorney General"), and registered by the Comptroller of Public Accounts of the State (the "Comptroller").

(b) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Note, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Note and shall properly and accurately record all payments on the Note on the Registration Books, and shall keep proper records of all transfers of the Note, and all replacements of the Note, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30)

days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of the Holder appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Note (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Note to be payable only to the Holder thereof, (ii) may and shall be redeemed prior to its scheduled maturity (notice of which shall be given to the Paying Agent/Registrar by the Issuer at least 45 days prior to any such redemption date), (iii) may be transferred and assigned, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Note shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Note initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in exchange for any Note the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The Issuer covenants with the Holder of the Note that at all times while the Note is outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Note under this Ordinance, and that the Paying Agent/Registrar will be one entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 40 days written notice to the Paying Agent/Registrar, to be effective not later than 30 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Note, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to the Holder of the Note, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Closing. On the Date of Delivery, the initial Note No. R-1 representing the entire original principal amount of the Note, payable to the Purchaser, executed by manual or facsimile signature of the Mayor (or in the absence of the Mayor, the Mayor Pro-tem) and City Secretary of the Issuer, approved by the Attorney General, and registered and manually signed by the Comptroller,

and with the Date of Delivery inserted thereon by the Paying Agent/Registrar, shall be delivered to the Purchaser or its designee upon payment of the purchase price therefor.

SECTION 5. FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Comptroller's Registration Certificate to be attached to the Note initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

(a) FORM OF NOTE

NO. R-1	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF MEMPHIS, TEXAS TAX NOTE SERIES 2024	PRINCIPAL AMOUNT \$1,284,000
DATE OF DELIVERY:	September 26, 2024	
HOLDER:	ZMFU II, INC.	
PRINCIPAL AMOUNT:	ONE MILLION TWO HUNDRED EIGHTY FOUR THOUSAND DOLLARS	

The City of Memphis, in the Tarrant and Denton Counties, Texas (the "Issuer"), being a political subdivision of the State of Texas, for value received, promises to pay, from the sources described herein, to the registered holder specified above, or registered assigns (in each case, the "Holder"), the principal amount specified above, and to pay interest thereon, from the date of delivery set forth above, on the balance of said principal amount from time to time remaining unpaid. This Note shall finally mature on September 15, 2031, but shall be payable in installments on the dates and in the principal installment amounts, and such principal installment amounts shall bear interest at the rate of 3.59% per annum, calculated on the basis of a 360-day year of twelve 30-day months, as set forth in the following schedule:

<u>Payment Date</u>	<u>Principal Installment</u>
September 15, 2025	\$159,000
September 15, 2026	165,000
September 15, 2027	173,000
September 15, 2028	182,000
September 15, 2029	192,000
September 15, 2030	201,000
September 15, 2031	212,000

The principal of and interest on this Note is payable in lawful money of the United States of America, without exchange or collection charges. The Issuer shall pay interest on this Note on March 15, 2025 and on each September 15 and March 15 thereafter to the date of the final maturity hereof or to the date of redemption prior to maturity. The last principal installment of this Note shall

be paid to the Holder hereof at final maturity, or upon the date fixed for its redemption prior to maturity, at the corporate trust office of Simmons Bank in Pine Bluff, Arkansas, which is the "Paying Agent/Registrar" for this Note. The payment of all other principal installments of and interest on this Note shall be made by the Paying Agent/Registrar to the Holder hereof on each principal and interest payment date by check or draft, dated as of such principal and interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the Note Ordinance (as defined below) to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Holder hereof, at its address as it appeared at the close of business on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, principal and interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder.

Any accrued interest due in connection with the payment of the final installment of principal of this Note shall be paid to the Holder upon presentation and surrender of this Note for payment or redemption at the designated corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the Holder of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the ordinance authorizing the issuance of the Note (the "Note Ordinance"), the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Note, when due.

