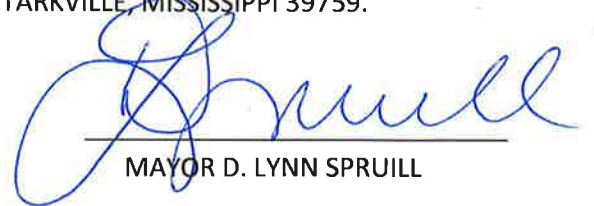


**NOTICE OF SPECIAL CALL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF STARKVILLE
THURSDAY, AUGUST 29, 2024
1:30 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 21-3-21 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, MAYOR D. LYNN SPRUILL DOES HEREBY GIVE NOTICE OF A SPECIAL CALL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO MEET ON THURSDAY, AUGUST 29, 2024, AT 1:30 P.M., IN THE STARKVILLE SECOND FLOOR CONFERENCE ROOM OF THE STARKVILLE CITY HALL LOCATED AT 110 WEST MAIN STREET, STARKVILLE, MISSISSIPPI 39759.



MAYOR D. LYNN SPRUILL

Signed August 28, 2024, 4:30 p.m.

The specific subject of the meeting is as follows:

CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF STARKVILLE, OKTIBBEHA COUNTY, GOLDEN TRIANGLE PLANNING AND DEVELOPMENT DISTRICT AND EAST OKTIBBEHA WASTEWATER DISTRICT FOR THE USE OF COUNTY ARPA FUNDS AND MATCHING FUNDS FOR IMPROVEMENTS TO THE CITY OF STARKVILLE WASTEWATER TREATMENT PLANT.

The above notice was executed by a Police Officer of the City of Starkville, Mississippi OR via electronic transmission – email; and with said notice displayed on the front door of City Hall and posted on the City website.

Said notice was executed more than three hours prior to the Special Call Meeting.



**CITY OF STARKVILLE COVERSHEET
RECOMMENDATION FOR BOARD ACTION**

AGENDA ITEM DEPT.: Mayor
AGENDA DATE: August 29, 2024
PAGE: Page 1 of 1

SUBJECT:

Consideration of the MOU with Oktibbeha County, GTPDD and East Oktibbeha Wastewater District for the acceptance and use of the county's ARPA funding in the amount of \$1,000,000 with matching funds of \$1,000,000 to be provided to the City of Starkville for the purpose of the improvements to the wastewater treatment plant

SUMMARY: The Board of Supervisors approved this MOU at their meeting of August 19th, 2024.

REQUESTING DEPARTMENT: Mayor

FUNDING SOURCE: N/A

FOR MORE INFORMATION CONTACT:

Lynn Spruill @ 662-323-2525 or l.spruill@cityofstarkville.org

SUGGESTED MOTION:

Move approval of the MOU for the acceptance and use of the Oktibbeha County ARPA funds in the amount of \$1,000,000 with a state ARPA match of \$1,000,000 for the improvements to the Ernest E Jones Wastewater Treatment plant.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the “Agreement”) is made and entered into as of the ____ day of August, 2024, by and among Oktibbeha County, Mississippi, (the “County”) acting by and through its Board of Supervisors (the “Board”), the City of Starkville Mississippi (the “City”), acting by and through its Mayor and Board of Aldermen, East Oktibbeha Wastewater District (“East Oktibbeha”), and the Golden Triangle Planning and Development District, Inc., (“GTPDD”).

WITNESSETH

WHEREAS, significant residential and commercial development has occurred in Oktibbeha County, Mississippi and in the City of Starkville, Mississippi, and current and future commercial and residential development continues to expand throughout the County and City; and

WHEREAS, the needs for wastewater treatment services (the “Services”) for residences and businesses built in the County and City are growing and will continue to do so; and

WHEREAS, the Services are needed in order for Oktibbeha County to meet the need for additional wastewater infrastructure and to promote the health, safety, and welfare of the residences of the County and City;

WHEREAS, East Oktibbeha desires to upgrade and expand service in the County and City and, thus, further contribute to the need for the Services and its ability to accept future needs; and

WHEREAS, the infrastructure needs for the City to accept waste water from both inside and outside the City are currently limited under the capacity of the existing facility such that the parties to this MOU agree that it is in the best interest of the residences and businesses of the City, County and East Oktibbeha to allow the County to use one million dollars (\$1,000,000) of ARPA funds to be used for the purpose of improving the City of Starkville Waste Water Treatment plant and have it matched under the original purpose and scope of matching funds

through the Mississippi Department of Environmental Quality (“MDEQ”). The proposed use of said money is under the scope of the wastewater plan of East Oktibbeha and the County. The City’s wastewater treatment facility is the final destination of said wastewater and the parties agree this is the best use of said funds; and

