

CITY OF CROWLEY
REGULAR MEETING
JUNE 12, 2012

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 12th day of June, 2012 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg A. Jones presided with the following Aldermen present: Bryan Borill, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Steven Premeaux and Kitty Valdetero. Aldermen J. Elliot Doré and Laurita Pete were absent.

Alderman Bryan Borill led the Pledge of Allegiance to the flag and Alderman Lyle Fogleman gave the invocation.

PUBLIC HEARINGS:

Mayor Greg A. Jones opened the public hearing on Rule to Show Cause for Condemnation of Property situated on Lot 14 of Block 27 of the West Crowley Subdivision of the City of Crowley, having a municipal address of 617 West 2nd Street, Crowley, Louisiana, belonging to Louise Jolivette.

Alderman Bryan Borill made a motion to accept a request for continuance of this hearing and that it is reset for the next regular council meeting. Seconded by Alderwoman Mary Melancon and duly adopted.

Mayor Greg A. Jones called the public hearing to a close.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1438, the ordinance was read by title as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THREE MILLION SIX HUNDRED TWENTY THOUSAND DOLLARS (\$3,620,000) OF SEWER REVENUE REFUNDING BONDS, SERIES 2012, OF THE CITY OF CROWLEY, STATE OF LOUISIANA, PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT THEREOF, PROVIDING FOR THE SALE THEREOF AND ENTERING INTO CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE SECURITY AND PAYMENT OF SAID BONDS, AND PROVIDING FOR OTHER MATTERS PERTAINING TO THE ISSUANCE OF THE BONDS.

Mr. Regan asked for proponents to the proposed ordinance no. 1438.

Mr. David Medlin representing Government Consultants, Inc. and Mr. Jason Akers with Foley & Judell, L.L.P. spoke in support of this ordinance.

The call for opponents of the proposed ordinance no. 1438 was made and there were no comments after the third and final call.

The public hearing on ordinance no. 1438 was closed.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Steven Premeaux moved to dispense with the reading of the minutes of the May 8th, 2012 regular council meeting and approve them as written and distributed. Seconded by Alderman Jeff Doré and duly adopted.

Alderwoman Kitty Valdetero moved to dispense with the reading of the minutes of the May 22nd, 2012 special council meeting. Seconded by Alderman Vernon Martin and duly adopted.

Alderwoman Mary Melancon moved to dispense with the reading of the minutes of the May 24th, 2012 special council meeting. Seconded by Alderman Steven Premeaux and duly adopted.

Alderman Steven Premeaux moved to approve all bills presented for payment. Seconded by Alderman Vernon Martin and duly adopted.

MAYOR'S REPORT:

Mayor Greg A. Jones presented the Sales Tax chart and User Fee chart that track the collection trend.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS COMMITTEE:

Chairperson – Alderwoman Mary Melancon
Vice-Chairperson – Alderwoman Laurita Pete
Members – Aldermen Jeff Doré, Lyle Fogleman, Jr. and Vernon Martin

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Jeff Doré to approve partial Payment No. 1 to CEC, Inc. for the “Approach Slab and Abutment Repairs to the North Avenue G Bridge at the North Ditch” project in the amount of \$61,380.00. Motion carried.

ZONING & ANNEXATION COMMITTEE:

Chairperson – Alderwoman Kitty Valdetero
Vice-Chairperson – Alderman Vernon Martin
Members – Aldermen Bryan Borill, J. Elliot Doré and Steven Premeaux

A motion was offered by Alderman Vernon Martin and seconded by Alderwoman Mary Melancon to approve the Planning Commission recommendation to approve a side yard setback variance for additional 5’ into required side yard setback to extend existing building located at 927 N Western Avenue described as Lot 10 Block 1 Conway Subdivision owned by Frederick Guillory. Motion carried.

RECREATION COMMITTEE:

Chairperson – Alderman Steven Premeaux
Vice-Chairperson – Alderman J. Elliot Doré
Members – Aldermen Lyle Fogleman, Jr., Mary Melancon and Laurita Pete

A motion was offered by Alderman Steven Premeaux and seconded by Alderwoman Mary Melancon to table the request for partial payment no. 5 to Trans Texas Tennis, Ltd, for the

Glady Trahan Tennis Centre in the estimated amount of \$24,440.43. Motion carried.

A motion was offered by Alderman Steven Premeaux and seconded by Alderwoman Mary Melancon to table Change Order No. 4, the Final Contract Change Order for Tans Texas Tennis, Ltd. For the Glady Trahan Tennis Centre, to adjust official contract time to final contract time (add 21 days). Motion carried.

A motion was offered by Alderman Steven Premeaux and seconded by Alderwoman Mary Melancon to table the Resolution of Termination to Trans Texas Tennis, Ltd. for the Glady Trahan Tennis Centre project. Motion carried.

RESOLUTIONS:

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Lyle Fogleman, and adopted.

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE ADVERTISEMENT FOR BIDS AND DESIGNATING THE TIME AND PLACE THAT THE BIDS WILL BE RECEIVED FOR THE "2012-2013 MATERIALS CONTRACT" PROJECT.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley that the Plans and Specifications for the "2012-2013 MATERIALS CONTRACT" Project prepared by Mader Engineering are hereby approved and;

BE IT FURTHER RESOLVED that the Advertisement For Bids for said Project is hereby authorized, that bids will be received at 9:00 a.m. on August 3rd, 2012 at Crowley City Hall, located at 425 N. Parkerson Avenue, Crowley, LA 70527, at which time the bids will be publicly opened and read aloud, and that said date, time, and location may be amended as long as changes are processed in accordance with the Public Bid Law.

ADOPTED: June 12, 2012

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Vernon Martin, and adopted.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE FOR AND ON BEHALF OF THE CITY OF CROWLEY, LOUISIANA, A *NOTICE OF TERMINATION* FOR C.E.C., INC. PERTAINING TO THE COMPLETION OF THE CONTRACT FOR "APPROACH SLAB AND ABUTMENT REPAIRS TO THE N. AVENUE G BRIDGE AT THE NORTH DITCH" IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS CONTAINED IN THE CONTRACT DOCUMENTS PERTAINING THERETO.

WHEREAS, a final inspection on the above referenced project was performed on May 17th, 2012 by Mader Engineering, Inc. and Huval and Associates, Inc.; and

WHEREAS, C.E.C., Inc., as Contractor, has since substantially completed the "Approach Slab and Abutment Repairs to the N. Avenue G Bridge at the North Ditch " in accordance with the plans and specifications contained in the contract documents pertaining thereto; and

WHEREAS, the City of Crowley, LA wishes to accept the completed work;

NOW, THEREFORE, BE IT RESOLVED by the Board of Alderman of the City of Crowley that the Mayor be, and is hereby empowered, authorized and directed to execute a *Notice of Termination* for and on behalf of the City of Crowley accepting the work as being substantially completed, and that he be authorized and directed to have a copy of said Notice recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.

ADOPTED: June 12, 2012

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Vernon Martin, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation(s) of the Building and Safety Codes of the City of Crowley; and

WHEREAS, Notice of Violations has been issued to the property owner, Bernice and Wife Bates, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on Lots 3 and 4 of Block 3 of Duson's 3rd Addition to the City of Crowley, having a municipal address of 1313 West 7th Street, Crowley, Louisiana, and was received by the property owner via Certified Mail Return Receipt Requested on the 7th day of February, 2012; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing for the condemnation of the said property;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the Notice of Rule to Show Cause should be issued to Bernice and Wife Bates for a public hearing to be held by the Mayor and Board of Aldermen on the 10th day of July, 2012, in regular session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owner pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 12th day of June, 2012 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderwoman Mary Melancon, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY DESIGNATING THE CROWLEY POST SIGNAL AS THE OFFICIAL JOURNAL OF THE CITY OF CROWLEY

WHEREAS, the City of Crowley is required by R.S. 43:141 to designate an official journal of the City of Crowley; and

WHEREAS, the Crowley Post Signal is a daily newspaper printed in the City of Crowley; and

WHEREAS, the City of Crowley has used same as its official journal for many years previously;

NOW THEREFORE BE IT RESOLVE, by the Mayor and Board of Aldermen, City of Crowley, in regular session, duly convened, that the Crowley Post Signal, a daily newspaper printed in the City of Crowley, is hereby designated as the official journal of the City of Crowley for the fiscal year, beginning September 1, 2012 and ending August 31, 2013; and the Mayor and Clerk are hereby authorized to notify the Secretary of State of said designation by providing him with a copy of said Resolution.