If the date for the payment of this Note shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the designated corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Note is dated as of September 26, 2024 and is authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$1,284,000 for the purpose of paying all or a portion of the Issuer's contractual obligations incurred with respect to the acquisition and construction of the Project (as defined in the Note Ordinance).

On September 15, 2025 or on any date thereafter, the unpaid principal installments of this Note are subject to redemption, in whole or in part, and may be redeemed prior to the scheduled due dates by the Issuer, at a redemption price equal to the principal amount thereof to be redeemed plus accrued interest thereon to the date of redemption, without premium. The Issuer shall give written notice of its direction to redeem the principal installments of this Note to the Paying Agent/Registrar and the Holder of this Note by United States mail, first-class postage prepaid, no later than 30 days prior to the Redemption Date.

This Note is issuable solely as a single fully registered Note, without interest coupons in the denomination of \$1,284,000 or the remaining principal amount of the outstanding Note of this series if an exchange of a Note is made after a reduction in the principal amount of the series, either by a payment of a scheduled installment of principal or as a result of redemption of part of the Note prior to maturity (the "Authorized Denomination"). As provided in the Note Ordinance, this Note may,

at the request of the Holder or the assignee or assignees hereof, be assigned and transferred for a like aggregate principal amount Note, without interest coupons, payable to the appropriate Holder, assignee or assignees, as the case may be, in the Authorized Denomination, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Note Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with the proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note to the assignee this Note is to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Holder to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note from time to time by the Holder. In the case of the assignment and transfer of this Note, the reasonable standard or customary fees and charges of the Paying Agent/Registrar will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment and transfer, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following Payment Date.

In the event any Paying Agent/Registrar for this Note is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Note Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Holder of this Note.

It is hereby certified, recited, and covenanted that this Note has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance and delivery of this Note has been performed, existed, and been done in accordance with law; that this Note is a general obligation of said Issuer, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law, all as provided in the Note Ordinance.

The Issuer has reserved the right, subject to the restrictions referred to in the Note Ordinance, to amend the provisions of the Note Ordinance under the conditions provided in the Note Ordinance.

By becoming the Holder of this Note, the Holder thereby acknowledges all of the terms and provisions of the Note Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Note Ordinance is duly recorded and available for inspection in the official minutes and records of the Issuer, and agrees that the terms and provisions of this Note and the Note Ordinance constitute a contract between each Holder hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Note to be signed with the manual or facsimile signature of the Mayor (or in the Mayor's absence, the Mayor Pro-Tem) of the Issuer and countersigned with the manual or facsimile signature of the City Secretary of the Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Note.

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the holder as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

(d) FORM OF COMPTROLLER'S REGISTRATION CERTIFICATE:

COMPTROLLER'S REGISTRATION CERTIFICATE

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS §
OF THE STATE OF TEXAS §

REGISTER NO. _____

I hereby certify that this Note has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Note has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

SECTION 6. TAX LEVY. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer at an official depository bank of the Issuer. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the Issuer, and shall be used only for paying the interest on and principal of the Note. All amounts received from the sale of the Note as accrued interest and ad valorem taxes levied and collected for and on account of the Note shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any Note is outstanding and unpaid, the governing body of the Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on the Note as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Note as such principal matures (but never less than 2% of the original amount of the Note as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of the Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the Issuer, for each year while any Notes is outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient

to provide for the payment of the interest on and principal of the Note, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law.

SECTION 7. REMEDIES OF HOLDER. In addition to all rights and remedies of any Holder of the Note provided by the laws of the State, the Issuer and the City Council covenant and agree that in the event the Issuer defaults in the payments of the principal of or interest on the Note when due, or fails to make the payments required by this Ordinance, the Holder of the Note shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the City Council and other officers of the Issuer to observe and perform any covenant, obligation or condition prescribed in this Ordinance. No delay or omission by any Holder to exercise any right or power accruing to him upon default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right or power may be exercised from time to time and as often as may be deemed expedient. The specific remedies mentioned in this Ordinance shall be available to the Holder of the Note and shall be cumulative of all other existing remedies.

