

**COUNCIL AGENDA  
CITY OF CARTHAGE, MISSOURI  
TUESDAY, SEPTEMBER 24, 2019  
6:30 P.M. – COUNCIL CHAMBERS**

1. Call to Order
2. Invocation
3. Pledge of Allegiance to Flag
4. Calling of the Roll
5. Reading and Consideration of Minutes of Previous Meeting
6. Presentations/Proclamations

- Public Power Week

**7. Public Comments**

(Each person addressing the Council shall state their name and address or the organization or firm represented and is limited to no more than five (5) minutes. The time may be extended by the chair if deemed necessary. Once a person has had their say on a particular issue they are not permitted to once again speak on the issue unless called to answer any further questions by the Council or Chair)

8. Reports of Standing Committees
9. Reports from Special Committees and Board Liaisons
10. Report of the Mayor

**11. Reports/Remarks of Councilmembers**

(Each Councilmember is limited to no more than two (2) minutes. The time may be extended by the Chair if deemed necessary. Once a Councilmember has had their say on a particular issue they are not permitted to once again speak on the issue unless permitted by the Chair)

12. Administrative Reports
13. Report of Claims Presented Against the City
14. Public Hearings
15. Old Business

1. **C.B. 19-38** – An Ordinance authorizing the Mayor to execute a Memorandum of Understanding between the City of Carthage and the Jasper County Sheriff's Office providing for prisoner housing for inmates with municipal charges. (Budget Ways & Means)
2. **C.B. 19-39** – An Ordinance amending the Annual Operating and Capital Budget of the City of Carthage for fiscal year 2019-2020 for various funds. (Budget Ways & Means)
3. **C.B. 19-40** – An Ordinance authorizing the issuance of not to exceed \$4,501,000 principal amount of Combined Waterworks and Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2019 of the City of Carthage, Missouri, for the purpose of extending and improving the City's Combined Waterworks and Sewerage System; prescribing the form and details of the bonds and the

agreements made by the City to facilitate and protect their payment; and prescribing other related matters. (Budget Ways & Means)

16. New Business

17. Mayor's Appointments

18. Resolutions

1. **Resolution 1883** – A Resolution endorsing and supporting a request from the Carthage Planning, Zoning and Historic Preservation Commission presented by Carthage Historic Preservation (CHP) and authorizing the City of Carthage to submit an application for the Historic Preservation Fund Grant Program (HFP) – Planning and Outreach Grant – for a flooring restoration workshop in Carthage, Missouri. (Planning, Zoning & Historic Preservation)
2. **Resolution 1884** – A Resolution approving the declaration of certain materials and pieces of equipment as surplus to the City's needs and authorizing their disposition. (Staff)

19. Closing Comments

20. Executive Session

21. Adjournment

**PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING**

**MINUTES OF THE MEETING OF THE CITY COUNCIL  
CITY OF CARTHAGE, MISSOURI  
September 12, 2019**

The Carthage City Council met in regular session on the above date at 6:30 P.M. in the City Hall Council Chambers with Mayor Dan Rife presiding. Fire Chief Roger Williams gave the invocation and Police Chief Greg Dagnan led the flag salute.

The following Council Members answered roll call: Juan Topete, James Harrison, Ray West, David Armstrong, Mike Daugherty, Ceri Otero, Darren Collier, Alan Snow, Kirby Newport and Ed Barlow. City Administrator Tom Short and City Attorney Nate Dally were present.

The following Department Heads were present: Police Chief Greg Dagnan, Fire Chief Roger Williams, Public Works Director Zeb Carney, Parks & Recreation Director Mark Peterson and City Clerk Traci Cox.

Mr. Daugherty made a motion, seconded by Mr. Collier, to approve the minutes of the August 27, 2019 Council Meeting. Motion carried unanimously.

During Citizen's Participation Period: Robin Smith, Carthage Humane Society Secretary, reported on current events at the shelter.

Mr. Snow reported the Budget, Ways and Means Committee met on September 5. A MOU with the Jasper County Sheriff's Office for providing prisoner housing was approved and is being presented in C.B. 19-38. A budget adjustment was approved and is being presented in C.B. 19-39. The Committee authorized the funding for the CWEP WWTF. This appears in C.B. 19-40. Discussions for putting a Use Tax on the ballot resulted in a request for a C.B. to come before the next Budget Committee for consideration.

Ms. Otero reported the Committee on Insurance/Audit and Claims met on this date in the Council Chambers and approved the claims.

Mr. Harrison reported the Public Safety Committee is between meetings with the next meeting scheduled for September 16.

Mr. Topete reported the Public Services Committee is between meetings with the next meeting scheduled for September 17.

Mr. Daugherty reported the Public Works Committee Meeting scheduled for September 3 was cancelled due to a lack of business.

Special Committee and Board Liaison reports were given by Mr. Topete for the Tree Board and Kellogg Lake Board, Ms. Otero for the Harry S Truman Coordinating Council, the Carthage Humane Society, and Jasper County Commissioners, Mr. Collier for the Carthage Water & Electric Plant Board, and Mr. West for the Over Sixty Center.

Mayor Dan Rife reported on his attendance at the recent MML Conference in St. Charles.

During Reports of Council Members, Mr. Armstrong and Mr. West thanked the council for the opportunity to attend the MML Conference and thanked those who went, Mr. Harrison thanked the City Clerk for her assistance at the MML Conference.

Fire Chief Roger Williams gave an update on the operations at Station #2.

Parks Director Mark Peterson reported on a cross-country meet that was held at the golf course, he has been working with officials from USSSA Baseball regarding the possibility of hosting events in Carthage, and the disc golf tournament scheduled for Labor Day Weekend had a low turnout due to the weather, so another tournament may be held this fall.

City Administrator Tom Short reported on the following: MoDOT compliance review correspondence, sales tax revenues, MML Conference sessions, meetings with the Police Chief and Parks and Recreation Director to discuss organizational changes, and bond documents for SRF financing. Mr. Short stated the Budget Committee approved changes to the Economic Development Incentive Policy and those changes were included in the council packet. Mr. Armstrong made a motion, seconded by Mr. Snow, to approve the changes to the incentives regarding the Real Property Tax as presented. Motion carried. Mr. Short reported on the three bids received for lease purchases with Community National Bank & Trust bidding 2.15%. Mr. Snow made a motion, seconded by Mr. Armstrong, to accept the bid from Community National. Motion carried. Ms. Otero questioned why the City does the lease purchase option when funds are available. Mr. Short explained the equipment is being purchased from funds that do not have the reserves. Mr. Armstrong questioned why the individual equipment wasn't being discussed at departmental committees instead of the Budget Committee. Mr. Collier explained the equipment is included in the budget and funds were appropriated through the Budget Committee. Bids for purchasing the equipment will be taken to the departmental committees. Mr. Short also reported he is working on specifications for a compensation and benefits study that will be funded by interest received from a banking error.

The Committee on Claims filed a report in the amount of \$380,207.87 against the following funds: General Revenue \$63,489.39, Public Health \$4,506.60, Parks Stormwater \$80.00, Golf \$4,276.93, Lodging \$8,500.00, Civic Enhancement \$154.85, Parks & Rec \$98.06, Library \$15,000.00, Fire Protection \$672.12, Capital Improvements \$11,394.63 and Payroll \$272,035.29. Ms. Otero made a motion, seconded by Mr. Armstrong to accept the report and allow the claims. Motion carried.

There was no Old Business to conduct.

Under New Business, C.B. 19-38 – An Ordinance authorizing the Mayor to execute a

Memorandum of Understanding between the City of Carthage and the Jasper County Sheriff's Office providing for prisoner housing for inmates with municipal charges was placed on first reading with no action taken.

C.B. 19-39 – An Ordinance amending the Annual Operating and Capital Budget of the City of Carthage for fiscal year 2019-2020 for various funds was placed on first reading with no action taken.

C.B. 19-40 – An Ordinance authorizing the issuance of not to exceed \$4,501,000 principal amount of Combined Waterworks and Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2019 of the City of Carthage, Missouri, for the purpose of extending and improving the City's Combined Waterworks and Sewerage System; prescribing the form and details of the bonds and the agreements made by the City to facilitate and protect their payment; and prescribing other related matters was placed on first reading with no action taken.

During closing remarks, Mr. West and Mr. Snow discussed the Use Tax issue noting a unified plan must be in place for passage of the tax. Mr. Barlow congratulated Abi Almandinger on her new position with Vision Carthage, thanked Mr. Williams for the information he provided on Fire Station #2, and thanked the Street Department for taking care of a stormwater issue on Grant.

Mr. Barlow made a motion, seconded by Mr. Armstrong, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 7:11 PM.

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Dan Rife, Mayor

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Traci Cox, City Clerk

***PRESENTATIONS/  
PROCLAMATIONS***

# PROCLAMATION

**WHEREAS**, We the citizens of the community of Carthage, Missouri, have chosen to establish Carthage Water & Electric Plant (CWEP), a community, not for profit municipal electric utility; and

**WHEREAS**, CWEP provides reliable, efficient, and cost effective electricity in the community, employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

**WHEREAS**, CWEP is part of a community of over 2,000 public power systems in the United States that through consumer ownership ensure cost-cutting competition in the electrical energy industry to the benefit of electricity consumers everywhere; and

**WHEREAS**, Public Power Week has proven to be positive means to educate consumers and the general public about public power's public service mission; and

**NOW THEREFORE, BE IT RESOLVED**, that the week of October 6<sup>th</sup> through October 12<sup>th</sup>, 2019 be designated

## PUBLIC POWER WEEK

in order to honor CWEP, its consumer owners, and employees who work together to provide quality electric service to the community; and

**BE IT FURTHER RESOLVED**, that our community joins hands with other public power communities across the nation and celebrate the public benefits of public power for our local and national progress.

  
\_\_\_\_\_  
Dan Rife  
Mayor

***PUBLIC  
HEARINGS***

***OLD  
BUSINESS***

COUNCIL BILL NO. 19-38

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARTHAGE AND THE JASPER COUNTY SHERIFF'S OFFICE PROVIDING FOR PRISONER HOUSING FOR INMATES WITH MUNICIPAL CHARGES.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:**

**SECTION I:** The Mayor of the City of Carthage is hereby authorized to execute on behalf of the City of Carthage a Memorandum of Understanding between the City of Carthage and the Jasper County Sheriff's Office providing for prisoner housing for inmates with municipal charges.

**SECTION II:** That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

**SECTION III:** This ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

Sponsored by: Budget Committee



**Jasper County Sheriff's Office**

231 S. Main  
Carthage, MO 64836  
Sheriff Randee Kaiser

417-358-8177  
Fax: 417-359-8620

06-30-19

Term: This MOU is effective July 1<sup>st</sup>, 2019, and will expire June 30th, 2020. It may be extended for a term as mutually agreed to by the Parties. The terms of this MOU can be negotiated before the end of each calendar year, with changes to take effect January 1<sup>st</sup> of the following year.

The City will pay for 12 months of the current term in one lump sum. This sum will be \$47,245. Nature of the Project: The Jasper County Sheriff's Office will agree to provide prisoner housing for inmates with municipal charges.

Responsibilities: Under most circumstances, inmates will be transported by Carthage Police Department.

A list will be provided to the Detention Center at least 12 hours in advance of the inmates that will be transported to court.

Under most circumstances, inmates will be transported to the Jasper County jail after 1800 hours and will have been fed supper.

A 24-hour phone number of someone able to make decisions regarding release of municipal prisoners will be made available to the Detention Center.

Mayor Dan Rife

Date

\_\_\_\_\_

\_\_\_\_\_

Sheriff Randee Kaiser

Date

\_\_\_\_\_

\_\_\_\_\_

An Ordinance amending the Annual Operating and Capital Budget of the City of Carthage for fiscal year 2019-2020 for various funds.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:

SECTION I: The City of Carthage's 2019 - 2020 Annual Operating and Capital Budget for the Public Safety Grant Fund, is hereby amended to reflect a supplemental appropriation for the carry over grant from the Jasper County Law Enforcement Sales Tax Grant Board (LEST) projects previously approved in the Fiscal 2019 Budget that were unable to be completed that require a supplemental appropriation to the General Tools & Supplies line item from the unallocated and undesignated fund balance in the amount of \$16,201 to complete the grant purchases as approved.

SECTION II: The City of Carthage's 2019 - 2020 Annual Operating and Capital Budget for the Parks/Storm Water Fund, is hereby amended to reflect a supplemental appropriation for carry over projects previously approved in the Fiscal 2019 Budget that were unable to be completed due to weather or other unforeseen circumstances that require a supplemental appropriation to the Capital Outlay line item from the unallocated and undesignated fund balance;

Project #21 - FWV-College Ave. Carry-over	<u>\$3,400</u>
Project #22 - Pine St & Robertson Carry-over	<u>\$40,000</u>
Project #34 - Play Equipment at Fair Acres	<u>\$48,000</u>
Project #46 - Re-line Central Park Pool	<u>\$14,000</u>
Project #47 - Shelter House (Muni Park)	<u>\$30,200</u>
Project #48 - Storm water Pearl to Highland	<u>\$94,000</u>
Project #49 - Storm water Skylark to Buena Vista	<u>\$21,000</u>
Project #50 - Storm water 700 Block of Belle Aire Pl.	<u>\$2,500</u>

SECTION III: The City of Carthage's 2019 - 2020 Annual Operating and Capital Budget for the Fire Protection Fund, is hereby amended to reflect a supplemental appropriation for carry over projects previously approved in the Fiscal 2019 Budget that were unable to be completed due to weather or other unforeseen circumstances that require a supplemental appropriation to the Capital Projects line item from the unallocated and undesignated fund balance;

Project - Equipping Station #2 Carry-Over	<u>\$134,000</u>
Project - Update Warning Lighting, Markers and Equipment on Engine	<u>\$10,000.</u>

**SECTION IV:** The City of Carthage's 2019 - 2020 Annual Operating and Capital Budget for the **Capital Improvements Sales Tax Fund**, is hereby amended to reflect a supplemental appropriation to the Capital Projects line item for carry over projects previously approved in the Fiscal 2019 Budget that were unable to be completed due to weather or other unforeseen circumstances consisting of the following:

Project #043 - Fairview Ave.	<u>\$548,000</u>
Project #044 - Fire Station #2 Carry Over	<u>\$30,000;</u>

and a supplemental appropriation of \$80,000; \$50,000 for the Wayfinding Sign Program; and \$30,000 for installation of Lighting on the south leg of the Walking Trail located in the Fair Acres Sports Complex, all from the unallocated and undesignated fund balance.

**SECTION V:** This ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,**  
**2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

ORDINANCE NO. \_\_\_\_\_

OF THE

CITY COUNCIL

OF THE

CITY OF CARTHAGE, MISSOURI

PASSED SEPTEMBER 24, 2019

\_\_\_\_\_

AUTHORIZING:

NOT TO EXCEED \$4,501,000

COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS  
(STATE OF MISSOURI – DIRECT LOAN PROGRAM)  
SERIES 2019

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**AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,501,000 PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS (STATE OF MISSOURI – DIRECT LOAN PROGRAM) SERIES 2019 OF THE CITY OF CARTHAGE, MISSOURI, FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY’S COMBINED WATERWORKS AND SEWERAGE SYSTEM; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THEIR PAYMENT; AND PRESCRIBING OTHER RELATED MATTERS.**

WHEREAS, the City of Carthage, Missouri (the “City”), is a constitutional home rule city organized and existing under the constitution and laws of the State of Missouri; and

WHEREAS, the City now owns and operates a revenue producing combined waterworks and sewerage system, serving the City, its inhabitants and others within its service area, including connected and related appurtenances and facilities and extensions, improvements, additions and enlargements made or acquired by the City after the date of this Ordinance (the “System”); and

WHEREAS, the City desires to construct certain improvements to the System, such improvements to be financed by the issuance by the City pursuant to this Ordinance of its Combined Waterworks and Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2019 (the “Bonds”) in the maximum principal amount of \$4,501,000 (the “Maximum Principal Amount”); and

WHEREAS, to provide for the most cost-effective financing of the Project, the City desires to participate in the State of Missouri Direct Loan Program (the “Direct Loan Program”) of the Missouri Department of Natural Resources (“DNR”) and the Clean Water Commission of the State of Missouri (the “Commission”); and

WHEREAS, the City is authorized under the provisions of Chapter 250 of the Revised Statutes of Missouri, as amended (the “Act”), to issue and sell revenue bonds for the purpose of paying all or part of the cost of extending and improving the System, with the cost of operation and maintenance of the System and the principal of and interest on revenue bonds payable solely from the Net Revenues (as defined below); and

WHEREAS, pursuant to the Act, a special bond election was duly held in the City on August 5, 2014 (the “Election”) on the following question:

**QUESTION**

Shall the City of Carthage, Missouri, issue its combined water and wastewater system revenue bonds in an amount not to exceed \$6,000,000 for the purpose of renovating, constructing, improving and enlarging its combined water and wastewater system, including the costs to renovate and improve the City’s sewer treatment plant to be compliant with state and federal regulations and to add capacity and efficiency to the operation of the sewer treatment plant, the cost of operation and maintenance of said combined water and wastewater system and the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its combined water and wastewater system, including all future extensions and improvements thereto?

and it was found and determined that more than a simple majority of the qualified electors of the City voting on the question had voted in favor of the question, the vote having been 1,513 votes for the question and 354 votes against the question; and

WHEREAS, none of the bonds authorized at the Election have been issued and the City finds and determines that it is necessary and advisable and in the best interest of the City and of its inhabitants to issue an amount not to exceed \$4,501,000 of the bonds so authorized; and

WHEREAS, the City Council (the "Governing Body") of the City has caused plans and specifications for the Project and a cost estimate to be made by the Consulting Engineer (as defined below); and

WHEREAS, the plans and specifications and the cost estimate for the Project have been accepted and approved and are on file in the office of the City Clerk, the estimated cost thereof being not less than the Maximum Principal Amount and other available funds of the Participant; and

WHEREAS, the City, upon the issuance of the Bonds, will not have outstanding any other bonds or other obligations payable solely from, and secured by a pledge of, the Net Revenues other than the Bonds; and

WHEREAS, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and its inhabitants that revenue bonds be issued and secured in the form and manner provided in this Ordinance and be sold to DNR under the Direct Loan Program, and to provide the remainder of costs of extending and improving the System that may be required from subsequent issues of bonds, grants or funds of the City otherwise available.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, AS FOLLOWS:

## ARTICLE I

### DEFINITIONS

Section 101. Definition of Words and Terms. Capitalized words and terms not otherwise defined in this Ordinance have the meanings set forth in the Purchase Agreement and the Escrow Agreement (each as defined below). In addition to the foregoing and words and terms defined in the Recitals and elsewhere in this Ordinance, capitalized words and terms have the following meanings in this Ordinance:

"Administrative Expense Fund" means the fund designated as such and established by Section 4 of the Escrow Agreement. The Administrative Expense Fund does not constitute part of the Direct Loan Program.

"Administrative Fee" means the semiannual administrative fee of DNR equal to 0.25% of the aggregate amount of the Bonds Outstanding as of each Administrative Fee Calculation Date (including the final maturity date of the Bonds), payable to the Paying Agent within 30 days after the City's receipt of a statement from the Paying Agent for deposit to the Administrative Expense Fund and subsequent transfers to DNR as described in Section 9 of the Escrow Agreement.