THUS DONE AND ADOPTED in regular session on this the 12th day of June, 2012, in Crowley, Acadia Parish, Louisiana.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Bryan Borill, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DECLARING AS SURPLUS PROPERTY CERTAIN EQUIPMENT AND AUTHORIZING THE SALE OF THE SURPLUS EQUIPMENT IN ACCORDANCE WITH LAW; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley Public Works Department has received various equipment, machinery, tractors and vehicles from various departments which is outdated, obsolete, incompatible with newer equipment, impractical, too costly to repair, non-repairable, nonfunctional or either unusable or no longer need for use by any department or agency of the City of Crowley which is listed on Exhibit "A" attached hereto and made part hereof; and

WHEREAS, the outdated, obsolete, incompatible with newer equipment, impractical, too costly to repair, non-repairable, nonfunctional and unusable equipment along with any and all attachments, if any, should be declared surplus property and authorized to be sold by any lawful manner, including but not limited to Intergovernmental Agreement with other governmental agencies, sealed bids, public auction or other authorized means of sale or disposal of surplus equipment;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby

declare the equipment listed on the attached Exhibit "A" is outdated, obsolete, incompatible with newer equipment, impractical, too costly to repair, non-repairable, nonfunctional and unusable and is no longer needed for public use by the City of Crowley and is hereby declared surplus equipment and available for sale or disposal by any lawful means; and

BE IT FURTHER RESOLVED that they do hereby authorize the sale of the surplus equipment by Intergovernmental Agreement with other governmental agencies for a negotiated price, by advertisement for sealed bid, by public auction duly advertised and scheduled or disposed of in a lawful manner if not sold.

THUS DONE AND ADOPTED in regular session duly convened on the 12th day of June, 2012, in Crowley, Acadia Parish, Louisiana.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Steven Premeaux, and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ADOPTING THE AD VALOREM MILLAGE RATE ON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CROWLEY FOR THE YEAR 2012

BE IT RESOLVED, that the following millages are hereby levied on the 2012 tax roll on all property subject to taxation by the City of Crowley

<u>Ad Valorem Millage 2012</u>		
Corporation Tax	7.00	Mills
Street Maintenance Tax	5.00	Mills
Public Buildings & Drainage Tax	5.00	Mills
Public Recreation & Parks Tax	3.00	Mills
Disposal Plant Maintenance Tax	3.50	Mills
Cemetery Maintenance Tax	.75	Mills
Youth Recreation Building Tax	1.00	Mills
Fireman & Policeman Salary Tax	<u>5.00</u>	<u>Mills</u>
Total	30.25	Mills

BE IT FURTHER RESOLVED that the proper administrative officials of the Parish of Acadia, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2012, and to make collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: Bryan Borill, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, Steven Premeaux and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Elliot Doré and Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Vernon Martin, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LA. INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed ordinance must be introduced by its title; and

WHEREAS, a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide for the time and place where the Board will consider its adoption.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen, that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2011 AND ENDING AUGUST 31, 2012; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen, that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley, shall meet on the 10th day of July, 2012 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, LA, to consider the adoption of the following ordinance.

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2011 AND ENDING AUGUST 31, 2012; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

Copies of the proposed Ordinance are available for a nominal fee in the Office of the City Clerk, City Hall, Crowley, LA.

THUS DONE AND SIGNED on this the 12th day of June, 2012.

JUDY L. ISTRE, City Clerk

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 12th day of June, 2012, in Crowley, Acadia Parish, Louisiana.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Vernon Martin, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING AN APPLICATION TO THE LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY TO PROVIDE FUNDING FOR LED LIGHTS, NOZZLES, ADAPTERS, FIRE HOSES AND EXTRICATION GEAR FOR THE CITY OF CROWLEY FIRE DEPARTMENT AND COMMITTING TO MATCHING FUNDS OF FIFTY (50%) OF THE GRANT AMOUNT; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley has determined that it is reasonable and necessary to submit an application to the Louisiana Department of Agriculture and Forestry for a grant to provide funds for LED lights, nozzles, adapters, fire hoses and extrication gear for the City of Crowley Fire Department; and

WHEREAS, after a public hearing, comments and questions were taken regarding same; and

WHEREAS, the Mayor and Board of Aldermen having determined that the safety of the citizens of the City of Crowley will benefit from the purchase of the above items; and

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby authorize an application to be made to the Louisiana Department of Agriculture and Forestry for a grant in the amount of Eleven Thousand & No/100 (\$11,000.00) Dollars for the purchase of LED lights, nozzles, adapters, fire hoses and extrication gear for the City of Crowley Fire Department; and

BE IT FURTHER RESOLVED that they do hereby authorize the commitment to provide local matching funds of Fifty (50%) Percent to fund which shall be included in the grant application; and

BE IT FURTHER RESOLVED that the said Honorable Greg A. Jones, Mayor, is hereby authorized, empowered and directed to execute any and all documents and to provide any and all information as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 12th day of June, 2012, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Vernon Martin, duly seconded by Alderwoman Mary Melancon, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley; and

WHEREAS, the proposed ordinance must be introduced by its title; and

WHEREAS, a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND AND RENACT SECTION 3-5 OF ARTICLE I OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO REGULATE AND PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS, PUBLIC SIDEWALKS, PUBLIC RIGHTS OF WAY, PUBLIC BUILDINGS AND PUBLIC PROPERTY EXCEPT AS HEREINAFTER PROVIDED; TO REGULATE AND PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES OF HIGH AND LOW ALCOHOLIC CONTENT ON PUBLIC STREETS, PUBLIC SIDEWALKS, PUBLIC RIGHTS OF WAY, PUBLIC BUILDINGS AND PUBLIC PROPERTY AND OUTSIDE OF BUSINESSES, OFFICES, RETAIL ESTABLISHMENTS, CHURCHES/CHURCH GROUNDS, SCHOOLS/SCHOOL GROUNDS, PARKS, RECREATIONAL FACILITIES, PARKING LOTS AND OTHER AREAS OPEN TO THE PUBLIC; TO PROVIDE EXEMPTIONS FOR THE SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES OF HIGH AND LOW ALCOHOLIC CONTENT FOR AND AT DESIGNATED EVENTS IN DESIGNATED LOCATIONS AND OTHER CIRCUMSTANCES AS DEFINED HEREIN; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT

THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley shall meet on the 10th day of July, 2012, at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND AND RENACT SECTION 3-5 OF ARTICLE I OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO REGULATE AND PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS, PUBLIC SIDEWALKS, PUBLIC RIGHTS OF WAY, PUBLIC BUILDINGS AND PUBLIC PROPERTY EXCEPT AS HEREINAFTER PROVIDED; TO REGULATE AND PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES OF HIGH AND LOW ALCOHOLIC CONTENT ON PUBLIC STREETS, PUBLIC SIDEWALKS, PUBLIC RIGHTS OF WAY, PUBLIC BUILDINGS AND PUBLIC PROPERTY AND OUTSIDE OF BUSINESSES, OFFICES, RETAIL ESTABLISHMENTS, CHURCHES/CHURCH GROUNDS, SCHOOLS/SCHOOL GROUNDS, PARKS, RECREATIONALY FACILITIES, PARKING LOTS AND OTHER AREAS OPEN TO THE PUBLIC; TO PROVIDE EXEMPTIONS FOR THE SALE, POSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES OF HIGH AND LOW ALCOHOLIC CONTENT FOR AND AT DESIGNATED EVENTS IN DESIGNATED LOCATIONS AND OTHER CIRCUMSTANCES AS DEFINED HEREIN; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 12th day of June, 2012.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 12th day of June, 2012, in Crowley, Acadia Parish, Louisiana.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

ORDINANCES:

The following Ordinance no. 1436 has been previously introduced at a regular meeting convened on April 10th, 2012, published by title in the official journal of the City, and a public hearing held thereon on May 8th, 2012. It was offered for final adoption by Alderwoman Kitty Valdetero, seconded by Alderwoman Mary Melancon and duly adopted.