SECTION 8. USE OF NOTE PROCEEDS. The proceeds of the issuance of the Note shall be deposited in the Construction Fund created by Section 18 of this Ordinance and used for the purposes for which the Note is hereby authorized to be issued.

SECTION 9. INVESTMENTS. The City Council may place proceeds of the Note (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Note will be used as soon as practicable for the purposes for which the Note is issued.

SECTION 10. SECURITY FOR FUNDS. All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

SECTION 11. ISSUER OFFICER'S DUTIES.

(a) The Mayor, Mayor Pro-tem, and City Secretary of the Issuer are hereby instructed and directed to do any and all things necessary in reference to the issuance of the Note and to make money available for the payment of the Note in the manner provided by law and this Ordinance.

(b) The Mayor (or in the absence of the Mayor, the Mayor Pro-tem) and the City Secretary are authorized to execute the Note to which this Ordinance is attached on behalf of the Issuer and to do any and all things proper and necessary to carry out the intent hereof.

SECTION 12. DEFEASANCE OF NOTE.

(a) The Note and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Note, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow

Agreement”) for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Note shall have become due and payable. At such time as the Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem tax herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem the Defeased Note that is made in conjunction with the payment arrangements specified in subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Note for redemption; (2) gives notice of the reservation of that right to the Holder of the Defeased Note immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Note and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Note may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection 13(a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Note, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term “Defeasance Securities” means any securities and obligations now or hereafter authorized by State law that are eligible to discharge obligations such as the Note.

(d) Until the Defeased Note shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Note the same as if it had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

SECTION 13. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTE.

(a) Replacement Note. In the event the Note is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Note of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Note. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Note shall be made by the Holder thereof to the Paying

Agent/Registrar. In every case of loss, theft, or destruction of a Note, the Holder applying for a replacement Note shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Note, the Holder shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Holder shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event the Note shall have matured, and no default has occurred which is then continuing in the payment of the principal of or interest on the Note, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Note) instead of issuing a replacement Note, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Note. Prior to the issuance of a replacement Note, the Paying Agent/Registrar shall charge the Holder of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section by virtue of the fact that the Note is lost, stolen, or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen, or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance.

(e) Authority for Issuing Replacement Note. In accordance with Subchapter B, Chapter 1206, Texas Government Code, this Section shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Notes issued in exchange for another Note.

SECTION 14. CUSTODY, APPROVAL, AND REGISTRATION OF NOTE; BOND COUNSEL'S OPINION.

(a) The Mayor (or in the absence of the Mayor, the Mayor Pro-tem) of the Issuer is hereby authorized to have control of the Note issued and delivered hereunder and all necessary records and proceedings pertaining to the Note pending its delivery and its investigation, examination, and approval by the Attorney General, and its registration by the Comptroller. Upon registration of the Note said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Note, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Note. The approving legal opinion of the Issuer's bond counsel may, at the option of the Issuer, be printed on the Note issued and delivered under this Ordinance, but shall not have any legal effect, and shall be solely for the convenience and information of the Holder of the Note.

SECTION 15. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTE.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Note as an obligation described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Note, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Note (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Note being treated as a "private activity bond" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Note being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Note, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Note, other than investment property acquired with --

(A) proceeds of the Note invested for a reasonable temporary period of 3 years or less or, in the case of refunding bonds, for a period of 90 days or less, until such proceeds are needed for the purpose for which the Note or refunding bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the rules and regulations of the United States Department of the Treasury ("Treasury Regulations"), and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Note;

(7) to otherwise restrict the use of the proceeds of the Note or amounts treated as proceeds of the Note, as may be necessary, so that the Note does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Note or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Note in contravention of the requirements of section 149(d) of the Code (relating to advance refundings);

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Note) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Note has been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(10) to assure that the proceeds of the Note will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (9), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Holder. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Note. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Note, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Note under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Note, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Note under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor and/or City Secretary to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, which may be permitted by the Code as are consistent with the purpose for the issuance of the Note.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for Project on its books and records in accordance with the requirements of the Code. The Issuer recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the Issuer recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Note, or (2) the date the Note is retired. The Issuer agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Note. For purposes hereof, the issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Note. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Note. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

SECTION 16. SALE OF NOTE. The Note is hereby sold and shall be delivered to Simmons Bank (the "Purchaser"), for cash for the par value thereof, pursuant to the Purchase Agreement dated the date of the adoption of this Ordinance. The Note shall initially be registered in the name of the Purchaser. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable.