"Administrative Fee Calculation Date" means the Business Day preceding each Principal Payment Date.

“Authority” means the State Environmental Improvement and Energy Resources Authority, a body corporate and politic and a governmental instrumentality of the State.

“Authority Program Bonds” means any bonds of the Authority issued under the SRF Leveraged Program, all or a portion of the proceeds of which are loaned to the City pursuant to the SRF Leveraged Program.

“Authorized Representative” means the representative of the City designated as such by the City in accordance with the Regulations.

“BABs Interest Subsidy Payments” means any payments to be received by the City from the U.S. Department of the Treasury under Section 54AA or Section 6431 of the Internal Revenue Code of 1986, as amended, in connection with the payments of interest on System Revenue Bonds.

“Bond Debt Service” means the amount of the principal of and interest due on the Bonds on the date of calculation required in this Ordinance.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“Bonds” means the Combined Waterworks and Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2019, authorized and issued under this Ordinance.

“Closing Date” means the date of the initial issuance and delivery of the Bonds.

“Construction Fund” means the Construction Fund established by Section 4 of the Escrow Agreement.

“Consultant” means the Consulting Engineer, a registered municipal advisor, an independent certified public accountant or a firm of independent certified public accountants.

“Consulting Engineer” means each independent engineer or engineering firm with experience in designing and constructing wastewater treatment, sanitary sewerage, water pollution control facilities and water production and transmission facilities and retained by the City.

“Cumulative Principal Amount Outstanding” means the sum of (a) the purchase price of the Bonds paid by the Owner to the Paying Agent on the Closing Date in accordance with the Purchase Agreement and deposited into the funds pursuant to Section 403, plus (b) each additional Purchase Price Installment, as notated on the Bonds by the Paying Agent, less (c) the principal amount redeemed pursuant to Article III.

“Current Expenses” means all reasonable and necessary expenses of ownership, operation, maintenance and repair of the System and keeping the System in good repair and working order, determined in accordance with accounting principles generally accepted in the United States of America, including current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, Administrative Fee, paying agent fees and expenses, annual audits, periodic Consultant’s reports, properly allocated share of charges for insurance, the cost of purchased water, gas and power, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, short-term obligations incurred and payable within a particular Fiscal Year, obligations incurred for the purpose of leasing (pursuant to a true or operating lease) equipment,

fixtures, inventory or other personal property, and all other expenses incident to the ownership and operation of the System, but excluding interest paid on, and swap, hedge or other interest-like payments made with respect to, System Revenue Bonds, depreciation, amortization and other noncash charges (including payments into the Depreciation and Replacement Account), and all general administrative expenses of the City not related to the operation of the System.

“Debt Service Fund” means the Debt Service Fund established by Section 4 of the Escrow Agreement.

“Defeasance Securities” means:

- (a) Federal Securities;
- (b) obligations of the Resolution Funding Corporation or any successor, but only if the use of the obligations to pay and discharge Bonds pursuant to Article X will cause the discharged Bonds to be rated in the highest long-term category by the Rating Agency; or
- (c) obligations of any state of the United States of America or of any agency, instrumentality or local government unit of any state that:
  - (i) are not callable at the option of the obligor prior to maturity or for which irrevocable instructions have been given by the obligor to call on the date specified in the instructions, and
  - (ii) are fully secured as to principal, redemption premium and interest by a fund, consisting of cash or Federal Securities, that:
    - (A) may be applied only to the payment of principal, redemption premium and interest on the obligations, and
    - (B) is sufficient, as verified by an independent certified public accountant, to pay the principal, redemption premium and interest on the obligations.

“Depreciation and Replacement Account” means the fund or account designated as such and created or ratified by Section 401.

“Escrow Agreement” means the Escrow Trust Agreement between the City and the Paying Agent, as supplemented, modified or amended in accordance with its terms, related to the Bonds.

“Federal Securities” means any direct obligation of, or obligation the timely payment of the principal of and interest on which is unconditionally guaranteed by, the United States of America and backed by its full faith and credit.

“Funds Transfer Method” means electronic transfer in immediately available funds, automated clearing house (ACH) funds, or other method approved by DNR at the written request of the City with written notice to the Paying Agent.

“Interest Payment Date” means each January 1 and July 1, commencing July 1, 2020.

“Interest Rate” means the annual rate equal to 30% of the Revenue Bond Index as published in *The Bond Buyer* most recently prior to the Closing Date, rounded up to the nearest 0.01%.

“Investment Securities” means any securities or investments that are legal for the investment of funds of the City at the time of purchase.

“Net Revenues” means Revenues less Current Expenses.

“Operation and Maintenance Account” means the fund or account designated as such and created or ratified by Section 401.

“Ordinance” means this Ordinance as from time to time amended in accordance with its terms.

“Outstanding” means, as of the date of determination, all Bonds issued and delivered under this Ordinance, except:

(1) Bonds canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(2) Bonds for the payment of the principal or redemption price of and interest on which money or Defeasance Securities are held under Section 1001;

(3) Bonds in exchange for which, or in lieu of which, other Bonds have been registered and delivered pursuant to this Ordinance; and

(4) Bonds allegedly mutilated, destroyed, lost, or stolen and paid under Section 208.

“Owner” means DNR or any assignee, successor or transferee of DNR under the Direct Loan Program or the SRF Leveraged Program.

“Parity Bonds” means any parity bonds or other obligations issued under Section 802 payable solely from, and secured by a pledge of, the Net Revenues on a parity basis with the Bonds.

“Parity Ordinance” means the ordinances under which any Parity Bonds are issued.

“Paying Agent” means UMB Bank, N.A., the paying agent and escrow agent, and its successors and assigns acting at any time as Paying Agent and Escrow Agent under this Ordinance and the Escrow Agreement.

“Principal Payment Date” means each January 1 and July 1, commencing January 1, 2022, and any date on which the Bonds are optionally redeemed in accordance with Section 301.

“Purchase Agreement” means the Purchase Agreement between the City and DNR, as supplemented, modified or amended in accordance with its terms, related to the Bonds.

“Purchase Price Installment” means the amount paid by DNR from time to time in accordance with Section 3.3 of the Purchase Agreement and deposited in the Construction Fund or otherwise in accordance with Section 403.

“Quarterly Payment Date” means each March 15, June 15, September 15 and December 15, commencing March 15, 2020.

“Rating Agency” means Moody’s Investors Service, Inc. or S&P Global Ratings, a division of S&P Global Inc., and their respective successors.

“Record Date” means the 25th day (whether or not a Business Day) of the calendar month next preceding the applicable Interest Payment Date.

“Repayment Fund” means the fund designated as such and established by Section 4 of the Escrow Agreement. The Repayment Fund does not constitute part of the Direct Loan Program.

“Revenue Fund” means the fund or account designated as such and created or ratified by Section 401.

“Revenues” means all income and revenues derived by the City from the System, including investment and rental income, net proceeds from business interruption insurance, sales tax revenues and/or other moneys that have been annually appropriated by the City or that are limited solely to the payment of improvements to or expenses of the System, and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on System Revenue Bonds, but excluding any profits or losses on the early extinguishment of debt or on the sale or other disposition of investments or fixed or capital assets not in the ordinary course of business.

“SRF Leveraged Program” means the Missouri Leveraged State Drinking Water Revolving Fund Program and the Missouri Leveraged State Water Pollution Control Revolving Fund Program.

“SRF Leveraged Program Bonds” means any bonds of the City issued in connection with the City’s participation in the SRF Leveraged Program.

“SRF Subsidy” means the amount of investment earnings that will accrue on the Reserve Account during each Fiscal Year (taking into account scheduled transfers from the Reserve Account that will occur upon the payment of principal on Authority Program Bonds and assuming that the construction for the applicable project has been completed), if the balance in the Reserve Account is equal to the Reserve Percentage of the principal amount of the SRF Leveraged Program Bonds outstanding, the Reserve Account is invested in an investment agreement at a fixed rate during the calculation period and earnings are reduced by the Administrative Fee payable to DNR. “Administrative Fee,” “Reserve Account” and “Reserve Percentage” as used in this definition have the respective meanings set forth in the bond indentures for the applicable Authority Program Bonds.

“State” means the State of Missouri.

“Stated Maturity” means January 1, 2041, the final maturity date of the Bonds.

“Subsidy Payments” means funds received (or with respect to Section 802(a)(2)(B) funds that are reasonably expected to be received) by the City that either (a) must be used or (b) have been used (or with respect to Section 802(a)(2)(B) are reasonably expected to be used) to reduce the interest or principal payments on System Revenue Bonds. Such Subsidy Payments would include, but are not limited to, BABs Interest Subsidy Payments, SRF Subsidy and other payments received by the City through a federal or State program.

“Surplus Account” means the fund or account created or ratified in Section 401.

“System Revenue Bonds” means, collectively, the Bonds, the Parity Bonds and all other revenue bonds or obligations that are payable solely from, and secured by a pledge of, the Net Revenues.

“User Charge Ordinance” means Ordinance No. \_\_\_\_\_ adopted by the Governing Body of the City on \_\_\_\_\_, 20 \_\_\_\_, and as amended, supplemented or replaced.

## ARTICLE II

### AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. The Bonds are authorized and directed to be issued in the Maximum Principal Amount subject to the terms and for the purposes of this Ordinance. Upon the Completion of Funding pursuant to the Purchase Agreement, the principal amount of the Bonds issued under this Ordinance will be the Cumulative Principal Amount Outstanding as of the Completion of Funding plus the principal amount previously redeemed pursuant to Article III. The remaining voted authorization, if any, under the Election will be the voted amount less the sum of the amount previously issued as described in the Recitals and the amount issued as calculated pursuant to the preceding sentence.

Section 202. Security for Bonds. The Bonds are special, limited obligations of the City payable solely from, and secured by a pledge of, the Net Revenues. The taxing power of the City is not pledged to the payment of the Bonds. The Bonds do not constitute a general obligation of the City or an indebtedness of the City within the meaning of any constitutional or statutory provision, limitation or restriction.

Section 203. Description of Bonds. The Bonds consist of fully-registered bonds numbered from R-1 consecutively upward, in the denomination of \$100 or any integral multiple of \$0.01 in excess thereof. The Bonds will be issued in substantially the form of Exhibit A and will be registered, transferred and exchanged as provided in Section 206. The Bonds are dated as of the Closing Date. The Bonds will mature and become due on the Stated Maturity (subject to optional and mandatory redemption prior to Stated Maturity as provided in Article III). The Bonds will bear interest on the Cumulative Principal Amount Outstanding at the Interest Rate from the Closing Date and the date of receipt of each Purchase Price Installment by the Paying Agent pursuant to the Purchase Agreement (as set forth on Schedule A to a Bond) or from the most recent Interest Payment Date to which interest has been paid or provided for. Interest is computed on the basis of a 360-day year of twelve 30-day months and is payable on each Interest Payment Date.

Section 204. Designation of Paying Agent. The City has designated the Paying Agent as the City’s paying agent for the payment of the principal of and interest on the Bonds, bond registrar for the registration, transfer and exchange of Bonds and escrow agent with respect to the funds and accounts established with the Paying Agent under the Escrow Agreement.

Section 205. Method and Place of Payment of Bonds.

(a) Payment of the Bonds will be made with any coin or currency that is legal tender for the payment of debts due the United States of America on the payment date.

(b) The payment of the principal of and redemption premium, if any, payable on each Bond at Stated Maturity or upon earlier redemption and the interest payable on each Bond on any Interest Payment Date will be made by check or draft mailed by the Paying Agent to the address of the Owner shown in the Bond Register. The principal of and redemption premium, if any, and interest on the Bonds is payable by electronic transfer in immediately available federal funds to a bank in the continental United States of America pursuant to instructions from any Owner received by the Paying Agent prior to the Record Date.

(c) Payments of principal on the Bonds pursuant to Article III may be made directly to the Owner without surrender of any Bond to the Paying Agent. Accordingly, any transferee of a Bond should verify with the Paying Agent the principal of the Bond outstanding prior to such purchase or transfer, and the records of the Paying Agent shall be conclusive for such purposes.

(d) The Paying Agent will keep a record of payment of the principal, redemption premium, if any, and interest on all Bonds and, at least annually, at the written request of the City, will forward a copy or summary of the record of payments to the City.

(e) The Bonds will be held by the Paying Agent in trust for each Owner, unless the Paying Agent is otherwise directed in writing by an Owner.

Section 206. Registration, Transfer and Exchange of Bonds.

(a) The City will cause the Paying Agent to keep the Bond Register. Each Bond when issued will be registered in the name of the Owner on the Bond Register. Bonds will be transferred and exchanged only upon the Bond Register.

(b) Upon surrender of any Bond at the payment office of the Paying Agent in St. Louis, Missouri (or other office designated by the Paying Agent), the Paying Agent will transfer or exchange the Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. All Bonds presented for transfer or exchange must be accompanied by a written instrument of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the Owner or by the Owner's authorized agent. All Bonds presented for transfer or exchange must be surrendered to the Paying Agent for cancellation.

(c) For every exchange or transfer of Bonds the City or the Paying Agent may levy a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid for the exchange or transfer. The person requesting the exchange or transfer must pay the charge. Payment of the charge is a condition precedent to the exchange or transfer. If any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against the Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Internal Revenue Code of 1986, as amended, this amount may be deducted by the Paying Agent from amounts payable to the Owner under this Ordinance and the Bonds.

(d) The City and the Paying Agent will treat the person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bond, whether or not payment of the Bond is overdue, for the purpose of receiving payment of the principal of, redemption premium, if any, and interest on the Bond and for all other purposes. All payments made to any Owner or upon the Owner's order will be valid and effective to satisfy and discharge the City's liability for payment of the Bond to the extent of the sum or sums paid. Neither the City nor the Paying Agent will be affected by any notice to the contrary.

(e) At reasonable times and under reasonable rules established by the Paying Agent, the Owners of 25% or more in principal amount of the Outstanding Bonds, or their representative designated in a manner satisfactory to the Paying Agent, may inspect and copy the Bond Register.

**Section 207. Execution, Authentication and Delivery of Bonds.**

(a) Each Bond must be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and have the official seal of the City affixed or imprinted thereon. If any officer whose manual or facsimile signature appears on any Bond ceases to be an officer before the delivery of any Bond signed by the officer, the manual or facsimile signature on the Bond will be valid and sufficient for all purposes of this Ordinance.

(b) The Mayor and the City Clerk are directed to prepare and execute the Bonds as specified in this Article, and when executed, to deliver the Bonds to the Paying Agent for authentication. Each Bond will be authenticated by any authorized signatory of the Paying Agent. No Bond is entitled to any security or benefit under this Ordinance or is valid or obligatory for any purpose until authenticated by the Paying Agent.

(c) Prior to the Completion of Funding, promptly upon the receipt by the Paying Agent of each Purchase Price Installment paid by the Owner in accordance with the Purchase Agreement, an authorized signatory of the Paying Agent will endorse Schedule A to a Bond with the date of receipt of the Purchase Price Installment, the amount of the Purchase Price Installment and the resulting Cumulative Principal Amount Outstanding. No further entries to Schedule A will be made after the Completion of Funding.

**Section 208. Mutilated, Destroyed, Lost and Stolen Bonds.**

(a) If (i) any mutilated Bond is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to their satisfaction of the mutilation, destruction, loss or theft of any Bond, and (ii) there is delivered to the City and the Paying Agent security or indemnity as required by them, in the absence of notice to the City or the Paying Agent that the Bond has been acquired by a bona fide purchaser, the City will execute and the Paying Agent will register and deliver, in exchange for or in lieu of any mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount. If the Bond has become or is about to become due, the City may pay the Bond instead of issuing a new Bond.

(b) Upon the issuance of any new Bond under this Section, the City or the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge imposed and any other expenses (including the fees and expenses of the Paying Agent) connected with the issuance of the Bond.

(c) Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost or stolen Bond will constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost or stolen Bond is enforceable by anyone at any time, and will be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

**Section 209. Cancellation and Destruction of Bonds Upon Payment.** All Bonds that have been paid or redeemed or that have otherwise been surrendered to the Paying Agent, either at or before Stated Maturity, will be canceled immediately upon the payment or redemption and the Paying Agent's receipt of the Bonds. The Paying Agent will periodically destroy canceled Bonds. The Paying Agent will execute a certificate in duplicate describing the destroyed Bonds and file an executed counterpart of the certificate with the City.

Section 210. Sale of the Bonds; Authorization and Execution of Documents.

(a) The Bonds will be sold to the Owner at the purchase price of 100% of the initial Purchase Price Installment paid on the Closing Date plus each Purchase Price Installment made by the Owner thereafter pursuant to Section 3.3 of the Purchase Agreement, without accrued interest.

(b) The City is authorized to enter into the Purchase Agreement and the Escrow Agreement, in substantially the forms presented to the Governing Body. The Mayor is authorized to execute the Purchase Agreement and the Escrow Agreement for and on behalf of and as the act and deed of the City, with changes approved by the Mayor, which approval will be conclusively evidenced by the signature of the Mayor of the City. The Mayor is further authorized and directed to execute other documents, certificates and instruments that are necessary or desirable to carry out the intent of this Ordinance. The City Clerk is authorized and directed to attest the execution of the Purchase Agreement, the Escrow Agreement and any other documents, certificates and instruments that are necessary or desirable to carry out the intent of this Ordinance.

Section 211. Administrative Fee and Paying Agent's Fee. Subject to Section 202, the City will pay to the Paying Agent, within 30 days after receipt of a statement from the Paying Agent, (a) the Administrative Fee, and (b) an amount equal to the Paying Agent's fees and expenses as provided in the Escrow Agreement.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption. At the option of the City, with the prior written consent of the Owner, Bonds may be called for redemption and payment prior to the Stated Maturity thereof in whole or in part at any time, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption. If an optional redemption is in part, the principal amount for each Principal Payment Date following the optional redemption will be reduced on a proportionate basis (to the nearest \$0.01). If the Bonds are optionally redeemed prior to the Stated Maturity thereof, the Owner may require the payment by the City of a sum sufficient to cover any professional costs, fees and expenses (including the fees and expenses of the Paying Agent and other consultants (legal, financial or otherwise) of the Owner and the Authority) incurred in connection with the early redemption of the Bond.

Section 302. Mandatory Redemption Provisions.

(a) The Bonds are subject to mandatory sinking fund redemption in part, at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date, on the Principal Payment Dates and in the principal amounts as set forth on Exhibit B.

(b) If upon the Completion of Funding, the Cumulative Principal Amount Outstanding is less than the Maximum Principal Amount (disregarding any scheduled redemptions above that have occurred prior to the Completion of Funding), the principal amount for each Principal Payment Date following the Completion of Funding will be reduced on a proportionate basis (to the nearest \$0.01).

Section 303. Revisions to Exhibit B; Selection of Bonds Upon Partial Redemption.

(a) Upon the partial redemption of the Bonds pursuant to Section 301 or if Section 302(b) is applicable, the Owner will provide a replacement Exhibit B, reflecting the reductions to the principal amounts, to the Paying Agent and the City, which will be binding on the City absent manifest error and will

replace the previous Exhibit B without any further action on the part of the City. The revised Exhibit B is subject to such verification requirements as may be reasonably established by the Paying Agent.

(b) The redemption of the Bonds in part will be reflected in the records maintained by the Paying Agent.

Section 304. Notice and Effect of Call for Redemption.