ORDINANCE NO. 1436

AN ORDINANCE TO AMEND AND RENACT THE PROVISIONS OF ORDINANCE NO. 1431 DESIGNATED AS ARTICLE VI OF CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY INCLUDING SECTION 11.151. DEFINITIONS, TO REDEFINE SUBSECTION D) EVENTS; TO AMEND SECTION 11.154 C) AND D) TO PROVIDE THE MAXIMUM NUMBER OF DAYS WHICH THE LICENSE/PERMIT SHALL BE VALID DURING THE CALENDAR YEAR, TO ALLOW THE USE OF THE LICENSE FOR NO MORE THAN THREE (3) SEPARATE EVENTS TO A CUMULATIVE TOTAL OF TEN (10) DAYS AND REQUIRING DESIGNATION OF COMMENCEMENT AND ENDING DATE FOR EACH EVENT; TO AMEND SECTION 11.155 A) 9) TO INCLUDE SUBSECTIONS a), b) AND c) TO REQUIRE THE APPLICANT TO DESIGNATE THE COMMENCEMENT AND ENDING DATE OF EACH EVENT, LIMITATION OF THREE (3) SEPARATE EVENTS WITH THE CUMULATIVE NUMBER OF DAYS NOT TO EXCEED TEN (10) AND TO PROVIDE FOR REQUESTS FOR AMENDMENTS TO LICENSE/PERMIT; TO AMEND SECTION 11.160. HOURS OF OPERATION, DOOR TO DOORE/OUTDOOR DISPLAY AND ILLUMINATION AND SECURITY REQUIREMENTS. TO INCLUDE SUBSECTIONS A), B), C) AND D) PROVIDING THE HOURS OF OPERATION FOR DOOR TO DOOR SALES AND SOLICITATION AND OUTDOOR DISPLAYS, REQUIRING LIGHTED NIGHTTIME OUTDOOR DISPLAYS AND REQUIRING GOODS AND MERCHANDISE DISPLAYED OUTDOORS BE PROPERLY SECURED AFTER HOURS; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, questions have arose regarding the means or definition in order to determine an event or transactions which constitute the use of a license during the one year period; and

WHEREAS, it is necessary to amend the definitions of Ordinance No. 1431 to provide persons purchasing and holding such licenses or permits the validity, time frame and requirements of the ordinance; and

WHEREAS, the Mayor and Board of Aldermen find that such a definition of the business transaction or event is necessary and appropriate; and

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 12th day of June, 2012 at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

NOW THEREFOR BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, PARISH OF ACADIA, STATE OF LOUISIANA, IN REGULAR SESSION DULY CONVENED, THAT:

SECTION 1: Section 11.151 of Article VI of Chapter 11 of the Code of Ordinances of the City of Crowley and Ordinance No. 1431 be and the same shall be amended and reenacted to add thereto Subparagraph I to read as follows, to-wit:

Article VI. Regulation of Transient and Open-Air Businesses

Sec. 11.151. Definitions.

For the purposes of this Article, unless the context clearly otherwise requires or unless otherwise defined in specific portions of the Article, the following words shall have the respective meanings ascribed to each in this Section:

A) *Transient Merchant*: Any person, firm, partnership, corporation or other association, including agents, representatives and employees thereof, who exhibits merchandise, including models or samples thereof, in any hotel or motel room, rooming house, store, club, storehouse, house, or other permanent building structure, for the purpose of selling, offering to sell or taking orders for the sale of such merchandise.

B) *Open-Air Merchant*: Any person, firm, partnership, corporation or other association, including agents, representatives and employees thereof, who exhibits merchandise, including models or samples thereof, in , upon or about a vehicle, mobile unit or other means of conveyance, cart, stand, temporary building, portable unit or tent, whether enclosed or unenclosed, or who exhibits such merchandise on any private street, driveway, lot, parking lot or other outdoor property within the City of Crowley, for the purpose of selling, offering to sell or taking orders for the sale of such merchandise.

C) *Merchandise*: Any consumer item, new or used, wares, goods, food, food products, plants, paintings, mirrors, artifacts or any sellable product except for the items listed hereafter.

D) *Separate Location*: A separate location exists unless a similar or associated type of business is operated as a unit (single license) under a single roof or on the same contiguous tract or land.

E) *Peddler*: For the purpose of this Article, a *peddler* means any person who, for himself or any other person, goes from house to house, or place to place, or store to store, exposing and selling the merchandise which he carries with him and delivering same at the time of or immediately after the sale or without returning to the base of business operation between the taking of the order and the delivery of the goods; however, any person who uses the same vehicle or a combination of one (1) or more vehicles for the purpose of taking orders and delivering merchandise, regardless of the fact that the vehicle returns to the base of operations between the taking of the order and the delivery of the merchandise, shall be deemed a peddler, unless such person can show that the merchandise delivered is accompanied by an invoice or delivery ticket prepared at the base of operations and which conforms to the original order and that the person delivering the merchandise has permitted no deviation from the original order by allowing the purchaser to reject, cancel, increase or decrease the quantity at the time of delivery or to offset against such quantity any merchandise delivered at a prior time which is being returned. This extension of the meaning of the term *peddler* shall not be interpreted so as to prevent rejection or cancellation of bona fide orders or the return of inferior merchandise, but shall be construed so as to prevent persons peddling merchandise from escaping their tax liability by subterfuge through means of so-called "standing order" or blanket advance orders, increase and decrease in quantities at the time of delivery, arbitrary rejections and cancellations, and offset of merchandise returned by reason of non-sale rather than obligation of warranty, all of which are hereby declared to be mere devices to prevent normal methods of operations so as to disguise the business of a peddler as an ordinary wholesale business. *Peddler* shall include but is not limited to hawkers, itinerant vendors, and any retail dealers not having a fixed place of business.

F) *Business*: Any business, trade or occupation unless exempted hereinafter.

G) *Person:* An individual, firm, corporation, partnership, association or other legal entity.

H) *City:* City of Crowley.

I) *Event:* An event shall consist of any transaction involving the sale, solicitation, taking orders or offering for sale of goods within the corporate limits. An event shall commence at 12:00 a.m. on the date stated on the license/permit as the beginning date and shall end at 11:59 p.m. on the date stated on the license/permit. The applicant shall request a commencement date and ending date which may be approved or changed by the Clerk.

SECTION 2: Section 11.154 of Article VI of Chapter 11 of the Code of Ordinances of the City of Crowley and Ordinance No. 1431 be and the same shall be amended and reenacted to add thereto Subparagraph D to read as follows, to-wit:

Sec. 11.154. License required; payment of fees and charges; annual license; limitation of events.

A) It shall be unlawful for any person or legal entity to transact any business or phase of business in the City of Crowley, including advertising, without first applying to the City of Crowley for a license or permit required by this Chapter.

B) Payment of the annual license fee and any additional charges for application for license/permit shall be paid before the license is issued.

C) The annual peddler's license/permit shall be valid during the period of January 1st to December 31st of each calendar year. The license/permit shall be valid for a maximum of ten (10) days during the calendar year and may be used for not more than three (3) separate events as defined herein. No event shall last more than ten (10) days, consecutively or cumulative. During the calendar year, the license/permit may be used for a single event of ten (10) days or up to three (3) separate events as defined herein not to exceed a total of ten (10) days. Thereafter, the license/permit shall no longer be valid for the remainder of the calendar year. The license/permit shall expire at 11:59 p.m. on the tenth (10th) day designated on the license/permit on the third (3rd) event, whichever shall occur first.

D) Applicant shall request a commencement date and end date for each event which shall be approved by the Clerk and stated on the license/permit.

SECTION 2: Subsection (9) of Section 11.155 of Article VI of Chapter 11 of the Code of Ordinances of the City of Crowley and Ordinance No. 1431 be and the same shall be amended and reenacted to add thereto Subparagraph I to read as follows, to-wit:

Sec. 11.155. Application for license/permit.

A) Every person or legal entity subject to the provisions of this section, before selling at retail or offering for sale at retail within the incorporated limits of the City of Crowley any goods, wares or merchandise, either from stock or by sample, shall make application with the City of Crowley for a license/permit to conduct such business within the City of Crowley. Such application shall be in writing, duly sworn by the applicant in person, or by the applicant's duly authorized representative, and shall contain the following information:

1) The name, complete address and telephone number of the person having the management, supervision or ownership of such business.

2) The name, complete address, telephone number and local address or location of the person having supervision of the licenses premises while engaged in such business in the City.

3) Photocopy of a valid driver's license, valid identification card, military identification issued by a governmental agency of any state or United States. In the event such form of identification cannot be provided, the permit shall not be issued.

4) The capacity and authority in which such person will act; that is, whether as proprietor, agent or employee.

5) The name, complete address and telephone number of the person or legal entity for whose account the business shall be conducting, and if a corporation, under the laws of what state the same is incorporated.

6) The complete address of the permanent or established business location of the person, legal entity or owner of the business.

7) The complete address, legal description or other identifying information in the City where the applicant proposes to engage in such business, the name, complete address and telephone number of the owner of the property on which the business is to be conducted, a copy of the lease or other instrument authorizing the use of the property by the owner stating all terms and conditions required thereon.