SECTION 17. INVESTMENT EARNINGS ON NOTE PROCEEDS. Investment earnings derived from the investment of proceeds from the sale of the Note shall be used along with other Note proceeds for the purpose for which the Note is issued set forth in Section 2 hereof; provided that after completion of such purpose, if any of such investment earnings remain on hand, such investment earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any investment earnings on Note proceeds which are required to be rebated to the United States of America pursuant to Section 15 hereof in order to prevent the Note from being arbitrage bonds shall be so rebated and not considered as investment earnings for the purposes of this Section.

SECTION 18. CONSTRUCTION FUND. The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2024 Tax Note

Construction Fund” for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided. Upon payment of all such costs, any moneys remaining on deposit in said Fund shall be transferred to the Interest and Sinking Fund. Amounts so deposited to the Interest and Sinking Fund shall be used in the manner described in Section 6 of this Ordinance.

SECTION 19. NO RULE 15c2-12 UNDERTAKING. The Issuer has not made an undertaking in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) due the offering of the Note not being within the purview of the Rule. The Issuer is not, therefore, obligated pursuant to the Rule to provide any on-going disclosure relating to the Issuer or the Note; provided, however, that in consideration of the purchase of the Note by the Purchaser, for so long as the initial Purchaser is the holder of the Note, the Issuer shall provide to the Purchaser the Issuer’s annual audited financial statements within 270 days following the end of each fiscal year of the Issuer.

SECTION 20. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of the Holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the Holder, (ii) grant additional rights or security for the benefit of the Holder, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the Holder, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be materially inconsistent with the provisions of this Ordinance and that shall not, in the opinion of nationally-recognized bond counsel, materially adversely affect the interests of the Holder.

(b) Except as provided in paragraph (a) above, the Holder shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of the Holder, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or the Note so as to:

- (1) Make any change in the maturity of the Note;
- (2) Reduce the rate of interest borne by the Note;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on the Note;
- (4) Modify the terms of payment of principal or of interest on the Note or impose any condition with respect to such payment; or
- (5) Change the requirement of with respect to Holder consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to the Holder of the Note a copy of the proposed amendment.

(d) Whenever at any time within one year from the date of mailing of such notice the Issuer shall receive an instrument or instruments executed by the Holder, which instrument or instruments shall refer to the proposed amendment and which shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and the Holder of the Note shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Holder of the Note pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of such consent and shall be conclusive and binding upon all future Holder of the Note during such period. Such consent may be revoked at any time after six months from the date of said consent by the Holder who gave such consent, or by a successor in title, by filing notice with the Issuer.

For the purposes of establishing ownership of the Note, the Issuer shall rely solely upon the registration of the ownership of such Note on the Registration Books kept by the Paying Agent/Registrar.

SECTION 21. FURTHER PROCEDURES.

(a) The Mayor, Mayor Pro-tem, and City Secretary of the Issuer and all other officers, employees and agents of the Issuer, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar, and all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note and the sale of the Note. In case any officer whose signature shall appear on the Note shall cease to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 22. GOVERNING LAW. This Ordinance shall be construed and enforced in accordance with the laws of the State and the United States of America.