(a) No notice of the mandatory redemption of Bonds is required to be given. If the Bonds are being optionally redeemed, notice of redemption will be given in the manner described below. Unless waived by any Owner of Bonds to be redeemed, the Paying Agent, on behalf of the City, will give notice by mailing a redemption notice, at least 15 days, but not more than 30 days, prior to the date fixed for redemption, to the Owner of Bonds to be redeemed at the address shown on the Bond Register.

(b) All redemption notices will be dated and include the following information:

(1) the redemption date,

(2) the redemption price, consisting of the principal amount, redemption premium, if any, and interest to the redemption date,

(3) if less than all Outstanding Bonds are to be redeemed, the identification number, if any, Stated Maturity and, in the case of partial redemption of any Bond, the respective principal amounts of the Bonds to be redeemed,

(4) a statement that on the redemption date the redemption price will become due and payable upon each Bond or portion of a Bond called for redemption, and that interest ceases to accrue on the redeemed amount from and after the redemption date, and

(5) the address of the principal office of the Paying Agent where the Bonds must be surrendered for payment of the redemption price.

(c) If notice of redemption has been given or waived, the Bonds or portions to be redeemed will become due and payable on the redemption date at the redemption price specified in the notice. From and after the redemption date (unless the City defaults in the payment of the redemption price), the called Bonds will cease to bear interest. Upon the surrender of Bonds for payment of the redemption price in accordance with the notice, the Paying Agent will pay the redemption price to the applicable Owners.

## ARTICLE IV

### RATIFICATION AND ESTABLISHMENT OF FUNDS AND ACCOUNTS

Section 401. Ratification and Establishment of Funds and Accounts.

(a) The following separate funds and accounts are hereby created in the treasury of the City, known respectively as the:

(1) Combined Waterworks and Sewerage System Revenue Fund (the "Revenue Fund");

(2) Combined Waterworks and Sewerage System Operation and Maintenance Account (the “Operation and Maintenance Account”);

(3) Combined Waterworks and Sewerage System Depreciation and Replacement Account (the “Depreciation and Replacement Account”); and

(4) Combined Waterworks and Sewerage System Surplus Account (the “Surplus Account”).

(b) The City hereby establishes the following special funds and accounts with the Paying Agent under the Escrow Agreement:

(1) the Debt Service Fund;

(2) the Construction Fund;

(3) the Repayment Fund, consisting of the Principal Account and the Interest Account;  
and

(4) the Administrative Expense Fund.

Section 402. Administration of Funds and Accounts. The funds and accounts described in Section 401(a) will be maintained and administered by the City under this Ordinance while the Bonds are outstanding. The funds and accounts described in Section 401(b) will be maintained and administered by the Paying Agent pursuant to the Escrow Agreement while the Bonds are Outstanding.

Section 403. Deposits and Application of Bond Proceeds.

(a) The proceeds received from the sale of the Bonds on the Closing Date will be deposited upon the delivery of the Bonds into the Construction Fund and the Administrative Expense Fund as provided in the Escrow Agreement. Thereafter, each Purchase Price Installment will be deposited into the Construction Fund.

(b) Moneys in the Construction Fund will be disbursed to the City for the sole purpose of paying the Eligible Costs of the Project in accordance with the plans and specifications prepared by the Consulting Engineer, previously approved by the Governing Body and DNR and on file in the office of the City Clerk, including any alterations in or amendments to the plans and specifications approved by the Governing Body and DNR with the advice of the Consulting Engineer.

(c) Requisitions will be submitted for funding of the Purchase Price Installments and resulting withdrawals from the Construction Fund in accordance with Article III of the Purchase Agreement. Funds will be disbursed from the Administrative Expense Fund as provided in the Escrow Agreement.

## ARTICLE V

### APPLICATION OF REVENUES

Section 501. Revenue Fund. The City covenants and agrees that from and after the delivery of the Bonds and so long as any of the Bonds remain outstanding and unpaid, all Revenues derived and collected by the City will be deposited into the Revenue Fund when received. The Revenues will be

segregated from all other moneys, revenues, funds and accounts of the City. The Revenue Fund will be administered and applied solely for the purposes and in the manner provided in this Ordinance and any other ordinance with respect to System Revenue Bonds.

**Section 502. Application of Moneys in Funds and Accounts.**

(a) The City will apply moneys in the Revenue Fund on the dates, in the amounts and in the order as follows:

(1) *Operation and Maintenance Account.* On the first day of each month, to the Operation and Maintenance Account an amount sufficient to pay the estimated cost of operating and maintaining the System during the month, which amount shall include on the dates required by Section 211, transfers to the Paying Agent for further deposit to the Administrative Expense Fund, the amounts required to pay the Administrative Fee and the Paying Agent's Fees and expenses;

(2) *Repayment Fund and Debt Service Account.* On a parity basis (i) at the times required under any Parity Bond Ordinance, to the debt service fund established for the payment of principal and interest on Parity Bonds under the provisions of the Parity Ordinance and (ii) by the Funds Transfer Method, on each Quarterly Payment Date, to the Paying Agent for credit to the Interest Account and the Principal Account of the Repayment Fund:

(A) to the Interest Account of the Repayment Fund, on March 15, 2020, and on each Quarterly Payment Date thereafter, 1/2 of the amount of interest due on the Bonds on the next Interest Payment Date with the balance in the Debt Service Fund and the Interest Account on an Interest Payment Date after the payment of the principal of and interest due on the Bonds on the Interest Payment Date to be credited against the next succeeding Quarterly Payment; provided that prior to the Completion of Funding,

(i) the investment earnings on the Construction Fund for the preceding calendar quarter will be credited against the next Quarterly Payment,

(ii) for purposes of the first Quarterly Payment of each Interest Period, the amount of interest due on the next Interest Payment Date will be estimated based upon an expected disbursement schedule for the Interest Period provided by the City to DNR and the Paying Agent, and

(iii) for purposes of the second Quarterly Payment of each Interest Period, the interest due on the next Interest Payment Date will be calculated by the Paying Agent based upon Purchase Price Installments funded at least three Business Days prior to the Quarterly Payment Date and the second Quarterly Payment calculated so that the amount on deposit in the Interest Account after receipt of the second Quarterly Payment will equal interest payable on the Bonds on the Interest Payment Date; and

(B) to the Principal Account of the Repayment Fund, on September 15, 2021, and on each Quarterly Payment Date thereafter, 1/2 of the principal due on the Bonds on the next succeeding Principal Payment Date, whether at Stated Maturity or upon mandatory sinking fund redemption. If the Initiation of Operations specified in the certificate delivered by the City under Section 3.5 of the Purchase Agreement is earlier than the expected Initiation of Operations, (i) the first quarterly installment of principal of the Bonds will be paid no later than the Quarterly Payment Date that is not more than 12 months after

the Initiation of Operations, and (ii) on the Quarterly Payment Date that is not more than 20 years after the Initiation of Operations, all remaining unpaid principal installments of the Bonds will be paid;

(3) *Depreciation and Replacement Account.* After all payments and credits required at the time to be made under the provisions of paragraphs (1) and (2) of this subsection have been made, there shall next be paid and credited to the Depreciation and Replacement Account the following amounts each month:

October 15, 2019 through September 15, 2024	\$1,448.75
October 15, 2024 through September 15, 2029	\$1,680.00
October 15, 2029 through September 15, 2034	\$1,947.50
October 15, 2034 through September 15, 2039	\$2,257.50

Except as provided in Section 503, moneys in the Depreciation and Replacement Account shall be expended and used by the City, if no other funds are available therefor, solely for the purpose of making replacements and repairs in and to the System as may be necessary to keep the System in good repair and working order and to assure the continued effective and efficient operation thereof. The amounts required to be paid and credited to the Depreciation and Replacement Account shall be exclusive of any amounts at the time required to be paid and credited to the Account under the provisions of the Parity Bond Ordinances; and

(5) *Surplus Account.* On each Quarterly Payment Date, the remaining balance to the Surplus Account. Moneys in the Surplus Account are to be expended for the following purposes as determined by the Governing Body:

(1) paying the cost of the operation, maintenance and repair of the System to the extent necessary after the application of the moneys held in the Operation and Maintenance Account and the Depreciation and Replacement Account;

(2) paying the cost of extending, enlarging or improving the System;

(3) preventing default in, anticipating payments into or increasing the amounts in the accounts confirmed or established in Section 401, the Principal Account, the Interest Account or the Depreciation and Replacement Account, or establishing or increasing the amount of any debt service account or debt service reserve account created by the City for the payment of any System Revenue Bonds subsequently issued;

(4) redeeming and paying prior to Stated Maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding the call price (if any bonds are callable), the Bonds or any other System Revenue Bonds hereafter issued under the conditions hereinafter specified and standing on a parity with the Bonds, including principal, redemption premium, if any, and interest; or

(5) subject to Section 502(c), any other lawful purpose in connection with the operation of the System and benefiting the System including, but not limited to, payments with respect to bonds or other obligations of the System.

(b) All amounts paid and credited to the Operation and Maintenance Account will be expended solely for the purpose of paying the Current Expenses of the System.

(c) No moneys derived by the City from the System will be diverted to the general governmental or municipal functions of the City.

(d) If the deposits to the Operation and Maintenance Account (the "OM Deposits") required under this Section are greater than the OM Deposits required in the User Charge Ordinance, the OM Deposits under the User Charge Ordinance will be deemed a credit toward OM Deposits required under this Section. If the OM Deposits required under this Section are less than those required in the User Charge Ordinance, OM Deposits under this Section will be deemed a credit to OM Deposits required under the User Charge Ordinance.

**Section 503. Deficiency of Payments into Funds and Accounts.**

(a) If the Revenues are insufficient to make any payment on any date specified in this Article, the City will make good the amount of the deficiency by making additional payments out of the first available Revenues for application in the order specified in Section 502.

(b) If the moneys in the Principal Account or the Interest Account are not sufficient to pay the principal of and interest on the Bonds as and when the same become due, the City will apply moneys in the Surplus Account and the Depreciation and Replacement Account to the Principal Account and the Interest Account to prevent any default in the payment of the principal of and interest on the Bonds

**Section 504. Transfer of Funds to Paying Agent.** The City Clerk is authorized and directed to make the payments to the Principal Account and the Interest Account as provided in Section 502, and, to the extent necessary to prevent a default in the payment of any System Revenue Bonds, from the Surplus Account and from the Depreciation and Replacement Account as provided in Sections 502 and 503, sums sufficient to pay the System Revenue Bonds when due, and to forward amounts to the Paying Agent by the Funds Transfer Method that ensures the Paying Agent will have sufficient available funds on or before the second Business Day immediately preceding the dates when payments on the Bonds are due. Upon the payment of all principal and interest on the Bonds, the Paying Agent will return any excess funds to the City. Except as otherwise provided in the Escrow Agreement, all moneys deposited by the City with the Paying Agent are subject to the provisions of this Ordinance.

**Section 505. Business Days.** If any date for the payment of principal of, or redemption premium, if any, or interest on the Bonds or the taking of any other action hereunder is not a Business Day, then such payment shall be due, or such action shall be taken, on the first Business Day thereafter with the same force and effect as if made on the date fixed for payment or performance.

## ARTICLE VI

### INVESTMENT OF MONEYS

**Section 601. Investment of Moneys.** Moneys held in any fund or account referred to in this Ordinance may be invested in Investment Securities; provided, however, that any fund or account held by the Paying Agent shall be invested as provided in Section 11 of the Escrow Agreement. No such investment will be made for a period extending longer than the date when the money invested may be needed. All earnings on any investments held in any fund or account will accrue to the applicable fund or account. In determining the amount held in any fund or account under this Ordinance, obligations will be valued at the lower of cost or market value. If the amount in any fund or account held within the Treasury of the City is greater than the required amount, the City may transfer the excess to the Revenue Fund.

## ARTICLE VII

### PARTICULAR COVENANTS OF THE CITY

Section 701. Efficient and Economical Operation; User Charge Ordinance. The City will continuously own and will operate the System in an efficient and economical manner and will keep and maintain the System in good repair and working order. The City has duly approved the User Charge Ordinance and will enforce the provisions thereof.

Section 702. Rate Covenant. The City will fix, establish, maintain and collect rates, fees and charges for the use and services furnished by or through the System to produce income and revenues sufficient to (a) pay the costs of the operation and maintenance of the System; (b) pay the principal of and interest on the Bonds as and when due; (c) enable the City to have in each Fiscal Year Net Revenues of not less than 110% of the amount required to be paid by the City in the Fiscal Year on account of both principal of and interest on all System Revenue Bonds at the time outstanding, provided that (i) interest on any System Revenue Bonds will be reduced by Subsidy Payments, if any, and (ii) principal and/or interest on any System Revenue Bonds will be reduced by amounts deposited in trust or escrowed for the payment thereof with the Owner or commercial bank or trust company located in the State of Missouri having full trust powers and acting as trustee or escrow agent and that are reasonably expected to be used for the payment of principal and/or interest on any System Revenue Bonds during the calculation period; and (d) provide reasonable and adequate reserves for the payment of the Bonds and the interest thereon and for the protection and benefit of the System as provided in this Ordinance. The City will require the prompt payment of accounts for service rendered by or through the System and will promptly take whatever action is legally permissible to enforce and collect delinquent charges. Each Fiscal Year, the City shall review the rates, fees and charges for the use and services furnished by or through the System and revise such rates, fees and charges as necessary to ensure that the System generates Net Revenues sufficient to meet the requirements of this Section.

Section 703. Reasonable Charges for all Services. None of the facilities or services provided by the System will be furnished to any user (excepting the City itself) without a reasonable charge being made therefor. If the income and revenues derived by the City from the System are insufficient to pay the reasonable expenses of operation and maintenance of the System and the principal of and interest on the Bonds when due, the City will pay into the Revenue Fund a fair and reasonable payment in accordance with effective applicable rates and charges for all services or other facilities furnished to the City or any of its departments by the System.

Section 704. Annual Budget. Prior to the commencement of each Fiscal Year, the City will cause a budget setting forth the estimated receipts and expenditures of the System for the next succeeding Fiscal Year to be prepared and filed with the City Clerk. The City Clerk, within 30 days after the end of the current Fiscal Year, will mail a copy of the budget to the Owner. The annual budget will be prepared in accordance with the laws of the State.

Section 705. Annual Audit.

(a) Promptly after the end of each Fiscal Year, the City will cause an audit of the System for the preceding Fiscal Year to be made by a certified public accountant or firm of certified public accountants employed for that purpose and paid from the Revenues. The annual audit will cover in reasonable detail the operation of the System during the Fiscal Year.

(b) As soon as possible after the completion of the annual audit, the Governing Body will review the annual audit, and if the annual audit reveals any breach of this Ordinance, the City agrees to promptly cure the breach.

(c) Within 30 days after the acceptance of the audit by the Governing Body, a copy of the annual audit will be filed in the office of the City Clerk. The annual audit will be open to examination and inspection during normal business hours by any taxpayer, any user of the services of the System, the Owner, or anyone acting for or on behalf of the taxpayer, user or Owner.

(d) The City acknowledges its undertakings set forth in Section 2.1(v) of the Purchase Agreement.

Section 706. Performance of Duties. The City will faithfully and punctually perform all duties and obligations with respect to the operation of the System, including all extensions and improvements thereto, now or hereafter imposed upon the City by the constitution and laws of the State and by the provisions of this Ordinance.

## ARTICLE VIII

### ADDITIONAL BONDS

Section 801. Prior Lien Bonds. The City will not issue any debt obligations payable out of the Net Revenues that are superior in lien, security or otherwise to the Bonds.

Section 802. Parity Lien Bonds or Obligations.

(a) The City will not issue any additional bonds or other long-term obligations payable out of the Net Revenues of the System that stand on parity or equality with the Bonds unless the following conditions are met:

(1) the City is not in default in the payment of principal or interest on the Bonds or any Parity Bonds or in making any deposit into the funds and accounts under this Ordinance or any Parity Ordinance; and

(2) the City provides to the Owner a certificate showing either of the following:

(A) the average annual Net Revenues as set forth in the two most recent annual audits for Fiscal Years preceding the issuance of additional bonds, are at least 110% of the average annual debt service on the System Revenue Bonds, including the additional bonds proposed to be issued, to be paid out of the Net Revenues in all succeeding Fiscal Years. Interest to be paid on any System Revenue Bonds will be reduced by Subsidy Payments, if any. Principal and/or interest to be paid on any System Revenue Bonds will be reduced by amounts deposited in trust or escrowed for the payment thereof with the Owner or commercial bank or trust company located in the State of Missouri having full trust powers and acting as trustee or escrow agent and that are reasonably expected to be used for the payment of principal and/or interest on any System Revenue Bonds during the calculation period. If the City has made any increase in rates for the use and services of the System and the increase has not been in effect during all of the two Fiscal Years for which annual audits are available, the City may add to the audited Net Revenues the additional Net Revenues that would have resulted if the rate increase had been in effect for the entire period, as certified by a Consultant; or

(B) the estimated average annual Net Revenues for the two Fiscal Years immediately following the issuance of the additional bonds or, if improvements are to be made to the System with the proceeds of the additional bonds, for the two Fiscal Years immediately following the Fiscal Year in which the improvements to the System being financed by the additional bonds are to be in commercial operation, as certified by a Consultant, is at least 110% of the average annual debt service on the System Revenue Bonds, including the additional bonds proposed to be issued, to be paid out of the Net Revenues in succeeding Fiscal Years following the commencement of commercial operation of the improvements. Interest to be paid on any System Revenue Bonds will be reduced by Subsidy Payments, if any. Principal and/or interest to be paid on any System Revenue Bonds will be reduced by amounts deposited in trust or escrowed for the payment thereof with the Owner or commercial bank or trust company located in the State of Missouri having full trust powers and acting as trustee or escrow agent and that are reasonably expected to be used for the payment of principal and/or interest on any System Revenue Bonds during the calculation period. In determining the amount of estimated Net Revenues for the purpose of this subsection, a Consultant may adjust the estimated net income and revenues by adding the estimated increase in Net Revenues resulting from any increase in rates for the use and services of the System approved by the City and to become effective during the two Fiscal Years immediately following the Fiscal Year in which the improvements to the System being financed by the additional bonds are to be in commercial operation.

(b) If the conditions set forth in this Section are satisfied, the City (i) may issue additional revenue bonds or other obligations of the City on a parity with the Bonds and that enjoy complete equality of the lien on the Net Revenues with the Bonds, (ii) may make equal provision for paying the additional revenue bonds or other obligations from the Revenue Fund, and (iii) may secure the additional revenue bonds or other obligations by funding reasonable System debt service accounts and debt service reserve accounts from the Net Revenues.

Section 803. Junior Lien Bonds. Nothing in this Article prohibits or restricts the right of the City to issue additional revenue obligations, including revenue bonds, for the purpose of extending, improving, enlarging, repairing or altering the System, or refunding obligations issued for such purposes, that are junior and subordinate to the Bonds if, at the time of the issuance of the additional revenue obligations, the City is not in default in the performance of any covenant or agreement in this Ordinance. If the City is in default in paying either interest on or principal of the Bonds, the City will not make any payments on the subordinate revenue obligations until the default is cured. Subject to the limitations in this Section, the City may make provision for paying the principal of and interest on the subordinate revenue bonds or obligations from moneys in the Revenue Fund.