WHEREAS, estimated costs for such improvements shall exceed the one million dollars (\$1,000,000) from the County’s ARPA funding plus matching funds from MDEQ of one million dollars (\$1,000,000), and the parties understand that this MOU only commits the County to one million dollars (\$1,000,000) of County ARPA dollars and the matching amounts through MDEQ of one million dollars (\$1,000,000); and

WHEREAS, the U.S. Congress enacted the American Rescue Plan Act of 2021 (“ARPA”) in order to stimulate the economy and provide funds for infrastructure development, including wastewater facilities; and

WHEREAS, the State of Mississippi was the recipient of ARPA funds (the “Funds”) which are being held and administered by MDEQ; and

WHEREAS, the County was the beneficiary of certain of the Funds, subject to approval being granted by MDEQ, for various projects in accordance with various regulations; and

WHEREAS, in March of 2023, East Oktibbeha received approval for ARPA matching funds for the benefit of the residences and businesses it serves; and

WHEREAS, on August 19, 2023 the Board of Supervisors approved moving forward with the project using GTPDD as the administrative pass-through and coordinator of the project, and it shall pass all bills unto the Oktibbeha County Board of Supervisors for approval to pay and;

WHEREAS, the Board of Supervisors has previously committed to developers and contractors that it supports future development and finds that the Development would benefit the residents of the County and the State of Mississippi for various reasons, including an increase in the ad valorem tax base; and

WHEREAS, the parties commit to use the matching ARPA funding as described in this MOU.

NOW THEREFORE, the Parties agree as follows.

1. The recitals above are incorporated into this MOU.
2. The County, by executing this MOU, is committing one million dollars (\$1,000,000) of ARPA funding to the City of Starkville's Wastewater treatment and sewage facility, as well as the matching funds from MDEQ of one million dollars (\$1,000,000).
3. Contractors of said project shall submit their bills or invoices on an ECDC Contractors Application for Payment with detailed attachments for review and approval of the project engineer to the City of Starkville for review and approval. The City shall then submit the approved invoice for payment request to GTPDD. GTPDD, acting as the administrator of ARPA funds for the County, shall review the payment request for reasonableness, necessity, and having the required form and detail. GTPDD shall then submit the approved payment request to the Oktibbeha County Board of Supervisors for approval and payment. The City, County, and East Oktibbeha shall coordinate to make payment requests to the State of Mississippi for matching funds through MDEQ's ARPA system. Funds received from MDEQ's ARPA system shall be paid as soon as reasonably practicable to ensure prompt payment.
4. The Parties to this MOU shall take such other steps as necessary to secure from MDEQ the matching funds available to plan and construct this project.
5. Any amendments to this Agreement shall be in writing and signed by all parties affected by such amendment or their respective successors and assigns.
6. This Agreement shall be governed by the laws of the State of Mississippi.

7. This Agreement may be executed in two or more counterparts, each and all of which shall be deemed an original and all of which together shall constitute but one and the same instrument.

8. This Agreement is consistent with, and a product of, a Resolution by the Oktibbeha County Board of Supervisors to Request and Accept Matching American Recovery Act Plan (ARPA) Funds in the Amount of \$1,000,000 by the State of Mississippi for the Ernest E. Jones Wastewater Treatment Plant Improvements in the City of Starkville executed and dated as of April 15, 2024.

8. If any clause, provision or paragraph of this Agreement be held illegal or invalid by any court, the illegality or invalidity of such clause, provision or paragraph shall not affect remaining clauses, provisions or paragraphs hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision or paragraph had not been contained herein.

OKTIBBEHA COUNTY, MISSISSIPPI

By: _____
Marvel Howard, President
Oktibbeha County Board of Supervisors

Attest: _____
Clerk of the Board

EAST OKTIBBEHA WAISTWATER DISTRICT

By: _____
CLIFTON CROSBY

Its: _____

GOLDEN TRIANGLE PLANNING AND
DEVELOPMENT DISTRICT

By: _____

Rudy Johnson

Its: _____

STARKVILLE, MISSISSIPPI

By: _____

D. Lynn Spruill, Mayor