8) A list of all places or locations, other than the permanent place of business of the owner, where such transient merchant or open-air merchant within the six (6) months next preceding the date of such application conducted or carried on a temporary or transitory business, stating the nature thereof and giving the complete street addresses and locations of any building or structure on which such business was conducted.

9) a) The applicant shall designate the commencement date of door to door sales or solicitation or the open display for sale or taking orders shall begin and the last date of the event if less than ten (10) days from the commencement date. Otherwise, the end date shall be the tenth (10th) day after the commencement date and shall be entered on the application and the license/permit.

b) The applicant may specify commencement and ending dates for more than one (1) event not to exceed three (3) separate events as designated by commencement and ending dates so long as the cumulative number of days does not exceed ten (10) and no more than three (3) events. Under no circumstances shall the number of commencement and ending dates exceed the total of three (3) events and a cumulative total of the event days exceed the maximum stated herein.

c) The dates shown on the license/permit issued may be changed upon written request to the City Clerk. All requests for changes of the event commencement and ending dates and/or the number of events must be received not less than thirty (30) days prior to the date requested. Upon receipt of a timely request, the City Clerk shall issue an amendment to the license/permit which shall state the commencement and ending dates of the event/events requested and the amendment shall be attached to the original license/permit and displayed as required herein.

10) A statement of the nature, character and quantity of the goods, wares or merchandise to be sold at retail, offered to be sold at retail or taking orders to be sold at retail in the City, including the brand name or manufacturer's name, and the gross amount of the merchandise at invoice costs of such merchandise.

11) A statement as to whether the goods are to be sold at retail from stock in possession or ordered by sample, whether delivery is to occur at the time of sale at the retail location and whether the same are to be sold at retail at auction or public outcry, or by personal solicitation, or otherwise.

12) A brief statement of the nature and character of the advertising done or to be done in order to attract customers and the media or method used to disseminate said advertising.

13) The names of all sales personnel or employees who have committed crimes within the past five (5) years, the number of arrests or convictions of misdemeanors or crimes, and the nature of the offenses for which arrested or convicted, if any.

14) To the application must be appended a letter from the firm for which the applicant purports to do business, authorizing the applicant to act as its representative.

B) It shall be unlawful for any transient merchant, vendor, solicitor, peddler or canvasser to engage in business until he shall have first applied to and obtained a permit to engage in business, in accordance with the above provisions and has paid all taxes and fees required by law for the transaction of such business in the incorporated limits of the City of Crowley; the City of Crowley shall issue such permit in writing which state the date same was issued, the nature of the business authorized to be carried on and the expiration date of such permit, the place where such business may be carried on under such permit, and the name of the person or persons authorized to carry on the same, which permit shall be signed by the City of Crowley or its authorized representative.

SECTION 4: Section 11.160 of Article VI of Chapter 11 of the Code of Ordinances of the City of Crowley and Ordinance No. 1431 be and the same shall be amended and reenacted to add thereto Subsections (A) and (B) to read as follows, to-wit:

Sec. 11.160. Hours of operation; door to door/outdoor display and illumination and security requirements.

(A) No licensee/permittee shall conduct door to door sales or solicitations for sales, or orders for delivery of goods or merchandise or by entering onto private property and/or knocking on doors of private residences or businesses before the hour of 9:00 a.m. or after 6:00 p.m. or sunset, whichever shall occur first.

(B) No licensee/permittee utilizing outdoor display, whether from open vehicles, trailers, tents or otherwise, shall exhibit for sale, offer for sale, solicit orders for the sale or delivery of any goods or merchandise or conduct any sales or transactions before the hour of 7:00 a.m. or after the hour of 6:00 p.m. or sunset, whichever occurs first.

C) The licensee/permittee utilizing outdoor display, whether from open vehicles, trailers, tents or otherwise, shall exhibit for sale, offer for sale, solicit orders for the sale or delivery of any goods or merchandise or conduct any sales or transactions, may continue operations and transactions until the hour of 10:00 p.m. only when the location of the display of goods and merchandise specified in the license/permit is illuminated by permanent security lights providing sufficient illumination to illuminate the area designated as the location of the display of goods and merchandise and the entire parking lot.

D) All goods and merchandise displayed outdoors shall be secured in a vehicle, trailer, cargo box or otherwise not later than 10:30 p.m. and outdoor displays utilizing tents or other nonsecured structure shall have sides or flaps which can be closed and reasonable secured with all goods and merchandise placed therein with twenty-four (24) hour security lights.

SECTION 5: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses and phrases will not be affected and shall continue in full force and effect;

SECTION 6: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on this the 12th day of June, 2012, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon,
Steven Premeaux and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Elliot Doré and Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following Ordinance no. 1438 has been previously introduced at a regular meeting convened on May 8th, 2012, published by title in the official journal of the City, and a public hearing held thereon on June 12th, 2012. It was offered for final adoption by Alderman Jeff Doré, seconded by Alderman Vernon Martin and duly adopted.

ORDINANCE NO. 1438

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THREE MILLION FIVE HUNDRED NINETY THOUSAND DOLLARS (\$3,590,000) OF SEWER REVENUE REFUNDING BONDS, SERIES 2012, OF THE CITY OF CROWLEY, STATE OF LOUISIANA, PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT THEREOF, PROVIDING FOR THE SALE THEREOF AND ENTERING INTO CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE SECURITY AND PAYMENT OF SAID BONDS, AND PROVIDING FOR OTHER MATTERS PERTAINING TO THE ISSUANCE OF THE BONDS.

WHEREAS, the City of Crowley, State of Louisiana (the "Issuer"), now owns and operates a sewerage system as a revenue-producing public utility system (the "System"); and

WHEREAS, the Issuer has no outstanding indebtedness payable from the income and revenues derived or to be derived from the operation of the System EXCEPT its Sewer Revenue Bonds, Series 1995, issued in the original principal amount of \$4,500,000 of which \$1,370,000 is presently outstanding, maturing September 1 of the years 2012 to 2016 (the "1995 Bonds"); Sewer Revenue Bonds, Series 2000, issued in the original principal amount of \$3,000,000 of which \$1,895,000 is presently outstanding, maturing September 1 of the years 2012 to 2022 (the "2000 Bonds"); and Sewer Revenue Bonds Series 2006, issued in the original principal amount of \$1,350,000 of which \$1,220,000 is presently outstanding, maturing September 1 of the years 2012 to 2028 (the "2006 Bonds")(the 1995 Bonds, 2000 Bonds and the 2006 Bonds collectively referred to herein as the "Refunded Bonds"), all as further described in Exhibit A hereto; and

WHEREAS, to obtain annual debt service savings, the Issuer wishes to redeem the Refunded Bond through the issuance of \$3,590,000 of its Sewer Revenue Refunding Bonds, Series 2012 (the "Bonds"), in accordance with the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority (the "Act"); and

WHEREAS, the State Bond Commission approved the issuance of the Bonds at its meeting held on May 17, 2012; and

WHEREAS, it is now desired to fix the details necessary with respect to the issuance of the Bonds and to provide for the sale, authorization and issuance thereof;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Crowley, State of Louisiana, acting as the governing authority of the Issuer, that:

SECTION 1) Definitions. The following terms as used in this Ordinance shall have the following respective meanings, such definitions to be equally applicable to both the singular and plural sense of any of such terms:

"**Act**" means Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

"**Bond**" means any bond of the Issuer authorized to be issued, pursuant to this Ordinance, whether initially delivered or issued in exchange for, upon transfer of or in lieu of any bond previously issued.

"**Bonds**" means the Sewer Revenue Refunding Bonds, Series 2012, of the City of Crowley, State of Louisiana, authorized by this Ordinance in the total aggregate principal amount of \$3,590,000.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Executive Officers**" means, collectively, the Mayor and the Clerk of the City of Crowley, State of Louisiana.

"**Governing Authority**" means the Mayor and Board of Aldermen of the City of Crowley, State of Louisiana, or any legal successor thereto.

"**Government Securities**" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, which are non-callable prior to their maturity, may be United States Treasury Obligations such as the State and Local Government Series and may be in book-entry form.

"**Interest Payment Date**" means March 1 and September 1 of each year, commencing September 1, 2012, until the Bonds are paid.

"**Issuer**" means the City of Crowley, State of Louisiana.

"**Ordinance**" means this ordinance authorizing the issuance of the Bonds, including same as it may hereafter be amended or supplemented.

"**Owner**" or "**Owners**" when used with respect to any Bond, means the Person in whose name such Bond is registered in the Ordinance.

"**Parity Obligations**" means any *pari passu* obligations hereafter issued by the Issuer on a parity with Bonds with respect to the revenues of the System in accordance with the provisions of this Ordinance.