Section 804. Refunding Bonds. The City may, without complying with the provisions of Section 802, refund any of the Bonds or any Parity Bonds in a manner that provides debt service savings to the City, and the refunding bonds so issued will be on a parity with any of the Bonds and any Parity Bonds that are not refunded. If the Bonds or any Parity Bonds are refunded in part and the refunding bonds bear a higher average rate of interest or become due on a date earlier than that of the Bonds or the Parity Bonds that are refunded, the City must obtain the prior written consent of the Owner to the issuance of the refunding bonds.

## ARTICLE IX

### DEFAULT AND REMEDIES

Section 901. Events of Default. If (a) the City defaults in the payment of the principal or interest on any of the Bonds, or (b) the City or its Governing Body or any of its officers, agents or employees fails or refuses to comply with any provision of this Ordinance, the Constitution or statutes of the State, the Purchase Agreement or the Escrow Agreement and default continues for a period of 60 days after written notice specifying the non-payment default has been given to the City by the Owner of any Bond then Outstanding, at any time thereafter and while the default continues, the City shall pay to DNR the penalties assessed by DNR in accordance with the Regulations.

Section 902. Remedies.

(a) The provisions of this Ordinance constitute a contract between the City and the Owners of the Bonds. The Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(1) by any proceeding at law or in equity to enforce the rights of the Owner or Owners against the City and its officers, agents and employees, and to compel the performance by the City of its duties and obligations under this Ordinance, the Constitution and the laws of the State;

(2) by any proceeding at law or in equity to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(3) by any proceeding at law or in equity to enjoin any act or thing that is unlawful or in violation of the rights of the Owners of the Bonds.

(b) Any amounts paid on the Bonds to the Owners will be applied first to interest and second to principal, to the extent due and payable.

Section 903. Limitation on Rights of Owners. No Owner has any right in any manner whatever by the Owner's action to affect, disturb or prejudice the security granted and provided for in, or enforce any right under, this Ordinance, except in the manner provided in this Ordinance. All proceedings at law or in equity will be for the equal benefit of all Owners.

Section 904. Remedies Cumulative. No remedy conferred upon the Owners is intended to be exclusive of any other remedy. Each remedy is in addition to every other remedy and may be exercised without exhausting any other remedy conferred under this Ordinance. No waiver by any Owner of any default or breach of duty or contract of the City under this Ordinance will affect any subsequent default or breach of duty or contract by the City or impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default will impair any right or power or will be construed to be a waiver of any default. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be expedient. If any Owner discontinues any proceeding or the decision in the proceeding is against the Owner, the City and the Owners of the Bonds will be restored to their former positions and rights under this Ordinance.

Section 905. No Obligation to Levy Taxes. Nothing in this Ordinance imposes any duty or obligation on the City to levy any taxes either to meet any obligation incurred under this Ordinance or to pay the principal of or interest on the Bonds.

## ARTICLE X

### DEFEASANCE

Section 1001. Defeasance. When all of the Bonds have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate. Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance if there shall have been deposited with the Paying Agent, or other bank or trust company located in the State of Missouri, having full trust powers and meeting the requirements of a successor Paying Agent (as set forth in the Escrow Agreement) impressed with a first lien to the Paying Agent for the benefit of the Owners, at or prior to Stated Maturity or redemption date of said Bonds, in trust for and irrevocably appropriated thereto, moneys and/or non-callable Defeasance Securities (the "Defeasance Escrow") which, together with the interest to be earned on any such obligations, will be sufficient for the payment of the principal of said Bonds and interest to accrue to the Stated Maturity or date of redemption, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments, provided; however, that if any such Bonds shall be redeemed prior to Stated Maturity, (a) the City shall have elected to redeem such Bonds, and (b) either notice of such redemption shall have been given or the City shall have given irrevocable instructions to the Paying Agent to redeem such Bonds; and provided further, however, there shall be filed with the City, the Owner and the Paying Agent (1) an opinion of Bond Counsel to the effect that the conditions for the defeasance of the Bonds pursuant to this Section have been complied with and (2) if the interest on the Defeasance Escrow is to be used to pay debt service on the Bonds at their Stated Maturity or upon redemption, the written report of an independent certified public accountant evidencing the sufficiency of the Defeasance Escrow. Any moneys and obligations which at any time shall be deposited with the Paying Agent, or other bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge of this Ordinance. All moneys deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

## ARTICLE XI

### AMENDMENTS

Section 1101. Amendments.

(a) Any provision of the Bonds or of this Ordinance may be amended by an ordinance with the prior written consent of the Owners. Consent must be evidenced by an instrument executed by the Owners, acknowledged or proved in the manner of a deed to be recorded, and filed with the City Clerk.

(b) No amendment will be effective until (i) the City has delivered to the Owners and the Paying Agent an opinion of Bond Counsel stating that the amendment is permitted by this Ordinance and the Act, complies with their respective terms and is valid and binding upon the City in accordance with its terms, and (ii) the City Clerk has on file a copy of the amendment and all required consents.

## ARTICLE XII

### MISCELLANEOUS PROVISIONS

Section 1201. Further Authority. The officers of the City, including the Mayor and the City Clerk, are authorized and directed to execute all documents and take the actions as are necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial changes in the documents approved by this Ordinance which they may approve. The execution of any document or taking of any related action constitutes conclusive evidence of the necessity or advisability of the action or change.

Section 1202. Electronic Transactions. The transactions described in this Ordinance and the Bonds may be conducted and related documents may be stored, received and delivered by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1203. Severability. If any section or other part of this Ordinance is for any reason held invalid, the invalidity will not affect the validity of the other provisions of this Ordinance.

Section 1204. Governing Law. This Ordinance is governed by and will be construed in accordance with the laws of the State.

Section 1205. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the City Council and approval by the Mayor.

*[Remainder of Page Intentionally Left Blank]*

PASSED by the City Council of the City of Carthage, Missouri this 24th day of September, 2019.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED by the Mayor this 24th day of September, 2019.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXHIBIT A

FORM OF BOND

[THIS BOND IS TRANSFERABLE ONLY TO ANY SUCCESSOR TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES OR ITS ASSIGNS]

Registered  
No. R- \_\_\_\_\_

Registered  
Not to exceed \$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF MISSOURI

CITY OF CARTHAGE, MISSOURI

COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BOND  
(STATE OF MISSOURI – DIRECT LOAN PROGRAM)  
SERIES 2019

Closing Date

Interest Rate

Stated Maturity

REGISTERED OWNER: [MISSOURI DEPARTMENT OF NATURAL RESOURCES]

PRINCIPAL AMOUNT: NOT TO EXCEED \_\_\_\_\_ DOLLARS

The CITY OF CARTHAGE, MISSOURI, a constitutional home rule city and political subdivision of the State of Missouri (the “City”), for value received, hereby promises to pay to the Owner shown above, or registered assigns, the Cumulative Principal Amount Outstanding set forth on Schedule A to this Bond on the Maturity Date shown above, and to pay interest thereon at the Interest Rate per annum shown above, on January 1 and July 1 in each year, commencing July 1, 2020 (each an “Interest Payment Date”), from the date shown on Schedule A or from the most recent Interest Payment Date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve 30-day months. Terms not otherwise defined in this Bond have the respective meanings as set forth in the Ordinance.

The principal of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered on the Bond Register at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the payment office of UMB Bank, N.A., St. Louis, Missouri (the “Paying Agent”), or such other office designated by the Paying Agent. The payment of the principal of and redemption premium, if any, payable on this Bond at maturity or upon earlier redemption and the interest payable on this Bond on any Interest Payment Date will be made by check or draft mailed by the Paying Agent to the address of the Owner shown in the Bond Register. The principal of and redemption premium, if any, and interest on the Bonds is payable by electronic transfer in immediately available federal funds to a bank in the continental United States of America pursuant to instructions from any Owner received by the Paying Agent prior to the Record Date. The principal of and interest on this Bond is payable in lawful money of the United States of America.

This Bond is one of a duly authorized series of bonds of the City designated “Combined Waterworks and Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2019”

(the "Bonds"), issued by the City for the purpose of extending and improving the combined waterworks and sewerage system owned and operated by the City (said system, together with all future improvements and extensions thereto hereafter constructed or acquired by the City, being herein called the "System"), under the authority of and in full compliance with Chapter 250 of the Revised Statutes of Missouri, as amended, and pursuant to an election duly held in the City and an ordinance duly passed by the governing body of the City (the "Ordinance").

At the option of the City, the Bonds may be called for redemption and payment prior to maturity in whole or in part as provided in the Ordinance, with the prior written consent of the Owners.

The Bonds are subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of the Ordinance, at a redemption price equal to 100% of the principal amount plus accrued interest to the redemption date.

Except as otherwise provided in the Ordinance, notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by registered or certified mail at least 15 days, but not more than 30 days, prior to the date fixed for redemption, to the Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such Owner to the Paying Agent. Notice of redemption having been given or waived as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are limited obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues. The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. The Bonds do not constitute a general obligation of the City or an indebtedness of the City within the meaning of any constitutional or statutory provision, limitation or restriction.

Under the conditions set forth in the Ordinance, the City has the right to issue additional bonds payable from the Net Revenues; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance.

The City covenants with the Owner of this Bond to keep and perform all covenants and agreements contained in the Ordinance, and the City will fix, establish, maintain and collect rates, fees and charges for the use and services furnished by or through the System to produce Revenues sufficient to pay the operation and maintenance costs of the System, pay the principal of and interest on the Bonds and provide reasonable and adequate reserve funds. Reference is made to the Ordinance for a description of the agreements made by the City with respect to the collection, segregation and application of the Revenues, the nature and extent of the security for the Bonds, the rights, duties and obligations of the City with respect to the Bonds, and the rights of the Owners.

The Bonds are issuable in the form of fully-registered Bonds in the denomination of \$100 or any integral multiple of \$0.01 in excess thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only upon the registration books kept for that purpose at the above-mentioned office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Paying Agent duly executed by the Owner or the Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be

issued to the transferee in exchange therefor as provided in the Ordinance, and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

This Bond will not be valid or be entitled to any security or benefit under the Ordinance until the Paying Agent has executed the Certificate of Authentication.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Bonds, provision has been duly made for the collection, segregation and application of the income and revenues of the System as provided in the Ordinance.

IN WITNESS WHEREOF, the City of Carthage, Missouri, has executed this Bond by causing it to be signed by the manual signature of its Mayor and attested by the manual signature of its City Clerk, and its official seal to be affixed hereto or imprinted hereon.

(SEAL)

CITY OF CARTHAGE, MISSOURI

ATTEST:

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
Mayor

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

Registration Date: \_\_\_\_\_

UMB BANK, N.A., Paying Agent

By \_\_\_\_\_  
Authorized Signatory

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**RECORD OF PRINCIPAL PAYMENTS AND PREPAYMENTS**

Under the provisions of the Ordinance, payments of the principal installments of this Bond and partial prepayments of the principal of this Bond will be made directly to the Owner without surrender of this Bond to the Paying Agent. Accordingly, any purchaser or other transferee of this Bond should verify with the Paying Agent the principal of this Bond outstanding prior to such purchase or transfer, and the records of the Paying Agent shall be conclusive for such purposes.

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**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

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(Print or Type Name, Address and Social  
Security Number or other Taxpayer Identification Number of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints UMB BANK, N.A., agent to transfer the within Bond on the books kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_.

---

**NOTICE:** The signature to this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Bond in every particular.

**Medallion Signature Guarantee:**



EXHIBIT B

MANDATORY SINKING FUND REDEMPTION SCHEDULE

<u>Redemption Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>	<u>Principal Amount</u>
January 1, 2022	\$95,000	January 1, 2032	\$116,000
July 1, 2022	96,000	July 1, 2032	117,000
January 1, 2023	97,000	January 1, 2033	118,000
July 1, 2023	98,000	July 1, 2033	119,000
January 1, 2024	99,000	January 1, 2034	121,000
July 1, 2024	100,000	July 1, 2034	122,000
January 1, 2025	101,000	January 1, 2035	123,000
July 1, 2025	102,000	July 1, 2035	124,000
January 1, 2026	103,000	January 1, 2036	125,000
July 1, 2026	104,000	July 1, 2036	127,000
January 1, 2027	105,000	January 1, 2037	128,000
July 1, 2027	106,000	July 1, 2037	129,000
January 1, 2028	107,000	January 1, 2038	131,000
July 1, 2028	108,000	July 1, 2038	132,000
January 1, 2029	109,000	January 1, 2039	133,000
July 1, 2029	110,000	July 1, 2039	135,000
January 1, 2030	111,000	January 1, 2040	136,000
July 1, 2030	112,000	July 1, 2040	137,000
January 1, 2031	114,000	January 1, 2041 <sup>†</sup>	136,000
July 1, 2031	115,000		

<sup>†</sup>Maturity

**CERTIFICATE**

I, the undersigned, City Clerk of the City of Carthage, Missouri, hereby certifies that (a) the above and foregoing constitutes a full, true and correct copy of the Ordinance duly passed by the City Council of the City at a meeting duly held, after proper notice thereof, on September 24, 2019; (b) said Ordinance has not been modified, amended or repealed, and is in full force and effect as of the date hereof; and (c) said Ordinance is the same as is on file in my office.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
City Clerk

(Seal)

***NEW  
BUSINESS***

***MAYOR'S  
APPOINTMENTS***

# ***RESOLUTIONS***

**RESOLUTION NO. 1883**

**A RESOLUTION ENDORSING AND SUPPORTING A REQUEST FROM THE CARTHAGE PLANNING, ZONING AND HISTORIC PRESERVATION COMMISSION PRESENTED BY CARTHAGE HISTORIC PRESERVATION (CHP) AND AUTHORIZING THE CITY OF CARTHAGE TO SUBMIT AN APPLICATION FOR THE HISTORIC PRESERVATION FUND GRANT PROGRAM (HPF) - PLANNING AND OUTREACH GRANT - FOR A FLOORING RESTORATION WORKSHOP IN CARTHAGE, MISSOURI.**

**WHEREAS**, the National Historic Preservation Act of 1966 authorizes a program of federal matching grants, known as the Historic Preservation Fund (HPF) to assist various states in carrying out historic preservation activities which program is sponsored by the Department of the Interior, National Park Service (NPS), and in Missouri, is administered through the State Historic Preservation Office (SHPO) of the Missouri Department of Natural Resources which is required to earmark a minimum of ten percent (10%) of their Historic Preservation for exclusive use by Certified Local Governments (CLGs); and

**WHEREAS**, only applications from CLGs, of which Carthage is one, are considered for the mandated ten percent pass through funds; and

**WHEREAS**, HPF grants fund projects that relate directly to the identification, evaluation, or protection of historic properties, architectural or archaeological resources listed or eligible for listing on the National Register of Historic Places; and

**WHEREAS**, CHP will coordinate and assist in all activities regarding the administration of the grant, and provide any and all matching funds to the grant.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CARTHAGE CITY COUNCIL ENDORSES AND SUPPORTS A REQUEST FROM THE CARTHAGE PLANNING, ZONING AND HISTORIC PRESERVATION COMMISSION PRESENTED BY CARTHAGE HISTORIC PRESERVATION AUTHORIZING THE CITY OF CARTHAGE TO SUBMIT AN APPLICATION FOR THE HISTORIC PRESERVATION FUND GRANT PROGRAM - PLANNING AND OUTREACH GRANT - FOR A FLOORING RESTORATION WORKSHOP IN CARTHAGE, MISSOURI.**

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

**RESOLUTION NO. 1884**

**A RESOLUTION APPROVING THE DECLARATION OF CERTAIN MATERIALS AND PIECES OF EQUIPMENT AS SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING THEIR DISPOSITION.**

**WHEREAS**, City Department Heads exercise direct supervision over inventories of supplies, and the sale, trade, or disposition of surplus supplies and equipment belonging to the City; and

**WHEREAS**, the Purchasing Officer, is responsible (with Council approval) for the disposition or sale of salvage, obsolete, or surplus materials, to prevent deterioration and value losses of no longer used materials, and to reduce storage costs; and

**WHEREAS**, City Department Heads have submitted a list of said obsolete or surplus materials to the City Council for review and consideration of declaring such items as surplus or obsolete.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, THE MAYOR CONCURRING HEREIN, AS FOLLOWS:**

That the attached list of materials and equipment are determined and declared to be surplus to the City's needs and are authorized for disposition at Auction to be tentatively held October 10, 2019 at 12:00 p.m. at 6<sup>th</sup> and Grant Street, Carthage, Missouri,

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

# **AUCTION ITEMS – October 10, 2019**

## **PARK DEPARTMENT**

1. 50 Gallon fuel tank with pump, hose, and nozzle
2. 1400 watt gas powered generator
3. 50 + halogen lights (off adult softball field)
4. 6ft box blade for 3 point
5. 3 plastic hand towel holders
6. Airless paint sprayer
7. 7ft rock rake
8. Gas powered trash pump
9. Small pressure washer
10. 2 Stihl SF45 trimmers
11. Stihl SF46 trimmer
12. Stihl backpack blower
13. 8 4ft florescent light fixtures
14. 25 gallon tank sprayer
15. 12 metal folding chairs
16. Epson desktop printer
17. Microwave

## **Memorial Hall**

1. 2 Chairs
2. Coffee Table
3. 1 chair rack
4. Bench
5. Table
6. Bike
7. 4 doors with kick plates (they came out of the main auditorium when we got the new ones)
8. 2 8ft banquet tables
9. Small bench
10. Homemade step ladder
11. 2 chandeliers (came out of the main foyer of the hall when renovated in 2001)
12. 10 totes of dishes (came out of the kitchen when renovated in 2019)
13. 2 Pianos

## **City Hall**

1. Lexmark X2600 Printer
2. Dell 15" Monitor
3. Brother IntelliFAX 2820 Fax Machine
4. Fujitsu fi-6130 desktop scanner
5. Texas Instruments TI-5045 II Electronic Calculator
6. 3 8ft folding tables
7. 2 desks with hutch
8. Office chair
9. Brother TN420 Printer

## **Information Technology**

1. 2 EPSON Powerlite 84 Projectors

## **PUBLIC WORKS/STREET**

1. Snapper SR1642 Riding lawn mower
2. MVC-901 Plate Compactor
3. Titan PGD2875 Post Driver
4. Surface RT 32GB Light PC with Keyboard
5. 1 HP E-21800 APU 6GB Computer
6. Brave Hydraulic Wood Splitter
7. Murray Lawnmower 22545X92C
8. 235 FR II Brush cutter
9. Husqvarna 336 FR Brush cutter
10. Husqvarna 336 RX Brush cutter
11. Husqvarna 150B Blower
12. Husqvarna Brush cutter 336FR
13. Husqvarna Brush cutter 336FR

## **Fire Department**

1. 7 1'x 4' 2-light fluorescent fixtures
2. 1 Battery powered tri-pod work light, needs batteries
3. 1 40"x40" box fan, needs a motor
4. 5 10'x22" red metal roof vents for a metal building
5. 2 7.00x16.00 used military style tires
6. LEXMARK copier model XM3150
7. HP desktop computer tower
8. Dell Inspiron computer

## **POLICE DEPARTMENT**

1. 50 Bicycles

***MINUTES***  
***STANDING***  
***COMMITTEES***

**COMMITTEE ON INSURANCE/AUDIT AND CLAIMS  
TUESDAY, SEPTEMBER 12, 2019  
CITY HALL COUNCIL CHAMBERS**

**COMMITTEE MEMBERS PRESENT:** Ceri Otero, David Armstrong and Ed Barlow. Kirby Newport was absent.

**OTHER COUNCIL MEMBERS:** Mayor Dan Rife

**OTHERS PRESENT:** City Administrator Tom Short and City Clerk Traci Cox

Chairperson Ceri Otero called the meeting to order at 5:00 P.M.