SECTION 23. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 24. CONTINUED PERFECTION OF SECURITY INTEREST. Chapter 1208, Texas Government Code, applies to the issuance of the Note and the pledge of the ad valorem taxes granted by the Issuer under Section 6 of this Ordinance, and such pledge is therefore valid, effective, and perfected. If State law is amended at any time while the Note is outstanding and unpaid such that the pledge of the taxes granted by the Issuer under Section 6 of this Ordinance is to

be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the Holder of the Note the perfection of the security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under State law to comply with the applicable provisions of Chapter 9, Texas Business and Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

SECTION 25. APPROPRIATION. To pay the debt service coming due on the Note prior to receipt of the taxes, if any, levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

ORDINANCE 698

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, THROUGH SEPTEMBER 30, 2025, FOR THE CITY OF MEMPHIS, HALL COUNTY, TEXAS.

WHEREAS, on the 12th day of August, 2024, the proposed budget for the fiscal year beginning October 1, 2024, through September 30, 2025, was duly filed with the City Secretary; and

WHEREAS, the City Council set a public hearing for the 12th day of September, 2024, at 6:00 p.m. in the City Council Room of the City of Memphis, Texas. The said date being not less than 15 days after the day of filing of said budget with the City Secretary and notice being published of said hearing, as provided by law; and

WHEREAS, the said public hearing remained open until all citizen's input was complete, and at such time the said hearing was declared closed by the Mayor and the budget presented for approval.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:

SECTION 1: That the budget prepared and submitted to the City Council for the fiscal year beginning October 1, 2024, and ending September 30, 2025, is hereby approved.

SECTION 2: That the sum of \$1,277,161 is hereby appropriated out of the General Fund for payment of operating expenses, capital expenditures and maintenance of the City of Memphis, Texas as set forth in detail in the budget. The sum of \$106,250 or one-fourth sales tax (whichever is greater) is hereby appropriated out of this account for payment of operating expenses and special projects of Memphis Type B Economic Development Corporation, as set forth in the budget. The sum of \$32,000, Hotel occupancy tax is hereby appropriated out of this account for \$8,000 to the Chamber of Commerce, \$2,000 to the Clarendon Enterprise for the publication of the Welcome Guide and \$22,000 for other special projects eligible for this tax. The sum of \$50,000 set forth in the budget appropriated for the State Comptroller Fine fees from the Municipal Judge's collections.

SECTION 3: That the sum of \$1,507,640 is hereby appropriated out of the Enterprise fund for payment of operating expenses and capital expenditures for the Water, Sewer and Landfill of the City of Memphis, Texas, as set forth in detail in the budget. The sum of \$4,800 is hereby appropriated to a special community improvement fund through a voluntary 50-cent fee on water bills.

SECTION 4. That Appendix A, Fee Schedule, of the Code of Ordinances of the City of Memphis Texas, is hereby amended by deleting the previous fees, rates, and charges for providing services and is replaced by the following:

Appendix A, Fee Schedule is hereby repealed and replaced to hereafter read as follows:

ARTICLE A4.000 BUSINESS RELATED FEES

A4.003. Itinerant merchants or vendors.

\$50.00 per day.

ARTICLE A5.000. CEMETERY

A5.001 Spaces and permit fees.

- (a) Cemetery spaces: \$500.00.
- (b) Family plot (4 spaces): \$2,000.00.
- (c) Burial permit fee: \$75.00.

ARTICLE A7.000 WATER AND WASTEWATER SERVICES

A77.001 Administrative fees and deposits.

Security deposit (residential and small business): \$180.00.
Security deposit (if delinquent): \$280.00.

A7.002 Water rates.

- (a) \$3.50 per 1,000 gallons in addition to the respective minimum listed below.
- (b) 3/4-inch meter minimum bill: \$25.00 for the 1st 2,000 gallons for meters inside the city limits, \$30.00 for the 1st 2,000 gallons for meters outside the city limits.
- (c) 3/4-inch double meter minimum bill: \$30.00 for the 1st 2,000 gallons for meters inside the city limits, \$35.00 for the 1st 2,000 gallons for meters outside the city limits.
- (d) 1-inch meter minimum bill: \$26.60 for the 1st 2,000 gallons for meters inside the city limits, \$31.60 for the 1st 2,000 gallons for meters outside the city limits.
- (e) 1-1/2-inch meter minimum bill: \$29.75 for the 1st 2,000 gallons for meters inside the city limits, \$34.75 for the 1st 2,000 gallons for meters outside the city limits.
- (f) 2-inch meter minimum bill: \$35.00 for the 1st 2,000 gallons for meters inside the city limits, \$40.00 for the 1st 2,000 gallons for meters outside the city limits.
- (g) Sprinkler fire protection bill: \$38.50.

