

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON OCTOBER 10, 1995 AT 5:00 P.M. IN THE BOARD ROOM OF SAID CITY.

THOSE PRESENT

MAYOR JACK GAY

ALDERMEN

RAYMOND C. BRANDLE
WILLIAM H. CAMPBELL
SHELBY L. TIMS

OTHERS PRESENT

BILL ANDERSON

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE NOTICE OF SPECIAL MEETING WITH HIS RETURN WAS PRESENTED FOR FILING BY CHIEF WAYNE MURPHY. THE NOTICE READ AS FOLLOWS:

NOTICE OF SPECIAL MEETING

WHEREAS, A FORM OF ORDINANCE WAS HERETOFORE ON THE 5TH DAY OF SEPTEMBER, 1995, PRESENTED TO THE CITY OF PETAL, MISSISSIPPI PROVIDING FOR THE GRANT OF A FRANCHISE TO MISSISSIPPI POWER COMPANY, AND PURSUANT TO AN ORDER HERETOFORE ADOPTED ON THE 5TH DAY OF SEPTEMBER, 1995, SAID FORM OF ORDINANCE HAS REMAINED ON FILE WITH THE CLERK OF THE CITY OF PETAL, MISSISSIPPI, FOR A PERIOD OF NOT LESS THAN TWO WEEKS AS REQUIRED BY LAW; AND

WHEREAS, THE SAID MATTER NOW COMING ON FOR CONSIDERATION, UPON MOTION MADE BY ALDERMAN TIMS AND DULY SECONDED THE ALDERMAN BRANDLE, THE FOLLOWING ORDINANCE WAS ADOPTED:

SEE EXHIBIT "A"

ORDINANCE 1995 (85)

AN ORDINANCE
GRANTING AN ELECTRIC FRANCHISE TO
MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS
IN THE TOWN OF PETAL, MISSISSIPPI

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIAM H. CAMPBELL
ALDERMAN RAYMOND C BRANDLE
ALDERMAN SHELBY L TIMS

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING RESOLUTION TO THE BOARD:

SEE EXHIBIT "B"

RESOLUTION CALLING A SPECIAL ELECTION

A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF PETAL, MISSISSIPPI, ON TUESDAY, THE 7TH DAY OF NOVEMBER, 1995, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF PETAL, MISSISSIPPI, THE APPROVAL OR DISAPPROVAL OF THE ACTION OF THE MAYOR AND BOARD OF ALDERMEN IN ADOPTING ON THE 10TH OF OCTOBER, 1995, AN ORDINANCE GRANTING TO MISSISSIPPI POWER COMPANY ITS SUCCESSORS AND ASSIGNS A FRANCHISE IN PETAL, MISSISSIPPI.

THEREUPON, ALDERMAN TIMS MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION. ALDERMAN BRANDLE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIAM H. CAMPBELL
ALDERMAN RAYMOND C BRANDLE
ALDERMAN SHELBY L TIMS

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN BRANDLE MADE A MOTION TO ADJOURN. ALDERMAN TIMS SECONDED THE MOTION.

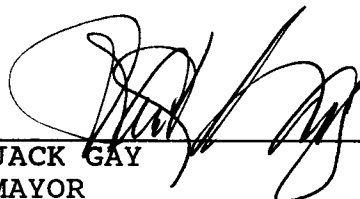
THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIAM H. CAMPBELL
ALDERMAN RAYMOND C BRANDLE
ALDERMAN SHELBY L TIMS

THOSE PRESENT AND VOTING "NAY":

NONE

THEREBEING NO FURTHER BUSINESS, THE SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 10TH DAY OF OCTOBER, A.D., 1995.