**OLD BUSINESS:**

**Approval of minutes from previous meeting:** On a motion by Mr. Barlow, the minutes of the August 27, 2019 meeting were approved 3-0.

**Review and approval of the Claims Report:** The Committee discussed items regarding the Claims Report before it was approved 3-0 on a motion by Mr. Armstrong.

**NEW BUSINESS:**

1. **Staff Reports:** City Clerk Traci Cox reported the auditors will be here the week of September 23. A meeting is scheduled September 26 with representatives from Anthem Blue Cross Blue Shield to review renewal rates.

City Administrator Tom Short reported he is working on specifications for a compensation and benefits study. He also reported on Medical Marijuana Regulations that were discussed at the recent MML Conference.

**ADJOURNMENT:** Mr. Armstrong made a motion to adjourn at 5:43 PM. Motion carried 3-0.

Traci Cox  
City Clerk

## PUBLIC SERVICES COMMITTEE

September 17, 2019  
City Hall  
326 Grant Street

Public Services Committee Members Present; Juan Topete, Ed Barlow, James Harrison and Mike Daugherty

Members Absent;

Staff Present; Tom Short, Mark Peterson, and Lorie Neubert

Non-Members Present; Ceri Otero, Darren Collier, Mark Elliff and Trisha Swoveland

At 5:30 P.M. Mr. Topete called the meeting to order.

**Mr. Harrison moved to approve minutes from the August 2019 meeting. It was determined that members had not received minutes from August to review. Minutes will be sent out to committee on 9/18/2019 for review and any issues with minutes can be addressed at October meeting.**

NEW BUSINESS:

1. **Consider and discuss use of the Central Park for "Concert Under the Maples" on October 12<sup>th</sup>, 2019 in conjunction with the Maple Leaf Festival with food and merchandise vendors.**

Mr. Elliff and Ms. Swoveland requested permission for use of Central Park for this event that will include food trucks and various other merchandise vendors. All will have City licenses and have insurance.

**Mr. Daugherty made a motion to approve request for use of Central Park for the event. Motion carried.**

2. **Consider and discuss the opportunity for a donation of benches from the Carthage Technical Center.**

Mr. Peterson reports that Gage Tiller was supposed to be at the meeting, but due to issues at the Tech Center, he would not be there to discuss the donation. Mr. Collier explained that the benches are made by the students and they would be of good use placed around in the various parks. No motion taken until Mr. Tiller can present to committee.

3. **Consider and discuss bids for Fair Acres tractor/loader.**

Mr. Peterson reports that the Park Maintenance Supervisor, Brian Bradley had put together a letter for committee to review on his recommendations for the tractor. A bid from Anderson Car and Tractor for a Kubota L3901 DT with attachments is totaling \$22,289.00. Mr. Peterson reports that the tractor with it

various attachments could be used on the golf course if necessary.

**Mr. Daugherty made a motion to accept the bid from Anderson Car and Tractor for \$22,289.00. Motion carried.**

**4. Consider and discuss bids for repairs at Carter Park entrance.**

Mr. Peterson reports that 2 bids have been received with quite a difference between them. Hodkin Masonry was the lower of the 2.

**Mr. Daugherty made a motion to accept the bid from Hodkin Masonry for \$6,800.00. Motion carried.**

**5. Consider and discuss surplus items for the Surplus Equipment Sale.**

Mr. Peterson reports the Parks Department is putting a 01 Chevy truck and a 03 Ford truck previously slated for sealed bid into the surplus auction along with the additional listings from the Parks & recreation department for the auction on October 10<sup>th</sup>.

**Mr. Daugherty made a motion to approve the Chevy and Ford trucks be moved from bid process to surplus for auction. Motion carried.**

## STAFF REPORTS

### **City Administrator- Tom Short**

Mr. Short reports on August golf rounds are down from 2018. Down 3% from projected. Mr. Peterson states that weather was a big factor with many of the rainy days being during peak times. Mr. Short reports that revenues are covering expenditures at this time. Mr. Short stresses that 2019/2020 projects need to be completed and done on time.

### **Parks and Recreation Director- Mark Peterson**

Mr. Peterson reports that the Fierro Shelter in Municipal Park will be installed in mid-October due to delay with the building company.

Mr. Peterson reports that the playground equipment will be installed at Fair Acres around October 14<sup>th</sup>.

Mr. Peterson reports he will be meeting soon with Chanti Beckham to finalize plans for community gardens.

Mr. Peterson reports that he is looking at the possibility of adding Pickleball courts to replace the existing tennis courts. This would involve resurfacing the tennis courts. We would also look at resurfacing the basketball court as well. This would be made possible through our current budget combined with grant funding through HERE4Carthage.

Mr. Peterson reports that he is still working on the RFP for Parks and grant applications will be done by the end of the month.

Mr. Peterson reports that he has been asked to be on the committee working on plans for the new aquatic center.

**Mr. Daugherty moved for adjournment.**

**Meeting adjourned at 6:08 P.M.**

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# City of Carthage



## Public Safety Committee – Minutes

**Meeting Date:** September 19, 2019

**Meeting Location:** City Hall

**Call to Order:** Chairman Harrison

**Time Called to Order:** 5:30pm

**Attendance:**

Chairman Harrison  
Councilman Collier  
Councilman Newport  
Administrator Short  
Chief Williams  
Chief Dagnan

Citizen/Other: Morgan Housh, Mr. Bonilla, Matt Duvall, Todd Ericsson, Mark Elliff, Trisha Swoveland, Abi Almandinger, Ceri Otero

**OLD BUSINESS**

Councilman Newport made the motion to accept the minutes from the previous meeting as written. Motion passed.

**CITIZEN PARTICIPATION**

1. Mr. Bonilla spoke to the committee about the traffic that speeds down the road in front of the Iglesia Cristiana Hispanoamericana Church at 122 Grant. The Church holds services there on Saturdays from 5pm to 9pm and Sundays from 9am to 1pm. The Church members walk back and forth from the Church to 137 Grant which is across the street. Mr. Bonilla is asking for signs to be placed by the Church. Chief Dagnan mentioned that they could not put signs up without a crosswalk. In order to put a crosswalk in it would have to be ADA approved. Chief Dagnan said that a study would have to be done to determine the number of pedestrians who cross and see if it warrants a cross walk or not. The cost of a crosswalk would have to be determined as well. No motion was taken.
2. Mark Elliff and Trisha Swoveland spoke with the committee on street closures for Music in the Park, Music Under the Maples, on Saturday October 12<sup>th</sup>. They are asking for the same road closures as Food Truck Friday. (7<sup>th</sup> and Lyon). The street closures would be from 2pm till 11pm. Councilman Collier made a motion to allow road closures from 2pm to 11pm on October 12, 2019 for the Music in the Park event. Motion passed.
3. Chief Dagnan spoke with the committee on behalf of Sargent Barrett about road closures for the Sherriff's Nightout event. This event is to raise money for the Shop with a Cop Program. The event will be held on October 11, 2019. They are asking to have the roadway on the south side of the Courthouse and the two side street entrances closed from 4pm to 10pm. Councilman Newport made a motion to approve the road closures on October 11<sup>th</sup> from 6pm to 9pm pending the proper insurance. Motion passed.

*Persons with disabilities who need special assistance – please contact the Fire Department at 417-237-7100, or the Police Department at 417-237-7200 at least 24 hours prior to the meeting.*

4. Todd Ericsson and Matt Duvall came and spoke with the committee on the dangers in front of Butterball. Currently Butterball is set up with two crosswalks in front of their building where employees walk across the street to the parking lot. They have had two employees hurt while crossing these cross walks by being hit by moving traffic. They are suggesting that they remove the existing cross walks and put one in a more centralized crosswalk, a pedestrian crossing sign in the middle of the road for better visibility, add a speed gun to display speeds, and also add a speed hump on both sides of the centralized crosswalk to slow down traffic entering and leaving the parking lot. Butterball is asking the City to help with the changes and they will fund it. The committee discussed the changes and how action needs to be taken. Chief Dagnan will be speaking with Zeb Carney at the Streets Department on what the city rules, standards, and requirements are for the changes. Councilman Newport made a motion for Dagnan to speak with Streets Department on the requirements and bring to full council.
5. Councilman Collier spoke with the committee about the parking on the Square. There are citizens and Merchant owners who are upset about the current policy. The committee discussed a few options. After a lengthy discussion, the committee agreed to look into a few options and bring back to committee. No motion was taken.
6. Margaret Stills was not able to make the meeting however, Chief Dagnan spoke with the committee on the concerns that she had. Mrs Stills is concerned with the speeds of vehicles on 15<sup>th</sup> and James. Chief Dagnan mentioned that she would like a stop sign put in. This would be a 2-way or 3-way sign at this location. Chief will be having the Police Department do a data study on this location. No motion was taken.

#### **NEW BUSINESS**

1. Chief Dagnan spoke with the committee about putting a school zone on Fairview in front of Fairview School. There are only two schools that do not already have a school zone and both of these schools are on Fairview. The committee agreed that a school zone needs to be put in. Chief will be getting with Zeb Carney at Streets Department to get a formal plan and number and get back with the committee. No motion was taken.
2. Chief Williams spoke briefly with the committee on Station 2 and upcoming Bids.

#### **ADJOURNMENT**

Councilman Collier made a motion to adjourn. Motion passed.

**Next Meeting Date:       October 21, 2019**

**Next Meeting Location:   Carthage City Hall – Upstairs Conference Room**

***Persons with disabilities who need special assistance – please contact the Fire Department at 417-237-7100, or the Police Department at 417-237-7200 at least 24 hours prior to the meeting.***

***MINUTES  
SPECIAL  
COMMITTEES  
AND BOARDS***

**APPROVED**

The Carthage Public Library Board of Trustees Meeting Minutes August 13, 2019

**DRAFT**

The Carthage Public Library Board of Trustees met Tuesday, August 13, 2019 in the Carthage Public Library Board Room. An unofficial meeting was called to order at 5:15 pm by Peggy Ralston, President. Tracy Cox, City Clerk, discussed MOSIP with the board. Monitoring will be made between MOSIP investment and the library checking account.

The official meeting was called to order at 5:22 pm.

### **Roll Call**

Board members present were Carrie Campbell, Gary Cole, Donna Maggard, Peggy Ralston, and Sandy Swingle. Also present was Julie Yockey, library director. Also present was Alan Snow.

### **Minutes of the Last Meeting**

Motion was made to approve the July 9, 2019, by Gary Cole, and seconded by Donna Maggard. Motion passed unanimously.

### **Financial Report**

Attached. July financial report was presented. A motion to approve financial report was made by Gary Cole and seconded by Donna Maggard. Motion passed unanimously. The board also approved the amended library budget (2018-2019). Motion was made by Donna Maggard and seconded by Sandy Swingle.

### **Director's Progress and Service Report**

Attached. Julie presented her August 2019 report.

### **President's Message**

No report

### **Council Liaison's Report**

Alan Snow reported that the planning and zoning committee has approved plans for the new library building.

### **Committee Reports**

Building Committee – Gary reported that the architects went before the city council and building plans have been approved. Gary reported that a time frame has been scheduled for building bids. Open bids will be allowed. A performance bond will be required. Bids will be open on Thursday, September 26 in the Community Room. Gary spoke with Chuck Bryant of Carthage Water and Electric. The utilities will be moved at no charge for the construction of the new building. Gary and Peggy will comprise the building committee. Gary also reported that the library is waiting on the roof manufacturer and the roofing company. The manufacturer and the company will come together to look at the leaks. Curtis Garner has been contacted, but does not desire to repair the leaks. Gary reported that a Webb City individual with experience in dealing with damaged roofs could be contacted.

**Budget Committee - No report**

**Community Relations - No report**

**By-Laws - No report**

**Library Gardens - Miriam will be contacted about fall plantings on the south side of the building.**

**ADA Compliance - No report**

**Communications - No report**

**Unfinished Business - No report**

**New Business - Several policies were discussed. Donna moved that we approve the Suspension of Privileges for Health and Safety Reasons. Sandy seconded the motion and the motion was approved. Sandy moved that we accept the Board of Trustee Policies. Gary seconded the motion and the motion was approved. Donna moved that we adopt the Intellectual Freedom Policy (American Library Association's Bill of Rights). Gary seconded the motion and the motion was approved. Gary moved that we accept the Public Forum Areas Policy. Sandy seconded the motion and the motion was approved. Gary moved that we accept the Social Media Policy. Donna seconded the motion and the motion was approved.**

**Payment of Bills**

**Gary moved to pay the July bills with a second by Sandy. Motion passed unanimously.**

**Adjournment**

**With no further business, Gary made a motion to adjourn the July meeting. Sandy seconded. Motion passed unanimously. Meeting was adjourned at 6:36 pm.**

Respectfully submitted,

Carrie Campbell



Secretary

***AGENDAS  
STANDING  
COMMITTEES***

PUBLIC SERVICES COMMITTEE  
TUESDAY SEPTEMBER 17, 2019  
5:30 P.M.  
CITY HALL CONFERENCE ROOM  
326 GRANT STREET

**Old Business**

1. Consideration and approval of minutes from previous meeting

**CITIZENS PARTICIPATION**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)

**New Business**

1. Consider and discuss use of the Central Park for "Concert Under the Maples" on October 12<sup>th</sup>, 2019 in conjunction with the Maple Leaf Festival with food and merchandise vendors.
2. Consider and discuss the opportunity for a donation of benches from the Carthage Technical Center.
3. Consider and discuss bids for Fair Acres Tractor/Loader.
4. Consider and discuss bids for repairs at Carter Park entrance.
5. Consider and discuss surplus items for the Surplus Equipment Sale.

Staff reports

Other Business

ADJOURNMENT

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL  
417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS  
PRIOR TO MEETING.

Posted: \_\_\_\_\_

By: \_\_\_\_\_

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# City of Carthage



## NOTICE OF MEETING

### Public Safety Committee – Agenda

Thursday September 19, 2019  
5:30 p.m.  
Carthage City Hall – Upstairs Conference Room  
326 Grant, Carthage MO 64836

#### TENTATIVE AGENDA

#### OLD BUSINESS

1. Consideration and approval of minutes from previous meeting.

#### CITIZEN PARTICIPATION

1. Consider and discuss crossing signs being added for children at the Iglesia Cristiana Hispanoamericana Church–  
Yoselin Bonilla
2. Consider and discuss road closures for Music in the Park – Jeff Steffen
3. Consider and discuss road closures for the Sherriff's Office event – Sargent Barrett
4. Consider and discuss installing cross walk on North Main – Matt Duvall
5. Consider and discuss Parking on the Square – Darren Collier
6. Consider and discuss speeding on 15<sup>th</sup> and James – Margaret Stills

#### NEW BUSINESS.

1. Staff reports
  - a. Police Department
    - i. Consider and discuss putting a School Zone on Fairview in Front of Fairview School.
  - b. Fire Department

#### ADJOURNMENT

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING.

POSTED: \_\_\_\_\_

BY: \_\_\_\_\_

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS  
September 24, 2019  
5:00 PM  
Carthage City Hall  
Council Chambers

**Old Business**

1. Consideration and Approval of Minutes from Previous Meeting
2. Review and Approval of the Claims Report

**Citizens Participation**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)

**New Business**

1. Staff Reports

**Adjournment**

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING.)

Posted \_\_\_\_\_

***AGENDAS  
SPECIAL  
COMMITTEES  
AND BOARDS***

**John Bartosh**  
*Presiding Commissioner*

**Tom Flanigan**  
*Eastern District Commissioner*

**Darieux K. Adams**  
*Western District Commissioner*

# JASPER COUNTY COMMISSION



302 S. Main ST  
Carthage, MO 64836

Carthage: 417-358-0421  
Joplin: 417-625-4350

Toll Free: 800-404-0421  
Fax: 417+358-0483

COMMISSION AGENDA  
SEPTEMBER 17, 2019  
9:00 A.M.  
JASPER COUNTY COURTHOUSE ROOM 101

1. CALL TO ORDER  
    PRAYER  
    PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
4. PRESENTATIONS
5. REPORTS AND COMMUNICATIONS
6. ELECTED OFFICIALS/CITIZENS REQUESTS
7. COMMISSIONER'S REPORTS
8. UNFINISHED BUSINESS
9. NEW BUSINESS  
    ♦ **Appointment of Board Directors to the Joplin Industrial Development Authority of Jasper County.**
10. PUBLIC HEARINGS

PUBLIC PARTICIPATION FROM AUDIENCE WHEN ADDRESSED YOU WILL BE ALLOWED THREE MINUTES TO SPEAK.

ELECTED OFFICIALS/CITIZENS WISHING TO BE HEARD UNDER ELECTED OFFICIALS/CITIZENS REQUEST MUST REQUEST TO SPEAK TO COMMISSION BY 4:00 P.M. ON THE FRIDAY PRIOR TO THE COMMISSION MEETING ON TUESDAY. CITIZENS SPEAKING TIME WILL BE LIMITED TO FIVE MINUTES.

THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:  
COMMISSION OFFICE, 302 S. MAIN, COURTHOUSE, ROOM 101, CARTHAGE 417-358-0421

NOTICE POSTED SEPTEMBER 13, 2019 AT 4:00 P.M.

(RSMO 610.020)

POLICE AND FIRE PENSION COMMITTEE  
Tuesday, September 24, 2019  
11:30 A. M.  
UMB Main Building  
300 Grant Street

Agenda

Lunch during the Business Meeting provided by UMB Bank

Old Business

1. Accept the minutes from the previous meeting

New Business

1. Quarterly Report on Investments – Chris Calmer
2. Review of 2019 Actuarial Valuation Report – Dan Nichols
3. Training Session

Other Business

Adjournment

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING.)

Posted \_\_\_\_\_

# ***CORRESPONDENCE***

**CARTHAGE HUMANE SOCIETY, INC.**

**FINANCIAL STATEMENTS**

**AUGUST 31, 2019**



**Schmidt Associates, P.C.**  
Certified Public Accountants



Schmidt Associates, P.C.  
Certified Public Accountants

ACCOUNTANT'S COMPILATION REPORT

Carthage Humane Society, Inc.  
13860 Dog Kennel Lane  
Carthage, MO 64836

Management is responsible for the accompanying financial statements of Carthage Humane Society, Inc. (a corporation) which comprise the balance sheets - tax basis as of August 31, 2019, and the related statements of revenue, expenses, and other changes in net assets - tax basis for the one month and eight months then ended and for determining that the tax basis of accounting is an acceptable financial reporting framework. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

The financial statements are prepared in accordance with the tax basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared in accordance with the tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, equity, revenues, and expenses. Accordingly, the financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Carthage Humane Society, Inc..

