

CITY OF CROWLEY  
REGULAR MEETING  
SEPTEMBER 11, 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 11<sup>th</sup> day of September, 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, J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Steven Premeaux and Kitty Valdetero. Alderwoman Laurita Pete was absent.

Alderwoman Mary Melancon led the Pledge of Allegiance to the flag. Mayor Jones reflected on the eleventh anniversary of the 911 attack and a moment of silence was observed. Alderman Bryan Borill gave the invocation.

**AGENDA AMENDMENTS:**

Alderman Elliot Doré offered a motion to amend the agenda to consider the release of retainage to Ferrara for the “Breathing Air Module Compressor Package” contract. Seconded by Alderman Jeff Doré and duly adopted after a unanimous vote.

**PUBLIC HEARINGS:**

Mayor Greg A. Jones continued the public hearing on Rule to Show Cause for Condemnation of property situated on the North 68’ of Lot 10 and the North 68’ of West 30’ of Lot 9 of Block 59 of the CICO #1 Addition of the City of Crowley, having a municipal address of 522 East Jeanette Street, Crowley, Louisiana, belonging to Dena Diane James. City Inspector, Danny Hebert, said he found the building was not in compliance with building codes and recommended demolition. There was no one present to represent the owners of the property. After no further comments Mayor Greg A. Jones called the public hearing to a close.

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Mayor Greg A. Jones opened the public hearing on Rule to Show Cause for Condemnation of property situated on Lots 11 and 23 of Block 83 of West Crowley Subdivision of the City of Crowley, having a municipal address of 605 West Hutchinson Avenue, Crowley, Louisiana, belonging to Eugene Est. and Laura Trahan. City Inspector, Danny Hebert said he found the building was not in compliance with building codes and recommended demolition. Ms. Loretta Guillory, a granddaughter, was present and stated that their intent is to demolish the property. City attorney, Thomas Regan, said that this proceeding was against the up-opened successions of Eugene and Laura Trahan and recommended that an attorney be appointed to represent the up-opened successions in order to proceed with the condemnation hearing. After no further comments Mayor Greg A. Jones called the public hearing to a close.

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Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1446, the ordinance was read by title as follows:

A SUPPLEMENTAL BOND ORDINANCE AUTHORIZING ISSUANCE OF ONE MILLION NINE HUNDRED THOUSAND (\$1,900,000) OF WASTEWATER REVENUE BONDS OF THE CITY OF CROWLEY, LOUISIANA, SERIES 2012 IN ACCORDANCE WITH THE TERMS OF GENERAL BOND ORDINANCE NO. 1442 ADOPTED ON JULY 10, 2012; PRESCRIBING THE FORM AND CERTAIN TERMS AND CONDITIONS OF SAID BONDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

Mr. Regan asked for proponents to the proposed ordinance no. 1446. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1446 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1446 was closed.

#### **READING & APPROVAL OF MINUTES / BILLS:**

Alderman Vernon Martin moved to dispense with the reading of the minutes of the August 14<sup>th</sup>, 2012 regular council meeting and approve them as written and distributed. Seconded by Alderman Jeff Doré and duly adopted.

Alderman Steven Premeaux moved to approve all bills presented for payment. Seconded by Alderman Elliot Doré 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 Vernon Martin to approve Partial Payment No. 2 to Elliot Construction Company for “Cedar Street Improvements at East and West Andrus” in the amount of \$63,720. Motion carried.

#### **PUBLIC SAFETY COMMITTEE:**

Chairperson – Alderman Lyle Fogleman, Jr.  
Vice-Chairperson – Alderman Bryan Borill  
Members – Aldermen Vernon Martin, Mary Melancon and Steven Premeaux

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Steven Premeaux to amend Section 3-13 and Section 5-4 of the Code of Ordinance to impose fines on unpermitted structural, electrical and plumbing work. Motion carried.

A lengthy discussion was held on the slow response time by the Police Jury's contractor that is responsible for the removal of tree limbs and other debris throughout the city. Alderman Lyle Fogleman offered a motion to authorize Mayor Jones to write a letter to the Police Jury stating the dissatisfaction of the service for solid waste removal and that they use a more aggressive approach for solid waste removal in the city. Seconded by Alderman Vernon Martin and duly adopted.