JACK GAY
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK

EXHIBIT "A"

ORDINANCE NO. 1995 (85)

AN ORDINANCE
GRANTING AN ELECTRIC FRANCHISE TO
MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS
IN THE TOWN OF PETAL, MISSISSIPPI

BE IT ORDAINED by the Mayor and Board of Aldermen, herein called "Governing Body," of the Town of Petal, Mississippi:

SECTION 1. In consideration of the benefits that will accrue to the Town of Petal, Mississippi, and the inhabitants thereof (herein called "Municipality"), and of the payment by Mississippi Power Company (herein called "Grantee") to the Municipality of a sum of money equal to three percentum (3%) per year of the total revenue of the Grantee from the sales of electric energy, excepting therefrom sales for resale and sales in interchange of energy with others, within the corporate limits of the Municipality, or the sum of Three Hundred Dollars (\$300.00) per year, whichever is the greater, payable quarterly on or before thirty days following the close of each calendar quarter during such period as the Grantee operates in said Municipality, but not to exceed twenty-five (25) years from the effective date of this Ordinance, Municipality does hereby grant to and vest in the Grantee, its successors and assigns, the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and conduct in the Municipality as it now exists or may hereafter be extended, a plant or plants and system for the generation, transmission, and distribution of electric energy for all purposes whatsoever.

SECTION 2. Municipality does hereby give and grant to, and vest in, Grantee, its successors and assigns, the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and conduct in the Municipality a system of poles, towers, conduits, cables, conductors, transforming stations, fittings and all appliances or appurtenances necessary or desirable to the transmission, distribution, or sale of electric energy for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges, and public places in the Municipality as they now exist or may hereafter be laid out or extended, together with the further right, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain and operate such poles, towers, conduits, cables, wires, conductors, transforming stations, fittings and all appliances and appurtenances necessary or desirable to the transmission within, into, through, over, and beyond the Municipality and furnishing, supplying and distributing to the Municipality and to the inhabitants and corporations, both within and beyond the limits thereof, electric energy for lighting, heating, power and all other purposes for which electric energy may be used now or hereafter, and for the purpose of extending its lines and furnishing electric energy beyond the limits of the Municipality. Municipality further agrees that it will not compete in any manner with Grantee for the transmission, distribution or sale of electric energy, including but not limited to any attempt, directly or indirectly, to acquire such a system, as such terms are defined in Title 21, Chapter 27, Section 11 of the Mississippi Code of 1972, as amended.

SECTION 3. The poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances and appurtenances shall be so constructed as not unreasonably to interfere with the proper use of the streets, avenues, alleys, ways, bridges and public places in the Municipality and shall be maintained all in a reasonably good condition and repair.

SECTION 4. Whenever the Grantee shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges or public places of the Municipality for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables and other appliances, the work shall be completed within a reasonable time; and the Grantee shall, upon the completion of such work, restore such portion of the streets, avenues, alleys, ways, bridges or other public places to as good condition as it was before the opening or alteration was so made.

SECTION 5. The Grantee shall hold the Municipality harmless from any and all liability or damages resulting from the negligence of the Grantee in the construction, maintenance, or operation of its poles, towers, conduits, wires, cables and other appliances.

SECTION 6. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as conditions for the sale and distribution by it of electric energy to any person, firm, or corporation, not, however, in conflict with or repugnant to the jurisdiction of the Mississippi Public Service Commission under the provisions of Title 77, Chapter 3, Mississippi Code of 1972, as amended.

SECTION 7. In the event the supply of electric energy shall be interrupted or fail by reason of accident, or otherwise, beyond the control of the Grantee, the Grantee shall restore the service within a reasonable time and such interruption shall not constitute a breach of this franchise, nor shall the Grantee be liable for damage by reason of such interruption or failure.

EXHIBIT "A"

SECTION 8. Wherever in this Ordinance either the Municipality or the Grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either, and all rights, privileges and obligations herein conferred shall bind and inure to the benefit of such successor, successors, or assigns of the Municipality or of the Grantee.

SECTION 9. This franchise is in addition to and supplemental to any and all such rights as the Grantee may have under the provisions of Title 77, Chapter 3, Mississippi Code of 1972, as amended, and any other section of the Mississippi Code of 1972, as amended, and its acceptance and exercise by the Grantee shall never be construed as a waiver nor abandonment of nor as a limitation upon the rights now vested in or being exercised by the Grantee under the statute or law of the State of Mississippi. Nor shall the granting of this franchise be construed or operate to abridge, impair, or deny the validly held rights of any other distributor of electric energy within the Municipality, or portion thereof, under either of a franchise from the Municipality or a certificate of public convenience and necessity issued pursuant to Title 77, Chapter 3, Mississippi Code of 1972, as amended.