"**Paying Agent**" means St. Martin Bank & Trust Co., St. Martinville, Louisiana, until a successor Paying Agent shall have become such pursuant to the applicable provisions of this Ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

"**Person**" means any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

"**Purchaser**" or "**Purchasers**" means, collectively, the following: (i) St. Martin Bank & Trust Co., Crowley, Louisiana; (ii) Bank of Commerce & Trust Co., Crowley, Louisiana; and (iii) First National Bank of Louisiana, Crowley, Louisiana, each purchasing as set forth in Section 2.

"Record Date" for the interest payable on any Interest Payment Date means the 15th calendar day of the month next preceding such Interest Payment Date.

"Refunded Bonds" shall have the meaning given in the preamble to this Ordinances.

"System" means the revenue producing public utility system of the Issuer consisting of the Issuer=s sanitary sewer and sewage disposal facilities as said system now exists, as it may be hereafter improved, extended or supplemented remains outstanding, including specifically all appurtenant equipment, accessories and properties, both personal and real, and all other properties of every nature owned, leased or operated by the Issuer and used or useful in the operation of said sewage system, and including real estate, personal and intangible properties, contracts, franchises, leases and choses in action, whether lying within or without the boundaries of the Issuer.

SECTION 2) Authorization, Denominations, Dates, Maturities and Interest Rate. In compliance with and under the authority of the Act, there is hereby authorized the incurring of an indebtedness of Three Million Five Hundred Ninety Thousand Dollars (\$3,590,000) for, on behalf of and in the name of the Issuer, for the purpose of refunding the Refunded Bonds and paying the costs of issuance of the Bonds, and to represent the said indebtedness, this Governing Authority does hereby authorize the issuance of Three Million Five Hundred Ninety Thousand Dollars (\$3,590,000) of Sewer Revenue Refunding Bonds, Series 2012, of the Issuer. The Bonds shall be in fully registered form, shall be dated the date of delivery thereof, shall be issued in denominations corresponding to the principal amount of the respective maturities (one Bond per maturity) and shall be numbered from R-1 upwards. The unpaid principal of the Bonds shall bear interest at the following rate per annum from the date thereof, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on each Interest Payment Date, commencing September 1, 2012, and shall mature serially on September 1 of each year as follows:

<u>Date</u> <u>(September 1)</u>	<u>Principal</u> <u>Maturing</u>	<u>Interest</u> <u>Rate</u>	<u>Date</u> <u>(September 1)</u>	<u>Principal</u> <u>Maturing</u>	<u>Interest</u> <u>Rate</u>
2012	\$240,000	2.44%	2021	\$210,000	2.44%
2013	175,000	2.44	2022	220,000	2.44
2014	180,000	2.44	2023	220,000	2.44
2015	185,000	2.44	2024	225,000	2.44
2016	185,000	2.44	2025	235,000	2.44
2017	185,000	2.44	2026	235,000	2.44
2018	200,000	2.44	2027	240,000	2.44
2019	200,000	2.44	2028	250,000	2.44
2020	205,000	2.44			

It is understood and agreed that St. Martin Bank & Trust Co., will purchase the 2012, 2015, 2019, 2020, 2025 and 2026 maturities; First National Bank of Louisiana will purchase the 2013, 2016, 2021, 2024 and 2027 maturities; and Bank of Commerce and Trust Co., will purchase the 2014, 2017, 2018, 2022, 2023 and 2028 maturities of the Bonds.

The principal of the Bonds, upon maturity or redemption, shall be payable at the principal corporate office of the Paying Agent, upon presentation and surrender thereof, and interest on the Bonds shall be payable by check of the Paying Agent mailed by the Paying Agent to the Owner (determined as of the close of business on the Record Date) at the address shown on the Bond Register. Each Bond delivered under this Ordinance upon transfer of, in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond, and each such Bond shall bear interest so that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond a certificate of registration, substantially in the form provided in this Ordinance, executed by the Paying Agent by manual signature.

SECTION 3) Redemption Provisions. The Bonds, maturing on September 1, 2020 and thereafter, are callable for redemption at the option of the Issuer in full or in part at any time on or after September 1, 2019, at a price equal to the principal amount of the Bonds so redeemed plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for.

In the event a Bond to be redeemed is of a denomination larger than \$1,000, a portion of such Bond (\$1,000 or any multiple thereof) may be redeemed. Any Bond which is to be redeemed only in part may be surrendered at the principal corporate office of the Paying Agent, and there shall be delivered to the Owner of such Bond a new Bond of the same maturity and in a principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered. Official notice of such call of any of the Bonds for redemption shall be given by means of first class mail, postage prepaid, by notice deposited in the United States mails not less than fifteen (15) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address as shown on the Bond Register.

SECTION 4) Registration and Transfer. The Issuer shall cause a Bond Register to be kept by the Paying Agent. The Bonds may be transferred, registered and assigned only on the Bond Register of the Paying Agent, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bond or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond after receipt of the Bond to be transferred in proper form. Such new Bond shall be in an authorized denomination. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange any Bond during a period beginning (i) at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date or (ii) with respect to Bonds to be redeemed, at the opening of business ten (10) days before the date of the mailing of a notice of redemption of such Bonds and ending on the date of such redemption.

SECTION 5) Form of Bonds. The Bonds and the endorsements to appear thereon shall be in substantially the form set forth in Exhibit B hereto.

SECTION 6) Execution of Bonds. The Bonds shall be signed by the Executive Officers for, on behalf of, in the name of and under the corporate seal of the Issuer, which signatures and corporate seal may be either manual or facsimile.

SECTION 7) Security. Subject to the prior payment of the reasonable and necessary expenses of operating and maintaining the System, the Bonds shall be secured and payable in principal and interest exclusively by a pledge of the income and revenues derived or to be derived from the operation of the System. The said income and revenues are hereby irrevocably and irrepealably pledged in an amount sufficient for the payment of the Bonds in principal and interest as they fall due, and the income and revenues thus pledged shall remain so pledged for the security of the Bonds in principal and interest until they shall have been fully paid and discharged.

SECTION 8) Rate Covenant; Funds and Accounts. The Issuer, through its Governing Authority, covenants to fix, establish and maintain such rates and collect such fees, rents or other charges for the services and facilities of the System, and all parts thereof, and to revise the same from time to time whenever necessary, as will always provide revenues in such year sufficient to pay the reasonable and necessary expenses of operating and maintaining the System in each year, the principal and interest falling due on the Bonds in each year, all reserves and sinking funds or other payments required for such year by this Ordinance, and all other obligations or indebtedness payable out of the revenues of the System for such year, and which will provide revenues in each year, after paying all reasonable and necessary expenses of operating and maintaining the System in such year, at least equal to 110% of the largest amount of principal and interest maturing in any future fiscal year on the Bonds and on any Parity Obligations, which rates, however, may be adjusted to the extent that revenues derived by the Issuer from other sources are available and appropriated for the purpose of paying the costs of operating and

maintaining the System, provided such available and appropriated revenues together with the revenues derived or to be derived from the operation of the System for such year provide net revenues in such year at least equal to 110% of the largest amount of principal and interest falling due on the Bonds and any Parity Obligations in any future year. The Issuer further covenants:

All of the income and revenues derived or to be derived by the Issuer from the operation of the System shall be deposited as the same may be collected in a separate and special bank account heretofore established and maintained with the regularly designated fiscal agent bank of the Issuer, and designated as the "Sewer Revenue Fund" (the "Revenue Fund"), said Revenue Fund to be maintained and administered in the following order of priority and for the following express purposes:

(a) The payment of all reasonable and necessary expenses of operating and maintaining the System.

(b) The maintenance of the "Sewer Revenue Bond and Interest Sinking Fund" (the "Sinking Fund") sufficient in amount to pay promptly and fully the principal of and the interest on the Bonds and any Parity Obligations issued hereafter in the manner provided by this Ordinance by transferring from the Revenue Fund to the fiscal agent of the Issuer monthly in advance on or before the 20th day of each month of each year, a sum equal to the principal and interest accruing on said debt obligations for such calendar month together with such additional proportionate sum as may be required to pay said principal and interest as the same respectively become due. If Parity Obligations are hereafter issued by the Issuer in the manner provided in this Ordinance, moneys in the Sinking Fund shall be equally available to pay principal and interest on such Parity Obligations. Said fiscal agent bank shall transfer from the Sinking Fund to any paying agent or pay directly to the registered owner, for all bonds payable from the said Sinking Fund, at least three (3) days in advance of the date on which each payment of principal or interest falls due, funds fully sufficient to pay promptly the principal and/or interest so falling due on such date.