**PUBLIC BUILDING COMMITTEE :**

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

A motion was offered by Alderman Bryan Borill and seconded by Alderman Vernon Martin to amend and revise the closing time on contract rentals of the Rice Festival and M. L. King buildings from 12:00 a.m. to 2:00 a.m. Motion carried.

**REVENUE & FINANCES COMMITTEE:**

Chairperson – Alderman J. Elliot Doré  
Vice-Chairperson – Alderwoman Kitty Valdetero  
Members – Aldermen Jeff Doré, Laurita Pete, and Steven Premeaux

Alderman Elliot Doré offered a motion to approve the release of retainage to Ferrara for the “Breathing Air Module Compressor Package” contract in the amount of \$3,616.60. Seconded by Alderman Steven Premeaux and duly adopted after a unanimous vote.

**RESOLUTIONS:**

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

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING THE CONDEMNATION OF IMPROVEMENTS SITUATED ON THE NORTH 68' OF LOT 10 AND THE NORTH 68' OF THE WEST 30' FEET OF LOT 9 OF BLOCK 59 OF THE CICO #1 ADDITION TO THE CITY OF CROWLEY

WHEREAS, a Condemnation Hearing was held regarding the above described property on the 11<sup>th</sup> day of September, 2012; and

WHEREAS, Notice of said Condemnation Hearing date was mailed and received by the property owner as shown by U. S. Postal Return Receipt dated July 14, 2012; and

WHEN AFTER considering the evidence presented, the testimony of all parties interested and after due consideration of the circumstances and condition of the building and the report of the City Inspector;

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 order the building and/or structure situated on the North 68' of Lot 10 and the North 68' of the West 30' of Lot 9 of Block 59 of the CICO #1 Addition to the City of Crowley, being the property of Dena Diane James, having a municipal address of 522 East Jeanette Street, Crowley, Louisiana, be and the same is hereby condemned; and

BE IT FURTHER ORDERED that the said building and/or structure be brought up to building code requirements or demolished and/or removed together with all trash and debris within thirty (30) days from the date of receipt of notice which may be extended in the event the property owner demonstrates a good faith effort to complete demolition and/or removal but has been unable to do so through no fault of his own; and

BE IT FURTHER ORDERED that the owner shall obtain a building permit after complying with the requirements of La. R. S. 33:4761, et seq.

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of September, 2012 at Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Vernon Martin, duly seconded by Alderman Elliot Doré, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING THE HEARING AND THE RULE TO SHOW CAUSE FOR CONDEMNATION OF IMPROVEMENTS SITUATED ON LOTS 11 AND 12 OF BLOCK 83 OF WEST CROWLEY SUBDIVISION OF THE CITY OF CROWLEY TO BE CONTINUED UNTIL ITS NEXT REGULAR MEETING DATE AND REQUESTING THE MAYOR TO APPOINT ATTORNEY TO REPRESENT ABSENT DEFENDANTS AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO;

WHEREAS, a Condemnation Hearing regarding the above described property was called for the 11<sup>th</sup> day of September, 2012 and Notice of said Condemnation Hearing date was mailed properly addressed to the property owner and returned as shown by the envelop marked "Not Deliverable as Addressed, Unable to Forward"; and

WHEREAS, a granddaughter of the deceased property owners appeared at the hearing scheduled on September 11, 2012, and admitted the successions are unopened and therefore defendants are Absentee under the provisions of La. R.S. 33:4761, et seq; and

WHEREAS, it is necessary for the Mayor to appoint an attorney to represent the unopened successions of the absentee defendants;

WHEREAS, this matter should be continued and refixed for the next regularly scheduled meeting on the 9<sup>th</sup> day of October, 2012 at 6:00 p.m.;

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the hearing be continued and reset for the 9<sup>th</sup> day of October, 2012 at 6:00 p.m. and that the Honorable Greg A. Jones, Mayor of the City of Crowley, appoint an attorney at law to represent the absentee defendants and unopened successions of Eugene Trahan and Laura Trahan at said hearing, and that the attorney at law be served with notice of these proceedings as is required by law;

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of September, 2012 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Jeff Doré, 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 special meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE AMENDING ORDINANCE NO. 1160 AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 1255, REAPPORTIONING DUAL MEMBER VOTING DISTRICTS FOR THE BOARD OF ALDERMEN FOR THE CITY OF CROWLEY, LOUISIANA, IN ACCORDANCE WITH THE 2010 CENSUS

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 9<sup>th</sup> day of October, 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 AMENDING ORDINANCE NO. 1160 AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 1255, REAPPORTIONING DUAL MEMBER VOTING DISTRICTS FOR THE BOARD OF ALDERMEN FOR THE CITY OF CROWLEY, LOUISIANA, IN ACCORDANCE WITH THE 2010 CENSUS

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 11<sup>th</sup> day of September, 2012.