SECTION 10. The rights hereby granted shall become effective upon the passage of this Ordinance and continue for a period of twenty-five (25) years thereafter.

SECTION 11. If any clause, provision or section of this ordinance is illegal, or is not embraced within the title hereof, or is not cognate to the subject expressed in the title, the remaining provisions hereof shall not be thereby affected but shall have full force and operation.

SECTION 12. The Grantee shall pay the Municipality the cost of publishing this Ordinance according to law and the cost of holding a special election for the approval or disapproval by the qualified electors of the Municipality of this ordinance.

SECTION 13. This franchise is in lieu of and supersedes a franchise previously granted to Grantee by the Municipality, which upon the effective date of this Ordinance shall, by mutual consent of the parties thereto, be no longer in force and effect.

SECTION 14. This Ordinance shall not become effective until it is duly passed by the Governing Body, published as required by law and approved by a majority vote of qualified electors of the Municipality voting thereon at a special election duly called and held as required by law.

The within and foregoing Ordinance, having been introduced in writing at a regular meeting of the aforesaid Governing Body of the Municipality and having thereafter remained on file with the Clerk for public inspection for a period of at least two weeks before the final passage or adoption thereof, was considered by sections at a public meeting of the said Governing Body in the form in which it was introduced and upon motion of Alderman Tims, duly seconded by Alderman Brandle that it be adopted, a final Yeas and Nays vote was taken which resulted as follows:

Yeas: Alderman Campbell _____
Alderman Brandle _____
Alderman Tims _____


Nays: None

Whereupon, the motion was declared carried and the Ordinance declared adopted.

APPROVED this the 10th day of October, 1995.



MAYOR

ST: 

CLERK

EXHIBIT "A"

IT IS NOW ORDERED by the Mayor and Board of Aldermen that the foregoing form of Ordinance filed with the Clerk of the Town of Petal and remain on file for public inspection for a period of not less than two weeks from and after this date, following which the Mayor and Board of Aldermen will take appropriate action thereon.

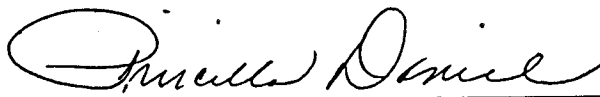
STATE OF MISSISSIPPI

COUNTY OF FORREST

TOWNSHIP OF PETAL

I, Priscilla Daniel, Clerk of the Town of Petal, Mississippi, hereby certify that the above and foregoing is a true and correct copy of an order duly passed by the Mayor and Board of Aldermen of said Municipality at a regular meeting thereof held on the 5th of September, 1995, as the same appears of record in Minute Book 15, Pages 200, now on file in my office.

Given under my hand and official seal on this the 5th of September, 1995.



Priscilla Daniel
Clerk, Town of Petal, Mississippi

RESOLUTION CALLING A SPECIAL ELECTION

~~BY THE BOARD~~
A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF PETAL, MISSISSIPPI, ON TUESDAY, THE 7TH DAY OF NOVEMBER, 1995, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF PETAL, MISSISSIPPI, THE APPROVAL OR DISAPPROVAL OF THE ACTION OF THE MAYOR AND BOARD OF ALDERMEN IN ADOPTING ON THE 10TH OF OCTOBER, 1995, AN ORDINANCE GRANTING TO MISSISSIPPI POWER COMPANY ITS SUCCESSORS AND ASSIGNS A FRANCHISE IN PETAL, MISSISSIPPI.

WHEREAS, on the 5th day of September, 1995, at a regular meeting of the Mayor and Board of Aldermen of Petal, Mississippi, an ordinance was introduced entitled "AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF PETAL, MISSISSIPPI," which said ordinance has, pursuant to an order of this body, remained on file for public inspection for two weeks as provided by law; and

WHEREAS, on the 10th day of October, 1995, the said ordinance was passed by said Board of Aldermen and approved by the Mayor in the form in which it was introduced, subject to publication thereof as provided by law and subject to the approval by the majority of the qualified electors voting thereon at a special election as provided for by law; and

WHEREAS, the Mayor and Board of Aldermen find that it is necessary to call a special election in order to refer the action of the Mayor and Board of Aldermen in the passage of the said ordinance to the approval or disapproval of the electors of said City of Petal; and