(c) The maintenance of any Reserve Fund (a "Reserve Fund"), which may be established at the option of the Issuer, in connection with any future Parity Obligations by retaining in such Reserve Fund a sum equal to the amounts required pursuant to such Parity Obligations. The money in the Reserve Fund shall be retained solely for the purpose of paying the principal of and interest on the bonds secured by such Reserve Fund as to which there would otherwise be default and shall be managed pursuant to the ordinance authorizing such bonds; provided, however, that no transfers shall be made from the Revenue Fund into such reserve fund(s) until after the payments required under paragraph (b) above.

Subject to the foregoing, which are cumulative, the balance of the excess funds on deposit in the Revenue Fund may be used by the Issuer for the purpose of calling and/or paying bonds payable from the income and revenues of the System or for such other lawful corporate purposes as this Governing Authority may determine, whether or not such purposes are or are not related to the System.

All or any part of the moneys in the foregoing funds and accounts shall, at the written request of the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, except that moneys in said Funds must be invested in Government Securities maturing in five (5) years or less from the date of investment. All income derived from such investments shall be added to the money in said respective funds or to the Revenue Fund, and such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purpose for which the respective funds are herein created.

SECTION 9) Deposit of Funds and Security Therefor. All of the income and revenues to be earned from the operation of the System shall be deposited promptly as provided in Section 8 hereof in the Revenue Fund, which Revenue Fund shall be maintained separate and apart from all other funds of the Issuer. The Sinking Fund shall be held by the depository banks as special trust funds for the purposes provided in this Ordinance, and all other funds shall be held by the designated banks as special deposits for the purposes set forth in this Ordinance, and subject to

such reasonable instructions as this Governing Authority may give in writing to the banks holding such funds. The Owners are hereby granted a lien on all funds established and/or maintained pursuant to the requirements of this Ordinance until applied in the manner herein provided. The moneys on deposit in the funds herein required shall at all times be secured to the full extent thereof as required by the laws of the State of Louisiana.

SECTION 10) Rates and Charges. Except as provided herein, nothing in this Ordinance or in the Bonds shall be construed to prevent the Issuer from altering, amending or repealing from time to time as may be necessary any resolution or ordinance setting up and establishing a schedule or schedules of rates and charges for the services and facilities to be rendered by the System, said alterations, amendments or repeals to be conditioned upon the continued preservation of the rights of the Owners with respect to the income and revenues of the System, not alone for the payment of the principal of and interest on the Bonds, but to give assurance and insure that the income and revenues of the System, together with such other lawfully available funds as are used by the Issuer for such purposes, shall be sufficient at all times to meet and fulfill the other provisions stated and specified in Section 8 of this Ordinance. It is understood and agreed, however, that the Issuer shall fix and maintain and collect rates and charges for the services and facilities to be rendered by the System, irrespective of the user thereof, that no free service shall be furnished to any Person, or even to the Issuer itself and that no discrimination shall be made as to rates and charges for the services and facilities of the System as between users of the same type or class.

The Issuer agrees that failure of any individual, partnership or corporation to pay said charges within thirty (30) days of the date on which it is due shall cause such charge to become delinquent; that if such delinquent charge, with interest and penalties accrued thereon, is not paid within fifteen (15) days from the date on which it became delinquent, the Issuer will shut off sewer service to the affected premises, and that the Issuer and this Governing Authority and its officials, agents and employees will do all things necessary and will take advantage of all remedies afforded by law to collect and enforce the prompt payment of all charges made for services rendered by the System. All delinquent charges for such services shall on the date of delinquency have added thereto a penalty of ten percent (10%) of the amount of the charge, and the amount so due, including any penalty charge, may, in the discretion of this Governing Authority, after ten (10) days from the date of delinquency, bear interest at a reasonable rate to be established by the Governing Authority, which rate shall not be less than six per centum (6%) per annum. If services shall be discontinued as above provided, the customer shall, in addition to paying the delinquent charges, penalties and interest, if any, pay as a condition precedent to the resumption of service, a reasonable reconnection charge.

It is further understood and agreed that the schedule of rates, fees, rents and other charges being charged as of the date of the adoption of this Ordinance for services and facilities rendered by the System shall remain in effect and neither said existing schedule nor any subsequent schedule shall be reduced at any time unless all payments required for all funds by this Ordinance, including any deficiencies for prior payments, have been fully made, and unless such schedule as so reduced will in each year thereafter produce sufficient revenues to meet and fulfill the other provisions stated and specified in Section 8 of this Ordinance.

SECTION 11) Right to Pledge Revenues; Rank of Lien. In providing for the issuance of the Bonds, the Issuer does hereby covenant and warrant that it is lawfully seized and possessed of the System, that it has a legal right to pledge the revenues of the System as herein provided, that the Bonds will have a lien and privilege on said revenues subject only to the prior payment from such revenues or from other lawfully available sources of all reasonable and necessary expenses of administration, operation and maintenance of the System and that the Issuer will at all times maintain the System in first class repair and working order and condition.

SECTION 12) Records and Accounts; Audit Reports. As long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall maintain and keep proper books and accounts of the System separate and apart from all other records and accounts in which shall be made full and correct entries of all transactions relating to the System. Not later than six (6) months after the close of each Fiscal Year, the Issuer shall cause such an audit to be made in accordance with Louisiana law, by a recognized independent firm of certified public accountants,

which audit shall reflect all receipts and disbursements of the Issuer, including those made for the account of the System. Such audit shall be available for inspection by the Owners and a copy of such audit shall be furnished to the Purchaser upon request.

All expenses incurred in the making of the audits required by this Section shall be regarded and paid as a maintenance and operating expense. The Issuer further agrees that the Paying Agent and any Owner shall have the right to discuss with the accountant making the audit the contents of the audit and to ask for such additional information as they may reasonably require. The Issuer further agrees that the Paying Agent and any Owners shall have at all reasonable times the right to inspect the System and the records, accounts and data of the Issuer relating thereto.

SECTION 13) Rights of Owners; Appointment of Receiver in Event of Default. The Owners from time to time shall be entitled to exercise all rights and powers for which provision is made in the laws of the State of Louisiana. Any Owner or any trustee acting for such Owners in the manner hereinafter provided, may, either at law or in equity, by suit, action, mandamus or other proceeding in any court of competent jurisdiction, protect and enforce any and all rights under the laws of the State of Louisiana, or granted and contained in this Ordinance, and may enforce and compel the performance of all duties required by this Ordinance, or by any applicable statutes to be performed by the Issuer or by any agency, board or officer thereof, including the fixing, charging and collecting of rentals, fees or other charges for the use of the System, and in general to take any action necessary to most effectively protect the rights of the Owners.

In the event that default shall be made in the payment of the interest on or the principal of any of the Bonds as the same shall become due, or in the making of the payments into any Sinking Fund or Reserve Fund or any other payments required to be made by this Ordinance, or in the event that the Issuer or any agency, board, officer, agent or employee thereof shall fail or refuse to comply with the provisions of this Ordinance or shall default in any covenant made herein, and in the further event that any such default shall continue for a period of thirty (30) days after written notice, any Owner of such Bonds or any trustee appointed to represent the Owners as hereinafter provided, shall be entitled as of right to the appointment of a receiver of the System in an appropriate judicial proceeding in a court of competent jurisdiction.

The receiver so appointed shall forthwith directly or by his agents and attorneys, enter into and upon and take possession of the System, and each and every part thereof, and shall hold, operate and maintain, manage and control the System, and each and every part thereof, and in the name of the Issuer shall exercise all the rights and powers of the Issuer with respect to the System as the Issuer itself might do. Such receiver shall collect and receive all rates, fees, rentals and other revenues, maintain and operate the System in the manner provided in this Ordinance, and comply under the jurisdiction of the court appointing such receiver, with all of the provisions of this Ordinance.

Whenever all that is due upon the Bonds and interest thereon, and under any covenants of this Ordinance for sinking and other funds, and upon any other obligations and interest thereon, having a charge, lien or encumbrance upon the fees, rentals or other revenues of the System, shall have been paid and made good, and all defaults under the provisions of this Ordinance shall have been cured and made good, possession of the System shall be surrendered to the Issuer upon the entry of an order of the court to that effect. Upon any subsequent default, any Owner or any trustee appointed for Owners as hereinafter provided, shall have the same right to secure the further appointment of a receiver upon any such subsequent default.

Such receiver shall in the performance of the powers hereinabove conferred upon him be under the direction and supervision of the court making such appointment, shall at all times be subject to the orders and decrees of such court, and may be removed thereby and a successor receiver appointed in the discretion of such court. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any function not specifically set forth herein.