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JUDY L. ISTRE, CITY CLERK

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THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of September, 2012, in Crowley, Acadia Parish, Louisiana.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

**ORDINANCES:**

The following Ordinance no. 1446 has been previously introduced at a regular meeting convened on August 14<sup>th</sup>, 2012, published by title in the official journal of the City, and a public hearing held thereon on September 11<sup>th</sup>, 2012. It was offered for final adoption by Alderman Elliot Doré, seconded by Alderman Jeff Doré and duly adopted.

**FIRST SUPPLEMENTAL BOND ORDINANCE NO. 1446**

A SUPPLEMENTAL BOND ORDINANCE AUTHORIZING ISSUANCE OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) OF WASTEWATER REVENUE BONDS OF THE CITY OF CROWLEY, LOUISIANA, SERIES 2012 IN ACCORDANCE WITH THE TERMS OF GENERAL BOND ORDINANCE NO. 1442 ADOPTED ON JULY 10, 2012; PRESCRIBING THE FORM, AND CERTAIN TERMS AND CONDITIONS OF SAID BONDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

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

WHEREAS, the City on July 10, 2012, adopted General Bond Ordinance No. 1442 which provided for future indebtedness of the City secured by revenues produced and to be produced by the System which General Bond Ordinance No. 1442 provided certain terms, provisions, conditions and limitations; and

WHEREAS, one of the purposes of adoption of this First Supplemental Bond Ordinance is to amend, supplement and modify certain of the terms of General Bond Ordinance No. 1442; and

WHEREAS, except to the extent amended, supplemented or modified herein, the provisions of General Bond Ordinance No. 1442 shall remain unchanged; and

WHEREAS, the City currently has outstanding notes, bonds, or other obligations payable from a pledge and dedication of the income and revenues of the System: \$4,500,000 Sewer Revenue Bonds, Series 1995, dated December 19, 1995; \$3,000,000 Sewer Revenue Bonds, Series 2000, dated April 7, 2000; and \$1,350,000 Sewer Revenue Bonds, Series 2006, dated November 20, 2006 (collectively, the "Parity Bonds"); and

WHEREAS, pursuant to Part XIII of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:1011, et seq.), and other constitutional and statutory authority, it is now the desire of this City Council to provide for issuance of revenue Bonds of the City, for the purpose of paying a portion of the cost of constructing and acquiring additions, extensions and improvements to the wastewater portion of the System, and paying the costs of issuance thereof; and

WHEREAS, on July 10, 2012, the Board of Aldermen (the "Governing Authority") adopted a General Bond Ordinance entitled: "A General Bond Ordinance authorizing the issuance from time to time of Wastewater Revenue Bonds of the City of Crowley, Louisiana; prescribing the form, and certain terms and conditions of said Bonds; providing for payment thereof in principal and interest; and providing for other matters in connection therewith," (the "General Bond Ordinance"), which authorizes the issuance of Bonds from time to time for the aforesaid purposes; and

WHEREAS, it is now the desire of this Governing Authority to amend the General Bond Ordinance to authorize issuance of Wastewater Revenue Bonds of the City and to authorize issuance of not exceeding One Million Nine Hundred Thousand Dollars (\$1,900,000) of Wastewater Revenue Bonds, Series 2012 of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1. Definitions. In addition to words and terms elsewhere defined in the General Bond Ordinance, as may be amended, supplemented and modified herein, and this First Supplemental Bond Ordinance, the following words and terms as used in this First Supplemental Bond Ordinance and in the General Bond Ordinance, as amended, shall have the following meanings, unless some other meaning is plainly intended:

"Administrative Fee" means, with respect to the Bonds and any other Bonds purchased by the Department from the Clean Water State Revolving Fund, the annual fee equal to one-half of one percent (0.5%) per annum of the outstanding principal amount of such Bonds, or such lesser amount as the Department may approve from time to time, which shall be payable each year in two equal semi-annual installments on each Interest Payment Date.

"Bonds" means the City's Wastewater Revenue Bonds, Series 2012, authorized to be issued by this First Supplemental Ordinance and particularly by Section 2 hereof.