FF 3.1

WHEREAS, it is provided by law that whenever any measure or ordinance is to be referred to the qualified electors of the municipality for their approval or disapproval, it shall be the duty of the Mayor and Board of Aldermen to have such measure or ordinance printed in at least one daily or weekly newspaper published for at least once a week for three weeks next preceding the date of the special election in a newspaper published in such municipality; and

WHEREAS, *The Hattiesburg American* is a newspaper published in the County of Forrest wherein lies the City of Petal, Mississippi.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Petal, County of Forrest, State of Mississippi, as follows:

SECTION 1. That a special election shall be held in all municipal precincts in the City of Petal, Mississippi, on Tuesday, the 7th day of November, 1995, for the purpose of submitting to the qualified electors of the City of Petal, Mississippi, for their approval or disapproval, the action of the Mayor and Board of Aldermen in adopting an ordinance entitled, "AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF PETAL, MISSISSIPPI."

SECTION 2. That the said election shall be held at the usual voting places in all of the precincts and within the hours prescribed by law.

SECTION 3. That the Election Commissioners of the City of Petal, Mississippi, shall cause to be prepared a ballot to be used in said special election in substantially the following form:

PROPOSITION

Do you approve or disapprove the action of the Mayor and Board of Aldermen of the City of Petal, Mississippi, in adopting an ordinance entitled, "AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF PETAL, MISSISSIPPI," whereby an electric franchise was granted to Mississippi Power Company, its successors and assigns, as per the terms of said ordinance which was adopted by the Mayor and Board of Aldermen on the 10th day of October, 1995.

FOR APPROVAL OF SAID ORDINANCE ()

AGAINST APPROVAL OF SAID ORDINANCE ()

(Instructions to voters: Place a cross (x) mark opposite your choice.)

SECTION 4. That said election shall be held and conducted by the Election Commissioners of the City of Petal in all respects in accordance with law, and as far as practicable, as other elections are held in said City of Petal and returns thereof made as provided by law.

SECTION 5. That the Clerk of said City of Petal, Mississippi, shall give not less than twenty-one days notice of said special election on said electric franchise by posting notice thereof in three public places within the municipality, and by publication in *The Hattiesburg American*. Said notice shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION OF ELECTRIC FRANCHISE
CITY OF PETAL, MISSISSIPPI

Notice is hereby given to the qualified electors of the City of Petal, Mississippi, that a special election shall be held in the City of Petal, on Tuesday the 7th day of November, 1995, on the following proposition:

FF 3.3

PROPOSITION

Do you approve or disapprove the action of the Mayor and Board of Aldermen of the City of Petal, Mississippi, in adopting an ordinance entitled, "AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF PETAL, MISSISSIPPI," whereby an electric franchise was granted to Mississippi Power Company, its successors and assigns, as per the terms of said ordinance which was adopted by the Mayor and Board of Aldermen on the 10th day of October, 1995.

Said election will be held at the usual voting places in all precincts of the City of Petal.

Said polling places will be open from the hour of seven o'clock a.m. until the hour of seven o'clock p.m. on said day. All qualified electors may vote at said election.

Said special election will be held pursuant to a Resolution of the Mayor and Board of Aldermen, adopted on the 10th day of October, 1995, calling a special election for the approval or disapproval of a majority of the qualified electors of the City of Petal, Mississippi, of the action of the Mayor and Board of Aldermen in adopting an ordinance entitled, "AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO MISSISSIPPI POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF PETAL, MISSISSIPPI."

A copy of said ordinance and proceedings whereby same was adopted is attached hereto as part of this notice.

EXHIBIT "B"

Done by order of the Mayor and Board of Aldermen, this the 10th day
of October A.D. 1995.

Priscilla Daniel
Clerk, City of Petal, Mississippi

SECTION 6. That a certified copy of the Resolution shall be prepared by the Clerk of the City of Petal and shall be delivered to the Election Commissioners of the City of Petal, Mississippi, and shall operate as a warrant and authority to the Election Commissioners in the holding of such special election on the date herein fixed.

SECTION 7. The Election Commissioners shall duly certify to the Mayor and Board of Aldermen of Petal, Mississippi, the result of the election as required by law.

Passed by the Mayor and Board of Aldermen on this the 10th day of October, A.D.
1995.