Any receiver appointed as provided herein shall hold and operate the System in the name of the Issuer and for the joint protection and benefit of the Issuer and the Owners. Such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any property of any kind or character belonging or pertaining to the System but the authority of such receiver shall be limited to the possession, operation and maintenance of the System for the sole purpose of the protection of both the Issuer and the Owners and the curing and making good of any default under the provisions of this Ordinance, and the title to and the ownership of the System shall remain in the Issuer, and no court shall have any jurisdiction to enter any order or decree permitting or requiring such receiver to sell, mortgage or otherwise dispose of any property of the System except with the consent of the Issuer and in such manner as the court shall direct.

The Owner or Owners in an aggregate principal amount of not less than twenty-five percent (25%) of the Bonds then outstanding may by a duly executed certificate appoint a trustee for the Owners with authority to represent such Owners in any legal proceedings for the enforcement and protection of the rights of such Owners. Such certificate shall be executed by such Owners, or by their duly authorized attorneys or representatives, and shall be filed in the office of the Secretary of the Issuer.

Until an event of default shall have occurred, the Issuer shall retain full possession and control of the System with full right to manage, operate and use the same and every part thereof with the rights appertaining thereto, and to collect and receive, and, subject to the provisions of this Ordinance, to take, use and enjoy and distribute the earnings, income, rent, issue and profits accruing on or derivable from the System.

SECTION 14) Maintenance of System, Limitations on Sale, Lease or Other Disposition of Property. So long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall be bound and obligated at all times to (i) maintain the System in good repair and working order and condition and (ii) not sell, lease, encumber or in any manner dispose of the System or any substantial part thereof; provided, however, that this covenant shall not be construed to prevent the disposal by the Issuer of property which in its sole judgment has become worn out, unserviceable, unsuitable or unnecessary in the operation of the System.

SECTION 15) Competitive Franchises. So long as any of the Bonds are outstanding and unpaid in principal and interest, the Issuer obligates itself not to grant a franchise to any utility for operation within the boundaries of the Issuer which would render services or facilities similar to those of the System and also obligates itself to oppose the granting of any such franchise by any other public board having jurisdiction over such matters. Further, the Issuer shall maintain its corporate identity and existence as long as any of the Bonds remain outstanding.

SECTION 16) Prohibition Against Encumbrances. Except as hereinafter provided in Section 17 hereof, the Issuer hereby covenants that it will not voluntarily create or cause to be created any debt, lien, pledge, mortgage, assignment, encumbrance or any other charge whatsoever having priority over or a parity with the lien of the Bonds and the interest thereon upon any of the revenues pledged as security therefor in this Ordinance.

SECTION 17) Issuance of Parity Obligations; Parity Requirements. The Bonds shall enjoy complete parity of lien on the net revenues of the System despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. The Issuer hereby covenants that it shall issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the revenues of the System having priority over or parity with the Bonds, except that Parity Obligations may be issued hereafter if the following conditions are met:

1. The Bonds or any part thereof may be refunded and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any, and the refunding bonds shall continue to enjoy whatever priority of lien over subsequent issues as may have been enjoyed by the Bonds refunded, provided, however, that if the refunding bonds require total principal and interest payments during any year in excess of the principal and interest which would have been required in such year to pay the Bonds refunded thereby, then such Bonds may not be refunded without either (i) satisfying the

conditions of Paragraph (2) of this section, or (ii) obtaining the consent of 100% of the Owners of the unrefunded portion of the Bonds issued hereunder, if any, and any Parity Obligations; or

2. Parity Obligations may also be issued on a parity with the Bonds if all of the following conditions are met:
 - (A) *Historical Test.* The Clerk of the Issuer certifies that, for any 12-month period during the 18-month period immediately preceding the date of issuance of such Parish Obligations, the Net Revenues of and other funds available to the System were sufficient to pay an amount representing not less than 120% of the Debt Service due on the Bonds and the proposed Parity Obligations in any fiscal year following the fiscal year in which the proposed Parity Obligations are to be issued; provided, however, that if a rate increase has been effected prior to the issuance of the proposed Parity Obligations, then the coverage calculations required hereunder may be made as if such rate increase had been in effect during such period, and further provided that in the event one or more systems have been acquired or additions to the System have been made by the Issuer prior to the delivery of the Parity Obligations and are included in the System, then the coverage calculations required hereunder may be made as if such acquired systems or additions had been a part of the System during such period; or
 - (B) *Future Test.* A Consulting Engineer retained for such purposes by the Issuer certifies that, based upon the average annual Net Revenues projected by such the Consulting Engineer for a period of five fiscal years immediately following the date on which the Project financed with the proceeds of the proposed Parity Obligations becomes operational by the Issuer, such projected average Net Revenues of and other funds available to the System in each such fiscal year will be sufficient to pay an amount representing not less than 130% of the Debt Service due on the Bonds and the proposed Parity Obligations in any fiscal year following the fiscal year in which the proposed Parity Obligations are to be issued;
 - (C) The Clerk of the Issuer or an independent firm of certified public accountants employed for such purpose certifies that the payments required to be made into the various funds provided in Section 8 of this Ordinance are current and that there are no other events of default existing under this Ordinance at such time; and
 - (D) The proposed Parity Obligations shall be payable as to principal on September 1 of each year in which principal falls due, and shall be payable as to interest on each March 1 and September 1.

SECTION 18) Fidelity Bonds. So long as any of the Bonds are outstanding and unpaid, the Issuer, in operating the System, shall require all of its officers and employees who may be in a position of authority or in possession of money derived from the operation of the System, to obtain or be covered by a blanket fidelity or faithful performance bond, or independent fidelity bonds written by a responsible indemnity company in amounts adequate to protect the Issuer from loss.

SECTION 19) Retention and Duties of Consulting Engineer in Event of Failure to Make Required Payments. The Issuer covenants and agrees that in the event it should fail to derive sufficient income from the operation of the System or from other sources to make the required monthly payments into the funds established by Section 8 hereof, it will retain a Consulting Engineer (the "Engineer") on a continuous basis until all defaults are cured, for the purpose of providing for the Issuer continuous engineering counsel in the operation of its System. Such Engineer shall be retained under contract at such reasonable compensation as may be fixed by this Governing Authority, and the payment of such compensation shall be considered to be one of the costs of maintaining and operating the System. Any Engineer appointed under the

provisions of this Section may be replaced at any time by another Engineer appointed or retained by the Issuer, with the consent and approval of the Purchaser.

The Engineer shall prepare within ninety (90) days after the close of each Fiscal Year a comprehensive operating report, which report shall contain therein or be accompanied by a certified copy of an audit of the preceding Fiscal Year prepared by the Issuer's certified public accountants, and in addition thereto, shall report upon the operations of the System during the preceding Fiscal Year, the maintenance of the properties, the efficiency of the management of the System, the proper and adequate keeping of books of record and account, the adherence to budget and budgetary control provisions, the adherence to the provisions of this Ordinance and all other things having a bearing upon the efficient and profitable operation of the System, and shall include whatever criticism of any phase of the operation of the System the Engineer may deem proper, and such recommendations as to changes in operations and the making of repairs, renewals, replacements, extensions, betterments and improvements as the Engineer may deem proper. Copies of such report shall be placed on file with the Secretary of the Governing Authority and sent to the Purchaser, and shall be open to inspection by any Owners. It shall be the duty of the Engineer to pass on the economic soundness or feasibility of any extensions, betterments, improvements, expenditures or purchases of equipment and materials or supplies, which will involve the expenditure of more than Five Thousand Dollars (\$5,000.00), whether in one or more than one order, and whether authorized by a budget or not, from funds on deposit, and the Engineer shall devise and prescribe a form or forms wherein shall be set forth his or its approval in certificate form, copies of which shall be filed with the Clerk of the Issuer.

Sixty (60) days before the close of each Fiscal Year, the Engineer shall submit to this Governing Authority a suggested budget for the ensuing year's operation of the System and shall submit recommendations as to the schedule of rates and charges for services supplied by the System, taking into account any other lawfully available funds of the Issuer that may be available for such purposes. A copy of said suggested budget and recommendations shall also be furnished by said Engineer directly to the Purchaser. Such recommendations as to rates and charges, consistent with the requirements relating thereto contained herein, shall be followed by this Governing Authority insofar as practicable and all other recommendations shall be given careful consideration by this Governing Authority and shall be substantially followed, except for good and reasonable cause. No expenditures for the operation, maintenance and repair of the System in excess of the amounts stated in said budget shall be made in any year, except upon the certificate of the Engineer that such expenditures are necessary and essential to the continued operation of the System.