*Schmidt Associates, P.C.*

September 19, 2019

**Carthage Humane Society, Inc.**  
**Balance Sheet - Tax basis**  
**August 31, 2019**

**Assets**

<b>Current Assets</b>	
SMB	\$ 30,124.37
Arvest - Payroll	2,576.35
Arvest - Operating	<u>17,005.80</u>
<b>Total Current Assets</b>	<u>49,706.52</u>
<b>Property and Equipment</b>	
Land	14,586.95
Building	544,926.82
Office furniture and equipment	10,965.26
Machinery and equipment	185,448.68
Vehicles	11,500.00
Less accumulated depreciation	<u>(401,388.62)</u>
<b>Net Property and Equipment</b>	<u>366,039.09</u>
<b>Total Assets</b>	<u>\$ 415,745.61</u>

**Liabilities and Net Assets**

<b>Net Assets</b>	
Unrestricted net assets	344,971.80
Change in net assets	<u>70,773.81</u>
<b>Total Net Assets</b>	<u>415,745.61</u>
<b>Total Liabilities and Net Assets</b>	<u>\$ 415,745.61</u>

See accountant's compilation report.

**Carthage Humane Society, Inc.**  
**Statements of Revenues, Expenses and Other Changes in Net Assets - Tax basis**  
**For the one month and eight months ended August 31, 2019**

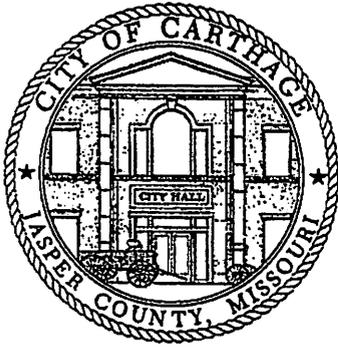
	2019 Month	% of Income	2019 Year to date	% of Income
<b>Sales</b>				
City of Carthage contract	\$ 2,750.00	15.65 %	\$ 22,000.00	10.20 %
Jasper County contracts	0.00	0.00	9,808.55	4.55
Adoption fees	2,209.00	12.57	22,757.00	10.55
Return to owner fee	405.00	2.30	2,235.00	1.04
Surrender fees	0.00	0.00	945.00	0.44
Boarding	0.00	0.00	10.00	0.00
Product sales	260.00	1.48	540.00	0.25
Donations	1,118.05	6.36	10,277.92	4.77
Fundraising	0.00	0.00	1,250.00	0.58
Memorials and bequests	0.00	0.00	6,380.00	2.96
Grants	0.00	0.00	9,585.00	4.44
PetSmart Charities	0.00	0.00	2,000.00	0.93
Steadley Memorial Trust	3,000.00	17.07	92,957.51	43.10
Frances H Havens Trust	7,037.23	40.04	13,128.79	6.09
Jesse L Bridges Trust	0.00	0.00	8,386.20	3.89
Katheryn Hyde Trust	0.00	0.00	9,020.66	4.18
Reimbursement of expenses	0.00	0.00	3,577.93	1.66
Miscellaneous income	795.48	4.53	795.48	0.37
	<u>17,574.76</u>	<u>100.00</u>	<u>215,655.04</u>	<u>100.00</u>
<b>Gross Profit</b>	<u>17,574.76</u>	<u>100.00</u>	<u>215,655.04</u>	<u>100.00</u>
<b>Operating Expenses</b>				
Salaries and wages	14,939.72	85.01	66,666.91	30.91
Insurance - workers compensation	0.00	0.00	619.00	0.29
Payroll taxes	1,131.39	6.44	5,121.96	2.38
Total payroll expenses	<u>16,071.11</u>	<u>91.44</u>	<u>72,407.87</u>	<u>33.58</u>
Auto expense	11.76	0.07	44.26	0.02
Bank charges	49.60	0.28	331.26	0.15
Credit card fees	27.28	0.16	88.77	0.04
Dog and cat food	0.00	0.00	32.40	0.02
Dues and subscriptions	0.00	0.00	10.00	0.00
Fundraising expense	1,119.90	6.37	1,192.40	0.55
Insurance	(55.00)	(0.31)	2,337.90	1.08
Insurance- vehicle	0.00	0.00	649.00	0.30
Interest	0.00	0.00	3.59	0.00
Legal and professional	1,045.20	5.95	2,540.56	1.18
Medical- supplies	2,069.26	11.77	11,797.88	5.47
Medical- clinic	0.00	0.00	2,877.92	1.33

See accountant's compilation report.

**Carthage Humane Society, Inc.**  
**Statements of Revenues, Expenses and Other Changes in Net Assets - Tax basis**  
**For the one month and eight months ended August 31, 2019**

	2019 Month	% of Income	2019 Year to date	% of Income
Miscellaneous	0.00	0.00	1,299.81	0.60
Repairs and maintenance	4.10	0.02	4,779.83	2.22
Supplies- office	784.04	4.46	2,125.98	0.99
Supplies- kennel	0.00	0.00	715.27	0.33
Taxes and licenses	0.00	0.00	71.09	0.03
Trash svc	335.29	1.91	670.91	0.31
Telephone	0.00	0.00	1,249.83	0.58
Utilities	0.00	0.00	9,025.97	4.19
Veterinary	2,683.99	15.27	14,247.92	6.61
Depreciation	2,242.20	12.76	17,602.65	8.16
	<u>10,317.62</u>	<u>12.76</u>	<u>73,695.20</u>	<u>8.16</u>
Total operating expenses	<u>26,388.73</u>	<u>150.15</u>	<u>146,103.07</u>	<u>67.75</u>
Net income (loss) from operations	<u>(8,813.97)</u>	<u>12.76</u>	<u>69,551.97</u>	<u>8.16</u>
<b>Other Income / (Expenses)</b>				
Interest income	2.55	0.01	26.97	0.01
Other income	0.00	0.00	694.87	0.32
Rent income	0.00	0.00	500.00	0.23
	<u>2.55</u>	<u>0.01</u>	<u>1,221.84</u>	<u>0.57</u>
<b>Net Income / (Loss)</b>	<u>\$ (8,811.42)</u>	<u>(50.14)</u>	<u>\$ 70,773.81</u>	<u>32.82</u>

See accountant's compilation report.



# *The City of Carthage*

"America's Maple Leaf City"

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September 19, 2019

Dr. Mark Baker  
710 S. Lyon Street  
Carthage, MO 64836

Dr. Baker,

I read in the Joplin Globe about the District's plan on further improvements to its High School Campus on South River Street in the near future. Congratulations on your projected projects (a performing arts center and the South Technical Center) and for laying out the proposal from the Carthage 2020 and Beyond Committee for how to make both construction projects happen in as short a time as possible.

The article indicated the District would seek the bonding authority for these projects. The article mentioned requesting board approval for a ballot issue for April 2020 to build the tech center expansion, knowing in two more years a request for another ballot issue for the performing arts center would be needed. I felt it necessary to inform you about changes to the City's requirements regarding impacts of these projects; especially traffic impacts, so that they could be included as part of the overall financing package.

As was done for the construction of the High School, the City required an analysis of traffic impacts as a result of those development plans. The City will again require a Traffic Impact Study for these projects to estimate site-generated traffic volumes and assess their impacts on the public street system that might be needed as a result of the development. Another reason for a Traffic Impact Study is due to additional improvements to the Campus since construction of the High School xx years ago.

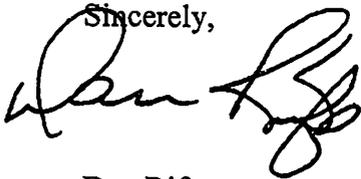
Development projects, consultants, state highway agencies, municipalities, planning agencies, elected officials, and the general public all have significant roles and interests in the site planning process. While developers want to have a successful and financially sound development, they also have significant responsibility to ensure the public's health, safety and welfare from their particular site development.

The City has changed (will change) the way it will required these Traffic Impact Studies. In the past, the City had the development/developer absorb the cost of conducting the Traffic Study.

The City will now incur the expense for conducting the Traffic Impact Study to ensure coordination with other studies and to achieve consistency in developing the City's infrastructure requirements. Any assessed impacts determined from these Traffic Impact Studies on the public street system that might be needed as a result of the development will then be designated to the District for inclusion in their project costs.

If I can answer any questions or if you have any comments, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Rife". The signature is fluid and cursive, with the first name "Dan" being larger and more prominent than the last name "Rife".

Dan Rife,  
Mayor, City of Carthage

Copies:           City Council  
                      City Clerk  
                      City Administrator  
                      Public Works Director

Pursuant to the agreement for Economic Development services between the City of Carthage, Missouri, a municipal corporation, with offices located at 326 Grant St. Carthage, Missouri, hereinafter referred to as the "City", and the Carthage Chamber of Commerce, Incorporated, a not-for-profit corporation organized under the laws of the State of Missouri, located at 402 South Garrison Ave., Carthage, Missouri, hereinafter referred to as the "Chamber." "Written monthly reports regarding economic development service activities will be presented to the City Council at the first Council meeting of each month". Included is the supplied report for August along with a copy of the Agreement.

As has been reported at previous Council meetings, this is a work in process to get the report to a point where the Council, and CWEP's Board, feel the information is useful and informative. At this point, overall, staff does not feel that the report has reached that level as intended by the Agreement. However, if the Council feels that the report is adequate under the terms of the agreement, please let me know. Any additional comments along these lines would also be appreciated.

Staff's goal is to have the report meet the expectation levels of the users of the report pursuant to the Agreement. Staff feels the report should communicate information which has been compiled as a result of research and analysis of data and of issues. The report should focus on transmitting information with a clear purpose, to the specific audiences (City Council and CWEP's Board). It should also be accurate, objective and complete.

# Carthage Economic Development Program

## Monthly Report thru August 2019

August updated information in blue

*\*The operations of the City's economic development programs are to serve the Carthage area and the general public through promotion of economic development, job creation, capital investment, and business expansion. This report will include, but not be limited to, information concerning the program's overall economic development strategies, staff assignments, prospect visits, program activities and results. Written monthly reports regarding economic development service activities will be presented to the City Council at the first Council meeting of each month. Information on prospects and active economic development clients will be exchanged with the City Council in such a way as to protect and preserve any professional confidentiality between these clients and persons representing the Chamber.*

### **Development of an Industrial Park:**

- The idea for the development of an industrial park began over three years ago when we had an industry interested in a large expansion here in Carthage. The idea started out as a partnership between the City, CWEP, Landowner and Chamber, each with their own expertise in accomplishing a potential development, based on much less cost than having to purchase land and develop. During this time period, the Chamber and City encouraged all parties to agree to a Memorandum of Understanding so the general thoughts could be in writing on what was to be expected working towards the goal of an industrial park. That never occurred and the industry decided to complete another industrial location that they had in Texas. Since then, other locations have been considered as well as a large tract of land south of Carthage. Recently, the landowners have considered re-visiting the "Partnership" aspect but the industry that we originally were working with is looking at other locations, in Carthage that will fit into their timeline. We continue to work with this industry to bring it here to Carthage. Large investment and new jobs will be added. The idea of an industrial park will continue to be reviewed and potential properties looked at. The biggest obstacles to overcome are: Funds and repayment to purchase land to develop into an industrial park; very low unemployment in Carthage and the surrounding areas (we do not want to rob from our existing employers workforce to have workers for a new, non-related industry because we have not accomplished any net improvement).
- As we continue to look at land opportunities for an industrial park, we will also look for potential developers that will purchase land and develop into an industrial park complex.

### **Development of a business retention plan:**

- For the past eight years, we have had a "Business Retention Plan," before business retention was the current hot topic in economic development. It has not been put into writing but that will be worked on in the coming months. Simplified, it is talking with your current businesses and industry, helping them with what they need on a local level to continue to do business in Carthage.

### **Creation of a marketing plan for Carthage:**

- A marketing plan for Carthage can be composed of many parts. As this is developed, input from the City Council (as these are the individuals elected from the community to represent the people of Carthage) is essential to define what we want to market. New

- business, industry, retail, housing, the list continues. An in-depth discussion should be held so we can make sure we are marketing the current and future needs of our community. I look forward in working with the Council as we proceed on this topic.

**Recruitment of retail business to Carthage:**

- A few years ago, the City contracted with a professional major national retail placement company, Retail Strategies Inc, and we learned that Carthage doesn't have the necessary numbers to convince national retail companies to open locations here. Additionally, with Joplin as a major retail hub in the four-state area estimating a daytime population of 240,000, this has a significant impact on the surrounding communities when it relates to attracting new national retail business. The focus we have been working on is attracting and working with "niche retail," such as Liberty Tree, Cave Gang Pizza and Cherry's, just to name a few. These types of businesses fill a need in our community as well as the surrounding area.

**Marketing plan for Myers Park:**

- In the budget request for 2019-2020, funds up to \$20,000 were requested for a Strategic Land Use Study for Myers Park to determine what is the best use of this land presently. That request was denied. Understanding that Sales Tax is extremely important to our community, we must also understand what is feasible and practical to our community. A Mixed-Use Development seems to be the best option for that area in our opinion. As online purchasing becomes more of the norm and many of the stable retail brick and mortar stores look at closing, it does not appear that having this much land to develop in Carthage for just retail is the best use. There is close to 60 acres available for retail development in Myers Park between the City, Lim's and Eli Bruton plus another 26 acres in the Peachtree subdivision. Close to 85 acres for retail development. Again, input from the City Council is essential to define what we want to market.

**Revitalizing commercial areas, including the Downtown District:**

- This project has not been started as of this date but will be started soon.

**Enhancements to commercial corridors:**

- This project has not been started as of this date but will be started soon.

**Assemblage of tracts adequate for planned mixed-use redevelopment throughout the City:**

- This project has not been started as of this date but will be started soon.

**Maintenance of the CED Plan:**

- During the past month, 80% of my time has been spent on working with the company that represents an industry wishing to expand in Carthage. The assigned name is now known as "Project VACA".

**Enhanced Enterprise zone:**

- Currently Carthage has an Enhanced Enterprise Zone that was established in 2004 and 2006. The State is accepting new applications and if an industrial park becomes a reality and it isn't in the EEZ, we will propose to add another EEZ to offer incentives for industries.

**Coordination with City & CWEP:**

- As a beginning, these reports are being sent to the CWEP Board members, Chamber of Commerce Board members and the Council Members (via the City Administrator), so everyone has current information. This should help in answering questions or creating questions to be asked. This is a work in progress.

**Prospect list and marketing materials for recruitment:**

- As previously stated, input from the City Council (as these are the individuals elected from the community to represent the people of Carthage) is essential to define what we want to market. If it is for industry, we need to have an industrial park in place before we market for new industry. When you say you are open for business, you need to have the land, shovel ready, workforce, housing, etc. Land is the priority for marketing industry. Other marketing opportunities, such as a great place to live can occur now. This will be a project to work on soon.

**Trade shows:**

- As previously stated, we need to have an industrial park in place before we market for new industry. Attending Trade Shows to market something you don't have is counter productive and not wise. This will occur as soon as an industrial park is determined. Regarding retail, as previously stated, concentration should be on niche retail. Any shows that deal specifically with that makes sense to attend. This will be an ongoing project.

**General updates:**

- Meeting with local business retail owner/operator regarding ideas for expanding retail in the Carthage area, specifically niche type stores
- Meeting with local businessman looking for a building to house another niche restaurant in Carthage
- Meeting with the Mayor, City Administrator and Public Works Director regarding Project VACA
- Attended the Carthage Convention and Visitors Bureau board meeting
- Discussion with a local businessman that has property and interested in either building a strip center for new businesses or selling the property
- Request from a Site Consultant regarding local information
- Fourteen days of August were much needed vacation

## **Exhibit A**

### **Carthage Missouri Economic Development Program**

#### **Vision, Mission, Goal and Objectives**

**December 2017**

**A coordinated effort of the City of Carthage (City), Missouri; Carthage Water and Electric Plant (CWEP)**

**Vision Statement: The Carthage Economic Development Program (CEDP) will be a proactive state and regionally recognized program, respected as an initiator of a healthy and vibrant city with a strong economic base, robust jobs, improved retail areas and a growing industrial base for the citizens of Carthage.**

**Mission Statement: To create, foster and promote an environment conducive to attracting, expanding and retaining business and industry; promoting economic vitality and diversifying the city's tax base; increasing CWEP load and improving the overall quality of life for the citizens of Carthage.**

**Goal: To preserve and enhance an economically vital, competitive, sustainable community by providing aggressive coordinated leadership and superior services to the industrial, business, and commercial sectors of the Carthage economy by promoting the city's location for business and industry and supporting employment opportunities.**

#### **Key Objectives:**

- **Development of an Industrial Park to market Carthage and encourage business and industrial retention and recruitment**
- **Development of a business retention plan to ensure continued business and industrial growth**
- **Creation of a marketing plan to market and advertise the Carthage area as a location for new business and industry and promotion of Carthage's commitment to the assistance and expansion of business and industry**
- **Continued support and encouragement of vocational-technical training available in the Carthage area to meet the needs of industry and provide local employment**
- **Active recruitment of retail and entertainment establishments, grocery stores, and restaurants in Carthage to support the workforce and benefit area citizens**
- **Development and implementation of a marketing plan for Myers Park to attract various retail and service companies to Carthage**
- **Development and coordination of a plan to revitalize aging commercial areas, including the revitalization of the Downtown District**
- **Development and coordination of a plan to enhance the existing commercial corridors and encourage the assemblage of tracts adequate for planned mixed-use redevelopment throughout the City**
- **Maintenance of the CEDP in coordination with other economic development agencies within the city, state, region, and county, including regular contact and participation with the Joplin Regional Partnership**

#### **Primary Duties:**

- **In partnership with the City and CWEP, provide an annual work plan as a blueprint through which to achieve the vision, mission, and objectives of the CEDP**
- **Make written monthly reports to the City Administrator and the Carthage Water and Electric Plant General Manager**
- **Function as coordinator for the City's enterprise zone being the primary liaison between the appropriate parties and the City**
- **Serve as the contact for the City on economic development prospects, while coordinating with CWEP all communications with Industrial, Manufacturing and Large Consumer prospects**
- **Timely create all necessary reports and provide all requested information desired by business and industrial prospects**
- **Develop a prospect list and marketing materials for business recruitment in industrial, manufacturing, service, and retail sectors**
- **Attend and participate in appropriate trade shows**

- Develop business attraction, retention, and expansion strategies, including cluster and target industry analysis
- Facilitate access to and recommend economic incentives for quality job creation and/or tax base enhancement for business and industry
- Work with all industrial prospects in coordination with the City and CWEP
- Regularly communicate and work with the City and CWEP on all aspects of economic development
- Provide support to CWEP economic development efforts to attract and retain significant load generating facilities.

**AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES**  
**City of Carthage, Missouri and the**  
**Carthage Chamber of Commerce**

**This Agreement**, made and entered into on this 1st day of July 2019, by and between the City of Carthage, Missouri, a municipal corporation, with offices located at 326 Grant St. Carthage, Missouri, hereinafter referred to as the “City” and the Carthage Chamber of Commerce, Incorporated, a not-for-profit corporation organized under the laws of the State of Missouri, located at 402 South Garrison Ave., Carthage, Missouri, hereinafter referred to as the “Chamber.”