A7.003 Tapping new service connection rates

- (e) Sewer tap: \$450.00

A7.002 Wastewater rates

- (a) Residential: \$25.00.
- (b) Commercial: \$26.00 base rate up to 2,000 gallons of water consumption, \$2.50 per 1,000 gallons over base.
- (c) Housing authority: \$26.00 base rate up to 2,000 gallons of water consumption, \$2.50 per additional 1,000 gallons over base.

ARTICLE A8.000 SOLID WASTER COLLECTION AND LANDFILL FEES

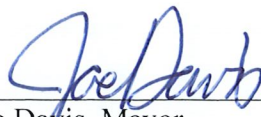
A8.001 Garbage and refuse collection.

- (a) Residential collection: \$31.00 inside the city limits, \$46.00 outside the city limits.
- (b) Commercial collection: \$48.00 per dumpster for weekly pickup inside the city limits, \$53.00 per dumpster for weekly pickup outside the city limits, \$58.00 per dumpster for 3+ pickups per week inside the city limits, \$63.00 per dumpster for 3+ pickups per week outside the city limits. (Commercial includes retail, industrial or manufacturing.)
- (c) Housing authority collection: \$58.00 per dumpster.
- (d) The above are subject to sales tax.

FURTHERMORE, THE GENERAL, WATER, SEWER AND LANDFILL BUDGET IS SET AT \$2,782,542.

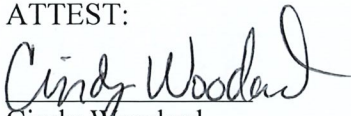
There will be an estimated surplus of \$2,259 set aside for an emergency or an unexpected event.

The above and forgoing Ordinance was duly introduced on the motion of Lloyd Roberts seconded by ED BAILEY, and by unanimous vote was duly adopted and ordered filed this the 12th day of September, 2024.

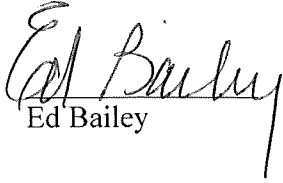


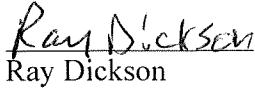
Joe Davis, Mayor
City of Memphis, Texas

ATTEST:

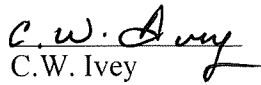

Cindy Woodard
City Secretary

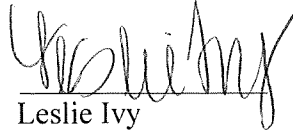
City Council Members recorded vote in favor of Ordinance 698 on the 12th day of September, 2024.


Ed Bailey



Ray Dickson

ABSENT
David Gilbert


C.W. Ivey


Leslie Ivy

ABSENT
Melisa McIntosh


Woody Richardson


Lloyd Roberts

RESOLUTION 9-12-24

A RESOLUTION OF THE CITY OF MEMPHIS, TEXAS, RATIFYING THE ADOPTED BUDGET AND PROPERTY TAX RATE THAT RAISES MORE TOTAL PROPERTY TAXES THAN THE PREVIOUS YEAR.