It shall be the duty of the Engineer to prescribe a system of budgetary control along with forms for exercising of such control which shall be utilized by the manager or superintendent of the System and his staff, and the manager or superintendent shall cause to be prepared monthly reports not later than the twentieth day of each month, for the preceding month's business and operation of the System, which reports shall be submitted to the Engineer, who shall prepare an analysis of each such report, which analysis shall be filed monthly as expeditiously as possible with the chief financial officer of the Issuer and with the Purchaser.

In the event this Governing Authority shall fail to select and retain a Engineer in accordance with the first paragraph hereof within thirty (30) days after the occurrence of the conditions prescribed thereby, then upon the petition of the Owners of twenty-five percent (25%) of the aggregate principal amount of the Bonds then outstanding, this Governing Authority shall select and retain such Engineer as is named in the petition of said Owners.

The provisions of this Section shall apply only during any period when the Issuer may be in default in making required payments into the funds required by Section 8 of this Ordinance.

SECTION 20) Recital of Regularity. This Governing Authority having investigated the regularity of the proceedings had in connection with the Bonds herein authorized and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

"It is certified that this bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

SECTION 21) Ordinance a Contract; Amendment. The provisions of this Ordinance shall constitute a contract between the Issuer and any Owner or Owners, and any such Owner or Owners may at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the performance of all duties required to be performed by this Governing Authority as a result of issuing the Bonds.

No material modification or amendment of this Ordinance, or of any resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-thirds (2/3) of the aggregate principal amount of the Bonds then outstanding; provided, however, that no such modification or amendment shall permit a change in the maturity or the redemption provisions of the Bonds, or a reduction in the rate of interest thereon, or in the amount of the principal obligation thereof, or affecting the obligation of the Issuer to pay the principal of and interest on the Bonds as the same shall become due from the revenues of the System, or change the requirements specified herein for the issuance of pari passu bonds under the provisions of this Ordinance, or reduce the percentage of the Owners required to consent to any material modification or amendment of this Ordinance, without the consent of such Owner or Owners.

SECTION 22) Issuance of Bonds; Application of Proceeds; Prepayment. The Executive Officers are hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Ordinance, to cause the necessary Bonds to be printed, to issue, execute and seal the Bonds and to effect delivery thereof as hereinafter provided.

All of the proceeds derived from the sale of the Bonds, and other moneys of the Issuer necessary and available to accomplish the refunding of the Refunded Bonds and the payment of the costs of issuance, including moneys available in the Sinking Fund, Reserve Fund and other funds of the Issuer to the extent needed for such purposes, shall be applied, first, simultaneously with the delivery of the Bonds to the payment in full of the Refunded Bonds in principal and interest and, second, to the payment of the costs of issuance of the Bonds.

The Refunded Bonds will be redeemed in full on the date of delivery of the Bonds.

SECTION 23) Insurance. So long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall carry full coverage of insurance on the System at all times against those risks and in those amounts normally carried by privately owned public utility companies engaged in the operation of such utilities. Said policies of insurance shall be issued by a responsible insurance company or companies duly licensed to do business under the laws of the State of Louisiana. In case of loss, any insurance money received by the Issuer shall be used for the purpose of promptly repairing or replacing the property damaged or destroyed.

SECTION 24) Effect of Registration. The Issuer, the Paying Agent, and any agent of either of them may treat the Owner in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of the principal (and redemption price) of and interest on such Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the Issuer, the Paying Agent, nor any agent of either of them shall be affected by notice to the contrary.

SECTION 25) Notices to Owners. Wherever this Ordinance provides for notice to Owners of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to each Owner, at the address of such Owner as it appears in the Bond Register. In any case where notice to Owners is given by mail, neither the failure to mail such notice to any particular Owner, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Owner or Owners entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Owners shall be filed with the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 26) Cancellation of Bonds. All Bonds surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the Paying Agent, shall be promptly canceled by it and, if surrendered to the Issuer, shall be delivered to the Paying Agent and, if not already canceled, shall be promptly canceled by the Paying Agent. The Issuer may at any time deliver to the Paying Agent for cancellation any Bonds previously registered and delivered which the Issuer may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent. All canceled Bonds held by the Paying Agent shall be disposed of as directed in writing by the Issuer.

SECTION 27) Severability; Application of Subsequently Enacted Laws. In the event any one or more of the provisions of this Ordinance or of the Bonds shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance or of the Bonds, but this Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provisions enacted after the date of this Ordinance which validate or make legal any provision of this Ordinance and/or the Bonds which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance and to the Bonds.

SECTION 28) Discharge of Ordinance; Defeasance. If the Issuer shall pay or cause to be paid, or there shall otherwise be paid to the Owners, the principal (and redemption price) of and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities, and funds pledged under this Ordinance and all covenants, agreements, and other obligations of the Issuer to the Owners shall thereupon cease, terminate, and become void and be discharged and satisfied, and the Paying Agent shall pay over or deliver all money held by it under this Ordinance to the Issuer.

SECTION 29) Successor; Paying Agent; Paying Agent Agreement. The Issuer will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance of the duties hereunder for the Bonds. The designation of the initial Paying Agent in this Ordinance is hereby confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by (a) filing with the person then performing such function a certified copy of a resolution or resolutions giving notice of the termination of the Agreement and appointing a successor and (b) causing notice to be given to each Owner. Every Paying Agent appointed hereunder shall at all times be a bank or trust company organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, and subject to supervision or examination by Federal or state authority. The Executive Officers are hereby authorized and directed to execute an appropriate Paying Agent Agreement with the Paying Agent for and on behalf of the Issuer in such form as may be satisfactory to said officers.

SECTION 30) Arbitrage; Designation as Qualified Tax-Exempt Obligations. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Code and any amendment thereto in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Bonds to be "arbitrage bonds" or would result in the inclusion of the interest on any of the Bonds in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Bond proceeds or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds".

The Bonds are designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:

- (a) the Bonds are not "private activity bonds" within the meaning of the Code; and

- (b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities in calendar year 2012 will not exceed \$10,000,000.

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section. The Executive Officers are hereby authorized and directed to execute an appropriate agreement with the Paying Agent for and on behalf of the Issuer in such form as may be satisfactory to said officers, the signatures on such agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 31) Award of Bonds. The offer to purchase the Bonds submitted by the Purchasers as memorialized herein is accepted by the Issuer, and the Issuer hereby awards the sale of the Bonds to the Purchasers. The Bonds shall be delivered to the Purchasers, in accordance with the provisions of Section 2 hereof, upon payment of the principal amount of the Bonds.

SECTION 32) Continuing Disclosure. It is recognized that the Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c-2-12(b) of the Securities and Exchange Commission [17 CFR ' 240.15c2-12(b)], because:

- (a) the Bonds are not being purchased by a broker, dealer or municipal securities dealer acting as an underwriter in a primary offering of municipal securities; and
- (b) the Bonds are being sold to only three financial institutions (i.e., no more than thirty-five persons), each of which (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the loan represented by the Bonds and (ii) is not purchasing the Bonds for more than one account or with a view to distributing the Bonds.

SECTION 33. Call for Redemption. The Refunded Bonds, as more fully described in Exhibit A hereto, are hereby called for redemption on the date of delivery of the Bonds at the principal amount of each Refunded Bond so redeemed, together with accrued interest, if any, to the call date, in compliance with the resolution authorizing their issuance.

SECTION 34. Notice of Redemption. In accordance with the resolution authorizing the issuance of the Refunded Bonds, a notice of redemption in substantially the form attached hereto as Exhibit C, shall be sent by the paying agent for the Refunded Bonds to the registered owner of each of the Refunded Bonds at his address as shown on the bond register of said paying agent by means of registered or certified mail deposited

SECTION 35. Publication of Ordinance. A copy of this Ordinance shall be published immediately after its adoption in one issue of the official journal of the Issuer.

SECTION 36. Effective Date. This Ordinance shall become effective immediately upon its adoption and approval by the Mayor.

The final adoption of the foregoing Ordinance having been duly moved and seconded, the roll was called and the following vote was taken and recorded:

- YEAS: Bryan Borill, Jeff Doré, Lyle Fogleman, Vernon Martin, Mary Melancon, Steven Premeaux and Kitty Valdetero
- NAYS: None
- ABSTAIN: None
- ABSENT: Elliot Doré and Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

OTHER BUSINESS:

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderman Vernon Martin the meeting was adjourned at 7:00 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on June 13, 2012 at 4:00 p.m.
Presented for Mayor's signature on June 13, 2012 at 4:00 p.m.
Mayor signed & returned to City Clerk on June 14th, 2012 at 9:30 a.m.

Published in newspaper on June 21st, 2012