**Whereas**, the City and CWEP have desired and identified the ongoing need to coordinate, communicate and engage the community and stakeholders in Carthage’s economic development vision, strategies and goals; and

**Whereas**, there have been identified specific goals and objectives ensuring Carthage’s development policies and procedures are coordinated, market-driven, and continue to focus on retention and creation of business and industry while maintaining an environment that supports entrepreneurs and industry; and

**Whereas**, the Economic Development Program, (specified in Exhibit A, and incorporated as if fully set out in herein) will bring efficiencies for use of resources, implementation of strategies, consistent focus and identification of community specific needs to allow for desired growth consistent with Carthage’s strategic vision; and

**Whereas**, the City and the Chamber desire to pursue programs that will result in economic development and job creation in the City of Carthage and its environs; and

**Whereas**, the Chamber has established staffing capabilities to meet and implement the Vision, Mission, Goal and Objectives outlined in Exhibit A and attract and recruit new business and industry to Carthage and to promote and support the growth and expansion of existing primary business and industry within and adjacent to this community by specifically, but not limited to, the hiring of an Executive Director to serve as the community’s Economic Development Director, to accomplish the functions that will lead to the creation, retention and reinvestment of resources; and

**Whereas**, the City has agreed to use the services of the Chamber to accomplish the aforesaid precepts

**NOW, THEREFORE**, in consideration of these premises and the mutual covenants herein contained, the parties agree as follows:

**Article I**

**Purpose**

The Chamber agrees to operate an economic development program as generally specified in Exhibit A included herein on behalf of the citizenry of this community for the purpose of marketing and advertising the Carthage area as a location for new business and industry, and as an area committed to the assistance and expansion of existing business and industry. The Chamber will concentrate primarily on providing economic development services within the City of Carthage service area and secondarily within the region.

**Article II**

**Administration**

The Chamber, operating under the provisions of its Bylaws, agrees to provide a qualified and competent staff, including a full-time professional Director. Operating under the policy direction and authorities of the Chamber’s Board of Directors, this staff shall promote the attraction of primary business, industry and employment sources to the Carthage area and provide program management and administrative services necessary to sustain a viable recruitment and maintenance program for economic opportunities. This program shall include, but not to be limited to the gathering and dissemination of information and ideas, research, publications, promotional programs, advertising, target marketing, prospect development and client services and assistance.

**Article III**

**Annual Work Plan and Budget**

The Chamber agrees to provide to the City an Annual Work Plan which will incorporate the Vision, Mission, Goal and Objectives outlined in Exhibit A as a blueprint through which the Chamber proposes to realize the purpose of this Agreement, together with a budget suitable to the operation of said Annual Work Plan. These and other related documents shall be submitted in keeping with the City's annual budgetary cycle for action by the City Council of the City of Carthage in a form compatible with that used by the City. The Chamber agrees that annually, any surplus funds provided by the City for economic development services but not used for economic development services will be returned to the City. The parties agree that during the City's budgetary process for fiscal year 2020, the agreed upon amount of compensation as specified in Article VIII herein may be adjusted for Cost of Living and/or Consumer Price Index changes which occurred during the previous three years and the Agreement amended accordingly at that time.

#### **Article IV**

##### **Right of Review**

The Chamber understands and agrees that operations of the City's economic development programs are to serve the Carthage area and the general public through promotion of economic development, job creation, capital investment, and business expansion and, based on the nature of this operation, that the acts and deeds of the Chamber's agents and employees tend to be viewed as the acts and deeds of the community. As a result, the Chamber agrees to provide to the City regular reports regarding the operation of its economic development program during the term of this Agreement. These reports will include, but not be limited to, information concerning the Chamber's overall economic development strategies, staff assignments, prospect visits, program activities and results. Written monthly reports regarding economic development service activities will be presented to the City Council at the first Council meeting of each month. Additionally, the Chamber agrees to provide an oral quarterly report on its economic development activities including the budget and use of funds. It is further understood that information on prospects and active economic development clients will be exchanged with the City Council in such a way as to protect and preserve any professional confidentiality between these clients and persons representing the Chamber.

#### **Article V**

##### **Joint Ventures**

The City will have at least one designated staff or Council representative appointed liaison by the Mayor on the Chamber Board. **In the event of a vacancy in the Chamber Executive Director's position, through resignation or forced termination, the Chamber Board of Directors will form a Search Committee comprised of, at least, members of the Chamber Board of Directors, at least, one representative of CWEP, and at least, one Council representative appointed by the Mayor.** The Chamber will work closely with the City and CWEP in finalizing any deals with economic development prospects that are within the City's service area including, but not limited to, the development of any incentive packages. The City's participation in any regional advertising, marketing and/or development efforts, e.g., the Joplin Regional Partnership Initiative, will be conducted through the Chamber.

#### **Article VI**

##### **Changes in Scope of Agreement**

If during the term of this Agreement, the Chamber Executive Director terminates employment with the Chamber, the City, at its sole discretion, shall have the option of reducing the monthly disbursement to the Chamber by the amounts specified in that given year's budget submittal to the City for the Director's salary and benefits.

#### **Article VII**

##### **Term of Agreement**

This Agreement shall commence on the date first written above. This is a General Agreement, anticipating a long-term multi-year relationship between the City and the Chamber, subject to annual renewals thereof. Pursuant to this General Agreement, an Annual Work Program and Budget are to be submitted by the Chamber for consideration by the City Council, as provided in Article III of this Agreement. Upon approval of the City, each adopted Annual Work Program and Budget will be attached to this General Agreement and become the substantive basis for the continuation of the General Agreement on a fiscal year basis. Each Annual Work Program and Budget is to be the

basis for any funding which the City may choose to provide to the Chamber. This Agreement is to continue in full force and effect upon reconfirmation by both parties on or before July 1 of each year. If either party determines that it will not reconfirm this Agreement, it shall notify the other party at least sixty (60) days prior to the expiration of the Agreement. Funding shall be extended to include the notification period, when this period extends beyond July 1. The term of this agreement is intended to extend from the date it is first executed through June 30, 2020.

#### **Article VIII**

##### **Compensation**

The Chamber agrees to perform its obligations hereunder for a sum of one hundred-eighteen thousand, seventy-five dollars and no cents (\$118,075.00) annually, as budgeted and adopted by the City, payable in twelve (12) equal monthly installments of nine thousand, eight hundred thirty-nine dollars and fifty-eight cents (\$9,839.58) payable by the City at the first City Council meeting of each month commencing with the signing of this Agreement. The Chamber shall submit a monthly invoice with detailed supporting documentation as stipulated in this Agreement, describing the services provided incurred by the Chamber. Compensation shall be subject to and conditioned on the Chamber meeting the requirements specified in Exhibit A. Quarterly financial updates will be provided and funds tracked separately to the City to keep the City informed of the status of the use of funds.

#### **Article IX**

##### **Non-Transferable**

The Chamber agrees not to assign or otherwise transfer this Agreement or rights contained herein without prior written approval of the City.

#### **Article X**

##### **Liability**

The Chamber agrees that all persons working for the Chamber under this Agreement shall be employees of the Chamber and in no way shall be considered as employees of the City, notwithstanding common inter-organizational interests. In this connection, should any liability arise under the Worker's Compensation provision of the State of Missouri due to injury of an employee of the Chamber, the same shall be the sole responsibility of the Chamber. It is understood that the Chamber shall indemnify and hold harmless the City from any and all claims, suits, demands and actions related to the operation of the Chamber's economic development program. Notwithstanding the provisions of Missouri Law and the protection which said law provides to persons that serve as members of policy bodies responsible for the governance of not-for-profit organizations, the Chamber, as deemed appropriate by its Board of Directors, is authorized to insure itself, its Officers, Directors and Staff, against liability claims.

#### **Article XI**

##### **Equipment and Files**

The Chamber agrees to maintain such files and other information relative to its economic development efforts as appropriate for smooth and effective program administration from year to year, to include access to such computers, audio-visual and other equipment systems as may be necessary to the implementation of its approved programs. The files of the Chamber shall be subject to the provisions of the state law on open records, except as this law relates to records of Chamber activities with individual and specific business firms having a client-type relationship with the Chamber.

#### **Article XII**

##### **Non-Discrimination**

In connection with the performance of services under this Agreement, the Chamber agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex or ancestry. It shall be the Policy of the Chamber to take affirmative action to insure that its employees are provided equal opportunity in employment, promotion, demotion, transfer, or termination, rates of pay or other forms of compensation and selection for training.

#### **Article XIII**

**Waiver**

The waiver by the City of any breach of any term, condition or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

**IN WITNESS WHEREOF**, the parties hereto affix their hands and seals the day and year first above written.

**CITY OF CARTHAGE, MISSOURI**  
A Municipal Corporation

\_\_\_\_\_  
By:  
Dan Rife,  
Mayor, City of Carthage

ATTEST:

\_\_\_\_\_  
Traci Cox, City Clerk

**CARTHAGE CHAMBER OF COMMERCE**  
A Not-for-profit Corporation

\_\_\_\_\_  
By:  
Roy Mason, Chairman  
Carthage Chamber of Commerce

ATTEST:

\_\_\_\_\_  
Secretary

## **Exhibit A**

### **Carthage Missouri Economic Development Program**

#### **Vision, Mission, Goal and Objectives**

**December 2017**

**A coordinated effort of the City of Carthage (City), Missouri; Carthage Water and Electric Plant (CWEP)**

**Vision Statement: The Carthage Economic Development Program (CEDP) will be a proactive state and regionally recognized program, respected as an initiator of a healthy and vibrant city with a strong economic base, robust jobs, improved retail areas and a growing industrial base for the citizens of Carthage.**

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- **Attend and participate in appropriate trade shows**

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- Facilitate access to and recommend economic incentives for quality job creation and/or tax base enhancement for business and industry
- Work with all industrial prospects in coordination with the City and CWEP
- Regularly communicate and work with the City and CWEP on all aspects of economic development

Provide support to CWEP economic development efforts to attract and retain significant load generating facilities.

**To:** Frank Miller [mailto:Frank.Miller@modot.mo.gov]  
**Sent:** Friday, September 20, 2019 4:45 PM  
**From:** Tom Short <t.short@carthagemo.gov>  
**Cc:** Ezekiel D. Hall <Ezekiel.Hall@modot.mo.gov>; Dave Taylor <Dave.Taylor@modot.mo.gov>; Andrew Mueller [Andrew.Mueller@modot.mo.gov](mailto:Andrew.Mueller@modot.mo.gov); <Mark J. Elliff <melliff@carthagechamber.com>; <Mayor Rife>  
**Subject:** RE: Cost Share Agreement - 753378

Frank,

The company we have been dealing with is still going through its internal mechanisms and has yet to inform us of any decision. They have been meeting with their consultants but have not informed us of a decision.

Under the circumstances, is it possible for the City to be granted another extension?

Tom

**From:** Frank Miller [mailto:Frank.Miller@modot.mo.gov]  
**Sent:** Thursday, September 19, 2019 4:11 PM  
**To:** Mark J. Elliff <melliff@carthagechamber.com>; Tom Short <t.short@carthagemo.gov>  
**Cc:** Ezekiel D. Hall <Ezekiel.Hall@modot.mo.gov>; Dave Taylor <Dave.Taylor@modot.mo.gov>; Andrew Mueller <Andrew.Mueller@modot.mo.gov>  
**Subject:** RE: Cost Share Agreement - 753378

**CAUTION:** This email originated from outside of the organization. Verify all requests or information before clicking any links.

Tom,

Just a reminder that the MoDOT Cost Share Committee will be wanting to know if the City of Carthage has signed the agreement for the proposed roundabout at Route HH and the I-49 outer road at its next meeting on September 26th. The Committee meets next Thursday, and the extension was granted in June to continue through to this meeting.

Please let us know your plans, either way.

Thanks,  
Frank

**FRANK MILLER, AICP**  
*District Planning Manager*

**Missouri Department of Transportation**  
Southwest District – Transportation Planning  
3025 East Kearney, Springfield, MO 65803  
o: 417.895.7727  
c: 417.834.5477  
e: [frank.miller@modot.mo.gov](mailto:frank.miller@modot.mo.gov)  
w: [www.modot.org/sw](http://www.modot.org/sw)

**From:** Frank Miller  
**Sent:** Thursday, June 20, 2019 4:16 PM  
**To:** 'Mark J. Elliff'; [t.short@carthagemo.gov](mailto:t.short@carthagemo.gov)  
**Cc:** Ezekiel D. Hall; Dave Taylor; Scott Bachman; Kevin Marti; Andrew Mueller  
**Subject:** RE: Cost Share Agreement - 753378

Mark – thank you. We suspected that there might not be a definitive schedule, but wanted to confer with you and Tom Short in case a question came up about the project's timeline in the MoDOT Cost Share Committee that was held this morning.

Tom and Mark – The MoDOT Cost Share Committee approved the City's request for another six-months to sign the Cost Share Agreement this morning. This will be one year from the original September 2018 approval date. This is a one-time extension, and will, hopefully, be sufficient time for the industry to conclude its development plans in Carthage. Other communities would like to participate in the Cost Share Program and utilize its limited funds, so we cannot wait indefinitely for a commitment from the City of Carthage to proceed with this project.

Please let us know if you have any questions or if we can be of any assistance to help you move forward. We look forward to partnering with you on this project.

Thanks,  
Frank

**Frank Miller, AICP**  
District Planning Manager  
Southwest District • Missouri Department of Transportation  
3025 E. Kearney Street Springfield, MO 65803  
Ph. 417.895.7727 • [www.modot.org](http://www.modot.org)

**To: Public Safety Committee:**

As a little history to the discussion about parking on the square at last night's Public Safety Committee meeting (9/19/19), in about April 2019, a federal appeals court ruled that "chalking" [tires] is a violation of the Fourth Amendment. A three-judge panel of the U.S. Court of Appeals for the 6th Circuit unanimously agreed. The decision affects the 6th Circuit, which includes Michigan, Ohio, Kentucky and Tennessee. The Fourth Amendment protects people from "unreasonable searches and seizures." The court found that chalking is indeed a "search" for purposes of the Fourth Amendment, because government officials physically trespass upon a constitutionally protected area to obtain information. Just as the Supreme Court ruled in 2012 that sticking a GPS tracker to a car counted as a "search," so is marking a tire with chalk to figure out how long it has been parked, the court wrote.

I've contacted the Missouri Municipal League to see if they had any information or research on parking problems related to the "chalking" matter, similar to ours, or parking issues in general. They reported they did not but gave a couple of contacts that we will communicate with regarding parking issues.

In hind-sight of last night's meeting, it appeared the issue regarding enforcement of parking on the square got a little confusing or convoluted by additional discussion of ancillary issues. These basically involved the parking lots owned by the City, which were somewhat addressed in the Drury Study.

The discussion of some structural redevelopment of the square including parking was addressed in Downtown Revitalization Plan in the spring of 2011 by Drury University Center for Community Studies. This study included issues tying together parking and ambience in the downtown district. One of the Plan's recommendations included structural redesign of the square that included the two lanes of one way traffic around the courthouse be changed to one lane of one way traffic and that the inside diagonal parking around the courthouse square be removed. The space that these changes provided could be allotted to the enlargement of the sidewalk space on the outside of the square and the remaining diagonal parking. These proposals were made to de-emphasize the importance of the car within the city center and to shift the importance back to the pedestrian and the social interaction of people. Long term parking for the courthouse square/city center was recommended to be handled primarily by a multilevel parking structure. In the short term, the removal of the inside lane of parking around the square would be accommodated by surface lots located within a one block radius of the square. There was also recommendations regarding additional streetscaping to accommodate these some of these recommendations.

The enforcement issue, taken separately, would appear to be easier. The action from last night's meeting indicated to look at other successful entities and how they are doing this and the (general) costs associated with them. As mentioned at the meeting, this appears to be a problem on the Tuesdays that court is in session at the Courthouse.

A professor of urban planning at the University of California, Los Angeles (regarding the ruling) said, every city with a parking ordinance probably used chalking at one time, but the practice is becoming less common, replaced by computerized meters, pay-by-phone apps and digital vehicle recognition systems. He further stated the manual version has always been arbitrary and inefficient with the enforcement being kind of random and that "chalking tires is very old-fashioned". With other entities facing this problem, staff will try to see what they are doing, how effective it is and if it is transferrable to our situation.

At least this should give the Council something concrete to look at and if it is implementable based on the City's circumstances.

*Tom Short*

**Carthage Public Library  
Balance Sheet - Cash basis  
August 31, 2019**

**Assets**

<b>Current Assets</b>	
Cash in bank - treasurer's cash	\$ 145,965.81
Cash in bank - Simmons Bank	12,325.71
Cash on hand - circulation desk	100.00
Cash on hand - Internet desk	40.00
Petty cash	120.00
MOSIP Investment	<u>661,647.20</u>
<b>Total Current Assets</b>	<u>820,198.72</u>
 <b>Total Assets</b>	 <u>\$ 820,198.72</u>

**Liabilities and Net Assets**

<b>Net Assets</b>	
Unrestricted Net Assets	\$ 576,361.12
Temporarily Restricted Net Assets:	
Boylan Grant	6,252.67
CPL Development Foundation	13,048.92
Debbie Putnam - Ebooks	30,139.74
Debbie Putnam - Children's section	2,000.00
Library Gardens	13,403.70
Spotlight on Literacy (RTR) Grant - MOSL 2020	4,397.25
Spotlight on Literacy (RTR) Grant - Local 2020	7,735.57
Spotlight on Literacy - MOSL -2020	2,189.25
Spotlight on Literacy Grant - Local - 2020	13,778.65
Steadley Trust	2,546.16
Summer reading program - Local - 2019	75.18
Summer reading program - MOSL grant - 2019	(2,489.79)
Thelma Stanley Foundation Grant	7,012.96
Operational reserves	195,998.47
Change in net assets	<u>(52,251.13)</u>
<b>Total Net Assets</b>	<u>820,198.72</u>
 <b>Total Liabilities and Net Assets</b>	 <u>\$ 820,198.72</u>

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and two months ended August 31, 2019**

	2019 Month Actual	Monthly Budget	Monthly Variance	2019 Year to date	Annual Budget	Annual Variance
<b>Revenue</b>						
Book sale income	\$ 210.10	\$ 250.00	\$ (39.90)	\$ 382.80	\$ 3,000.00	\$ (2,617.20)
Copier income	577.15	583.34	(6.19)	1,163.25	7,000.00	(5,836.75)
Donations	66.15	0.00	66.15	2,310.75	0.00	2,310.75
Donations-restricted	515.00	1,125.00	(610.00)	515.00	13,500.00	(12,985.00)
Fax income	75.00	83.34	(8.34)	142.80	1,000.00	(857.20)
Fine income	536.26	583.34	(47.08)	1,388.18	7,000.00	(5,611.82)
Interest income	28,173.04	833.34	27,339.70	29,583.30	10,000.00	19,583.30
Non-resident fee income	340.00	666.67	(326.67)	1,240.00	8,000.00	(6,760.00)
Payment for lost books	49.15	0.00	49.15	81.14	0.00	81.14
Postage income	0.00	166.67	(166.67)	0.00	2,000.00	(2,000.00)
State aid	0.00	1,000.00	(1,000.00)	0.00	12,000.00	(12,000.00)
Sur tax	0.00	1,500.00	(1,500.00)	0.00	18,000.00	(18,000.00)
Tax income	422.15	16,916.67	(16,494.52)	1,165.95	203,000.00	(201,834.05)
Tax income - Park and storm water	35,492.81	38,966.67	(3,473.86)	74,785.49	467,600.00	(392,814.51)
Miscellaneous income	275.00	166.67	108.33	422.50	2,000.00	(1,577.50)
Other income	70.88	166.67	(95.79)	287.43	2,000.00	(1,712.57)
<b>Total revenue</b>	<u>66,802.69</u>	<u>63,008.38</u>	<u>3,794.31</u>	<u>113,468.59</u>	<u>756,100.00</u>	<u>(642,631.41)</u>