WHEREAS, the City of Memphis has adopted its Budget for Fiscal Year 2024 – 2025; and,


WHEREAS, the Budget as adopted raises more revenue from property taxes than were raised from property taxes in the previous Fiscal Year; and,

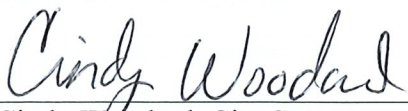
WHEREAS, Local Government Code Section 102.007(c) requires the City to ratify the property tax increase contained in the budget by a separate vote;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Memphis, Texas, that:

In compliance with the requirements of Section 102.007(c), Texas Local Government Code, the City Council of Memphis does hereby ratify the property tax increase reflected in the Fiscal Year 2024- 2025 Budget that will require raising more revenue from property taxes than in the Fiscal Year 2023 – 2024 Budget.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2024.

Approved: 
Joe Davis, Mayor

Attest: 
Cindy Woodard, City Secretary

ORDINANCE 699

AN ORDINANCE LEVYING THE AD VALOREM TAX RATE FOR 2024 FOR THE CITY OF MEMPHIS, HALL COUNTY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 12th day of August, 2024, the proposed budget with the proposed tax rate for the fiscal year 2024, was duly filed with the City Secretary; and

WHEREAS, the City Council set the public hearing on the proposed tax rate on the 12th day of September, 2024 at 6:00 p.m. in the City Council Room of the City of Memphis, Texas. The said date being not less than 15 days after the day of filing of said budget with the City Secretary and instructed the City Secretary to cause to be published the notice of said hearing, all as provided by law; and

WHEREAS, the said public hearing remained open until all citizen's input was complete, and at such time the said hearing was declared closed by the Mayor and the budget with the proposed tax rate was read for approval.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:

SECTION 1: That there be levied and collected for the tax year 2024, a rate of 0.410888 per one hundred dollars (\$100) of valuation on all property within the city limits subject to taxation under the laws of the State of Texas, with said ad valorem tax to be apportioned as follows:

The 0.410888 cents are hereby set aside for the purposes of paying budgeted expenses of the General Fund the City of Memphis, Texas.

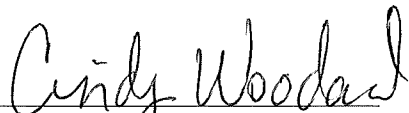
SECTION 2: That taxes levied under this ordinance shall be due beginning October 1, 2024 and if not paid on or before January 31, 2025 shall immediately become delinquent.

SECTION 3: All taxes shall become a lien upon the property against which assessed and the tax collector for the City of Memphis is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Memphis and shall by virtue of the tax rolls, fix and establish a lien by levying upon such property for the payment of said taxes, penalty and interest and the interest and penalty collected from such delinquent taxes shall be apportioned to the general fund of the City of Memphis. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

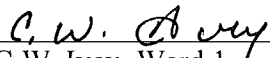
SECTION 4: This ordinance shall take effect and be in force from the date of its passage.

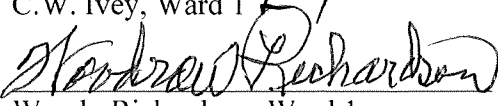
PASSED AND APPROVED this 12th day of September, 2024 at the Regular Meeting of the City Council of the City of Memphis, there being a quorum present by 6 yeas and 0 nays and approved by the Mayor on the date above set out.

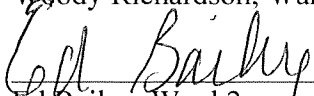
Approved: 
Joe Davis, Mayor

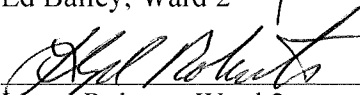
Attest: 
Cindy Woodard, City Secretary

Council Members recorded vote in favor Ordinance 699 Levying the Ad Valorem Tax rate for the year 2024

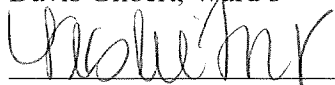

C.W. Ivey, Ward 1


Woody Richardson, Ward 1

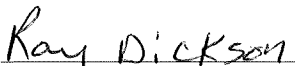

Ed Bailey, Ward 2


Lloyd Roberts, Ward 2

ABSENT
Davis Gilbert, Ward 3


Leslie Ivy, Ward 3

ABSENT
Melisa McIntosh, Ward 4


Ray Dickson, Ward 4