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and two months ended August 31, 2019**

	2019 Month Actual	Monthly Budget	Monthly Variance	2019 Year to date	Annual Budget	Annual Variance
<b>Operating Expenses</b>						
Salaries	53,313.33	40,509.66	(12,803.67)	93,874.58	486,116.00	392,241.42
Lagers	2,679.79	1,959.91	(719.88)	4,873.61	23,519.00	18,645.39
Insurance - health	300.00	1,250.00	950.00	3,536.78	15,000.00	11,463.22
Payroll taxes - FICA	4,079.43	3,042.91	(1,036.52)	7,182.35	36,515.00	29,332.65
Total payroll expenses	<u>60,372.55</u>	<u>46,762.48</u>	<u>(13,610.07)</u>	<u>109,467.32</u>	<u>561,150.00</u>	<u>451,682.68</u>
Employee goodwill	175.00	250.00	75.00	804.63	3,000.00	2,195.37
Advertising	0.00	83.33	83.33	0.00	1,000.00	1,000.00
Audio-visuals	284.33	166.66	(117.67)	284.33	2,000.00	1,715.67
Books	1,517.05	2,500.00	982.95	7,405.92	30,000.00	22,594.08
Books - children's	6,485.80	1,250.00	(5,235.80)	6,485.80	15,000.00	8,514.20
Contract fees	9,132.83	3,083.33	(6,049.50)	13,640.15	37,000.00	23,359.85
Dues and travel	44.94	833.33	788.39	1,405.69	10,000.00	8,594.31
Ebooks	0.00	291.66	291.66	3,500.00	3,500.00	0.00
Furniture and equipment	0.00	583.33	583.33	0.00	7,000.00	7,000.00
Information technology (IT)	414.02	583.33	169.31	556.99	7,000.00	6,443.01
Insurance	0.00	2,083.33	2,083.33	2,746.00	25,000.00	22,254.00
Legal and professional	0.00	500.00	500.00	0.00	6,000.00	6,000.00
Periodicals	0.00	500.00	500.00	3,312.24	6,000.00	2,687.76
Postage	67.99	125.00	57.01	135.98	1,500.00	1,364.02
Programs - adult	596.65	500.00	(96.65)	922.62	6,000.00	5,077.38
Programs - children	208.82	1,083.33	874.51	1,199.21	13,000.00	11,800.79
Programs, teens	26.95	83.33	56.38	325.79	1,000.00	674.21
Repairs and maintenance	684.30	2,916.66	2,232.36	5,168.18	35,000.00	29,831.82
Supplies	1,311.44	2,083.33	771.89	2,860.55	25,000.00	22,139.45
Telephone	253.55	500.00	246.45	688.24	6,000.00	5,311.76
Utilities	2,519.90	2,916.66	396.76	4,810.08	35,000.00	30,189.92
	<u>23,723.57</u>	<u>22,916.61</u>	<u>(806.96)</u>	<u>56,252.40</u>	<u>275,000.00</u>	<u>218,747.60</u>
Total expenses and losses	<u>84,096.12</u>	<u>69,679.09</u>	<u>(14,417.03)</u>	<u>165,719.72</u>	<u>836,150.00</u>	<u>670,430.28</u>

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and two months ended August 31, 2019**

	<b>2019</b> <b>Month Actual</b>	<b>Monthly</b> <b>Budget</b>	<b>Monthly</b> <b>Variance</b>	<b>2019</b> <b>Year to date</b>	<b>Annual</b> <b>Budget</b>	<b>Annual</b> <b>Variance</b>
Increase/(Decrease) in unrestricted net assets before transfers	(17,293.43)	(6,670.71)	(10,622.72)	(52,251.13)	(80,050.00)	27,798.87
Transfers from temporary restricted	3,409.82	6,670.84	(3,261.02)	11,339.11	80,050.00	(68,710.89)
Transfers to temporary restricted	(515.00)	0.00	(515.00)	(515.00)	0.00	(515.00)
Increase/(Decrease) in unrestricted net assets	<u>(14,398.61)</u>	<u>0.13</u>	<u>(14,398.74)</u>	<u>(41,427.02)</u>	<u>0.00</u>	<u>(41,427.02)</u>

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and two months ended August 31, 2019**

	2019 Month Actual	Monthly Budget	Monthly Variance	2019 Year to date	Annual Budget	Annual Variance
<b>Changes in temporarily restricted net assets</b>						
Summer reading program - Local - 2019	515.00			515.00		
Debbie Putnam - Ebooks	0.00			(3,500.00)		
Library Gardens	0.00			(185.83)		
Spotlight on Literacy (RTR) Grant - MOSL 2020	(77.50)			(77.50)		
Spotlight on Literacy (RTR) Grant - Local 2020	0.00			(120.00)		
Spotlight on Literacy Grant - MOSL 2020	(1,081.25)			(1,656.25)		
Spotlight on Literacy Grant - Local - 2020	(1,171.65)			(1,937.50)		
Summer reading program - Local - 2019	0.00			(75.18)		
Summer reading program - MOSL - 2019	(1,079.42)			(3,786.85)		
Increase/(Decrease) in temporarily restricted net assets	<u>(2,894.82)</u>			<u>(10,824.11)</u>		
<b>Change in net assets</b>	<u>\$ (17,293.43)</u>			<u>\$ (52,251.13)</u>		

See accountant's compilation report.

**Carthage Public Library  
Gift Account Activity  
For the one month and two months ended August 31, 2019**

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending balance</u>
Boylan Grant	\$ 6,252.67	\$ 0.00	\$ 0.00	\$ 6,252.67
CPL Development Foundation	13,048.92	0.00	0.00	13,048.92
Debbie Putnam - Ebooks	30,139.74	0.00	(3,500.00)	26,639.74
Debbie Putnam - Children's section	2,000.00	0.00	0.00	2,000.00
Library Gardens	13,403.70	0.00	(185.83)	13,217.87
Spotlight on Literacy (RTR) Grant - MOSL 2020	4,397.25	0.00	(77.50)	4,319.75
Spotlight on Literacy (RTR) Grant - Local 2020	7,735.57	0.00	(120.00)	7,615.57
Spotlight on Literacy - MOSL -2020	2,189.25	0.00	(1,656.25)	533.00
Spotlight on Literacy Grant - Local - 2020	13,778.65	0.00	(1,937.50)	11,841.15
Steadley Trust	2,546.16	0.00	0.00	2,546.16
Summer reading program - Local - 2019	75.18	515.00	(75.18)	515.00
Summer reading program - MOSL grant - 2019	(2,489.79)	0.00	(3,786.85)	(6,276.64)
Thelma Stanley Foundation Grant	7,012.96	0.00	0.00	7,012.96
Operational reserves	195,998.47	0.00	0.00	195,998.47
<b>Totals</b>	<u>\$ 296,088.73</u>	<u>\$ 515.00</u>	<u>\$ (11,339.11)</u>	<u>\$ 285,264.62</u>

See accountant's compilation report.

**Carthage Public Library  
Check register  
August 1, 2019 - August 31, 2019**

Date      Reference      Description      Amount

08/02/19		Impound Payment - Tax Agent	466.50
08/02/19		Impound Payment - Firm Vendor	133.80
08/02/19	33024	Internal Revenue Service	4,191.55
08/05/19	TASCINSURAN	TASC DIRECT PAY 08/2019	300.00
08/13/19	CE		
08/13/19	32799	Baker & Taylor	379.88
08/13/19	32800	Bloom Boutique	13.00
08/13/19	32801	Carthage Printing Services	226.00
08/13/19	32802	Carthage Water & Electric	2,468.55
08/13/19	32803	DEMCO	94.95
08/13/19	32804	Gale/Cengage Learning Inc.	314.51
08/13/19	32805	Housten Bindery	154.20
08/13/19	32806	Julie Yockey	123.54
08/13/19	32807	Lakeland Office Systems, Inc.	149.10
08/13/19	32808	Lamar Greenhouse and Florst	62.00
08/13/19	32809	Lowes Business Actd/CECRB	274.04
08/13/19	32810	National Elevator Inspection Service	165.00
08/13/19	32811	OCLC, INC.	247.50
08/13/19	32812	Recorded Books	769.94
08/13/19	32813	Schmidt Associates P.C.	55.00
08/13/19	32814	Total Electronics Contracting Inc.	378.95
08/13/19	32815	Unique Management Services, Inc.	71.60
08/13/19	32816	University of Missouri- AR Columbia	6,519.48
08/16/19		Impound Payment - Tax Agent	456.50
08/16/19		Impound Payment - Firm Vendor	120.60
08/16/19	33046	Internal Revenue Service	3,882.28
08/27/19	32817	4 State Maintenance Supply, Inc.	101.53
08/27/19	32818	AFLAC	1,299.78
08/27/19	32819	Amazon	1,743.42
08/27/19	32820	AT&T	88.55
08/27/19	32821	Baker & Taylor	90.62
08/27/19	32822	Christina Doza	21.19
08/27/19	32823	Gale/Cengage Learning Inc.	256.89
08/27/19	32824	Hunter & Willard Architects Inc.	1,170.00
08/27/19	32825	Jerry Welch	12.84
08/27/19	32826	Judy Welch	8.56
08/27/19	32827	Junior Library Guild	5,188.80
08/27/19	32828	Lowes Business Actd/CECRB	267.25
08/27/19	32829	Marta E. Barahona	367.50
08/27/19	32830	Petty Cash	2.00
08/27/19	32831	Recorded Books	221.42
08/27/19	32832	Rhonda Wyrski	29.15
08/27/19	32833	Spire	51.35
08/27/19	32834	Springfield Glass Company	380.00
08/27/19	32835	VISA Card Services	714.06
08/27/19	32836	Voya Financial	224.73
08/30/19		Impound Payment - Tax Agent	463.00
08/30/19		Impound Payment - Firm Vendor	121.80
08/30/19	33070	Internal Revenue Service	4,077.90
08/30/19	LAGERS-PMT	MO Lagers Payment Payroll Deductions 08/2019	3,940.89
08/31/19	P89	Payroll Journal Entry	41,234.42
		<b>Total demand</b>	<b>84,096.12</b>

Cash in bank - Simmons Bank

## **Director's Progress and Service Report**

### **Julie Yockey, Director**

Why buy a book when you can join a library? September is "National Library Card Sign-Up" month. The Carthage Public Library has so much to offer people of all ages. If your child does not have their own library card yet, please get the school year off to a great start by coming by and signing them up! Scholarships through the Carthage School District R-9 Foundation are still available for families. Stop by the Circulation desk for an application.

The Francis "Bud" Barnes Outstanding Legislator Award is sponsored by the Legislative Committee and is given annually to a Missouri legislator in recognition of exceptional contributions to the welfare of Missouri's libraries. The award is named in honor of State Representative Francis (Bud) Barnes (District 96) whose long devotion to Missouri libraries and whose contributions to library-related legislation are gratefully acknowledged. The Legislative Committee, along with the Missouri Library Association Advocate meet every summer to discuss whether a legislator or legislators distinguished themselves in an exceptional way that would merit the award. The MLA Legislative Advocate provides the plaque for the Award. The award winner is always invited to the annual awards banquet. This year, our very own Representative Cody Smith was chosen unanimously to receive this distinguished award. Cody and his wife Jana have agreed to attend the Awards Banquet at MLA this year on October 3<sup>rd</sup> in Kansas City. We are proud to call Cody "Our own," and proud of his love of his library and all libraries in Missouri.

There were multiple building issues once again in August. An ornery person found a way to turn on the water to the garden fountain which resulted in the fountain being flooded for hours upon hours before it was found early the next morning. One of our automatic front doors was broken when a patron left the library after an ugly incident with another patron. Roof issues multiplied, and Gary Cole will give an update on those. Bathroom faucets in our men's room downstairs are being replaced and electricians and telephone technicians have been onsite to try to narrow down the cause of the phone and time-clock outages. We believe those problems were due to lightning strikes while the surge protectors were broken. All of the above issues have been resolved except for the roof. Pinewood Nursery spent a day sprucing up the Gardens by doing major trim work on our trees and bushes.

Sherri Luce, Children's Director and I will be attending the Missouri Library Association Conference in Kansas City October 2-4. On October 22 we will have three staff members attend the Summer Reading 2020 Workshop planning meeting in Marionville Missouri. The grant report for this summer was just turned in and it is already time to start planning for next year.

The Library will be going through its' annual audit on September 19 and 20<sup>th</sup>, and an update will be given this evening on our new building project, and we anticipate the opening of the building bids on September 26.

Have a wonderful September.

Julie Yockey, Director

Children's Progress Report  
August 2019, Sherri Luce

Our Summer Reading Program was officially over just before July ended, but the foot traffic in the Children's Department did not slow down. We enjoyed local day camps bringing their children over to use the library in the weeks before school started, as well as many families stopping by for books to take on their last minute vacations.

August was spent cleaning up the summer decorations, and preparing for back-to-school and fall activities. New bulletin boards, book displays, ordering and processing new books, and scheduling many of our calendar events for in-house and outreach programs for this school year are now set for now through April 2020.

**CIRCULATION REPORT for August 2019**

<b>New Books/Periodicals</b>	
Adult Books	<u>75</u>
Adult Periodicals	<u>90</u>
YA Books	<u>11</u>
YA Periodicals	<u>3</u>
Juvenile Books	<u>96</u>
Juv Periodicals	<u>8</u>
<b>Totals</b>	<b><u>283</u></b>

<b>New Applications</b>	
Adult	<u>71</u>
Juvenile	<u>21</u>
<b>Total</b>	<b><u>92</u></b>

<b>AWE Computers</b>	
AWE #1	<u>104</u>
AWE #2	<u>100</u>
AWE #3 (Bilingual)	<u>63</u>
AWE #4 (Bilingual)	<u>75</u>
<b>Total</b>	<b><u>342</u></b>

<b>Computer Use</b>	
Adult	<u>576</u>
Reference/Genealogy	<u>8</u>
Microfilm	<u>4</u>
Juvenile	<u>96</u>
Tablets	<u>59</u>
AWE	<u>342</u>
Teen Laptops	<u>77</u>
Wireless	<u>409</u>
<b>Total</b>	<b><u>1571</u></b>

<b>Circulation</b>	<b>Adult</b>	<b>YA</b>	<b>Juvenile</b>	<b>Total</b>
Books	<u>1977</u>	<u>280</u>	<u>2224</u>	<u>4481</u>
Periodicals	<u>51</u>	<u>0</u>	<u>2</u>	<u>53</u>
Audio	<u>83</u>	<u>1</u>	<u>15</u>	<u>99</u>
Visual	<u>618</u>	<u>-</u>	<u>-</u>	<u>618</u>
Circulating Electronics	<u>1</u>	<u>-</u>	<u>-</u>	<u>1</u>
eBooks	<u>977</u>	<u>122</u>	<u>120</u>	<u>1219</u>
<b>Totals</b>	<b><u>3707</u></b>	<b><u>403</u></b>	<b><u>2361</u></b>	<b><u>6471</u></b>
In House Use	<u>247</u>	<u>-</u>	<u>-</u>	<u>247</u>
<b>Courier</b>	<b>Lending</b>	<b>Borrowing</b>		<b>Total</b>
	<u>516</u>	<u>393</u>		<u>909</u>
<b>Circulation Total</b>				<b><u>7627</u></b>

<b>Learning Express</b>	<b>NewsBank</b>	<b>Ebscohost</b>	<b>HeritageQuest</b>	<b>Total</b>
<u>2</u>	<u>24</u>	<u>42</u>	<u>15</u>	<u>83</u>

<b>ENGLISH</b>	<b>Adult</b>	<b>YA</b>	<b>Juvenile</b>	<b>Total</b>
Programs	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
Attendees	<u>0</u>	<u>0</u>	<u>27</u>	<u>27</u>

<b>SPANISH</b>	<b>Adult</b>	<b>Juvenile</b>	<b>Total</b>
Programs	<u>4</u>	<u>0</u>	<u>4</u>
Attendees	<u>26</u>	<u>0</u>	<u>26</u>

	<b>Requests</b>	<b>Filled</b>
ILL Requests Made	<u>0</u>	<u>0</u>
ILL Requests Rec'd	<u>131</u>	<u>0</u>

<b>Door Count</b>	<u>N/A</u>
-------------------	------------

	<b>Adult</b>	<b>YA</b>	<b>Juvenile</b>	<b>Total</b>
Mending	<u>34</u>	<u>3</u>	<u>4</u>	<u>41</u>
Discards	<u>84</u>	<u>8</u>	<u>23</u>	<u>115</u>
Corrective Processing	<u>1</u>	<u>0</u>	<u>3</u>	<u>4</u>

## **"Rosenberg's Rules of Order"**

*(Simple Rules of Parliamentary Procedure for the 21st Century)*

### **Introduction**

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules - "Robert's Rules of Order" - which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time, and for another purpose. If one is chairing or running a Parliament, then "Robert's Rules of Order" is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of, say, a 5-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of "Rosenberg's Rules of Order."

What follows is my version of the rules of parliamentary procedure, based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars: (1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings. (2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate. (3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process. (4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

### **The Role of the Chair**

While all members of the body should know and understand the rules of parliamentary procedure, it is the Chair of the body who is charged with applying the rules in the conduct of the meeting. The Chair should be well versed in those rules. The Chair, for all intents and purposes, makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

Since the Chair runs the conduct of the meeting, it is usual courtesy for the Chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the Chair should not participate in the debate or discussion. To the contrary, the Chair as a member of the body has the full right to participate in the debate, discussion and decision-making of the body. What the Chair should do, however, is strive to be the last to speak at the discussion and debate stage, and the Chair should not make or second a motion unless the Chair is convinced that no other member of the body will do so at that point in time.

### **The Basic Format for an Agenda Item Discussion**

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. And each agenda item can be handled by the Chair in the following basic format:

**First**, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the Chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).

**Fifth**, the Chair should invite a motion. The Chair should announce the name of the member of the body who makes the motion.

**Sixth**, the Chair should determine if any member of the body wishes to second the motion. The Chair should announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)

**Seventh**, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the Chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the Chair takes a vote. Simply asking for the "ayes", and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated later in these rules) then a simple majority determines whether the motion passes or is defeated.

**Tenth**, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days notice for all future meetings of this body."

#### **Motions in General**

Motions are the vehicles for decision-making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the Chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move . . . ." So, a typical motion might be: "I move that we give 10-day's notice in the future for all our meetings."

The Chair usually initiates the motion by either (1) Inviting the members of the body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the body. "A motion would be in order that we give 10-day's notice in the future for all our meetings." (3) Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

#### **The Three Basic Motions**

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

#### **Multiple Motions Before the Body**

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a 5-member committee to plan and put

on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

**First**, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

**Second**, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be 5 members or 10 members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

#### **To Debate or Not to Debate**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

**A motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**A motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**A motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a **motion to object to consideration of an item.** This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

#### **Majority and Super-Majority Votes**

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

**Motion to limit debate.** Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

**Motion to close nominations.** When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a 2/3 vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

#### **The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, perhaps disagreement and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to a re-opener if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and by a 2/3 majority, can allow a motion to reconsider to be made at another time.) Second, a motion to reconsider can only be made by certain members of the body. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

#### **Courtesy and Decorum**

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

#### **Special Notes About Public Input**

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.