"Clean Water State Revolving Fund" means the Clean Water State Revolving Fund established by the State of Louisiana, pursuant to Chapter 14 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 30:2301, *et seq.*) in the custody of the Department, which is to be used for the purpose of providing financial assistance for the improvement of public wastewater systems in the State.

"Code" means the Internal Revenue Code of 1986, as the same may be amended and supplemented from time to time, including any regulations promulgated thereunder or any administrative or judicial interpretations thereof.

"Department" means the Louisiana Department of Environmental Quality, an executive department and agency of the State, and any successor to the duties and functions thereof with respect to the Clean Water State Revolving Fund.

"First Supplemental Ordinance" means this ordinance authorizing issuance of the Bonds.

"General Bond Ordinance" means the General Bond Ordinance described in the preambles hereof.

"Loan Agreement" means the Loan and Pledge Agreement to be entered into by and between the Department and the City, prior to the delivery of the Bonds, which will contain

certain additional agreements relating to the Bonds being purchased by the Department from the Clean Water State Revolving Fund, which Loan Agreement shall be in substantially the form attached hereto as Exhibit B, as it may be supplemented, modified or amended from time to time in accordance with the terms thereof.

“Paying Agent” with respect to the Bonds means the chief financial officer of the City, unless and until a successor Paying Agent shall have assumed such responsibilities pursuant to the General Bond Ordinance.

“Reimbursement Expenditures” means Costs of the Project made prior to the date of delivery of the Bonds, but not more than sixty (60) days prior to May 8, 2012, which was the date of adoption of an “official intent” resolution pursuant to Section 1.150-2 of the United States Treasury Regulations under Section 150 of the Code.

“Reserve Fund Requirement” means, as of any date, an amount equal to one-half of the highest principal and interest requirements of the Bonds, the Parity Bonds, and any additional parity bonds in any succeeding Bond Year (ending October 1).

**SECTION 2. Authorization of Bonds.** (a) In compliance with and under the authority of the Act, there is hereby authorized the incurring of an indebtedness of not exceeding One Million Nine Hundred Thousand Dollars (\$1,900,000) for, on behalf of and in the name of the City, for the purpose of paying a portion of the cost of constructing and acquiring additions, extensions and improvements to the System, as further set forth in Exhibit B hereto, and paying costs of issuance thereof, and to represent the indebtedness, this Governing Authority does hereby authorize the issuance of not exceeding One Million Nine Hundred Thousand Dollars (\$1,900,000) of Wastewater Revenue Bonds, Series 2012, of the City. The Bonds shall be dated the Delivery Date thereof, and the exact principal amount of the Bonds, not to exceed One Million Nine Hundred Thousand Dollars (\$1,900,000), as stated above, shall be determined by the Executive Officers at the time of delivery of the Bonds.

(b) The Bonds shall be Fixed Rate Bonds and the Interest Payment Dates shall be April 1 and October 1 of each year, beginning April 1, 2013. The Bonds shall bear interest at the rate of forty-five hundredths percent (0.45%) per annum, said interest to be calculated on the basis of a 360-day year consisting of twelve 30-day months and payable on each Interest Payment Date, or such lower rate as may be in effect for loans from the Clean Water State Revolving Fund at the time of delivery. In addition to interest at the rate set forth above, at any time that the Department owns the Bonds the City will pay the Administrative Fee to the Department on each Interest Payment Date. In the event (i) the Department owns any Bonds or the Department has pledged or assigned any Bonds in connection with its Clean Water State Revolving Fund and (ii) the Administrative Fee payable by the City to the Department under the terms of the Loan Agreement is declared illegal or unenforceable by a court or an administrative body of competent jurisdiction, the interest rate borne by the Bonds shall be increased by one-half of one percent (0.50%) per annum, effective as of the date declared to be the date from which the Administrative Fee is no longer owed because of such illegality or unenforceability. The Bonds shall be in substantially the form attached hereto as Exhibit A.

(c) All of the proceeds of the Bonds, other than no more than 2% of such proceeds used to pay issuance costs, plus investment proceeds thereof, will be used for capital expenditures, and the issue price of the Bonds has no premium over the stated principal amount. None of the proceeds of the Bonds will be deposited to the Reserve Fund or to any other reasonably required reserve fund.

(d) The Bonds shall mature in twenty (20) installments of principal, payable annually on each October 1, and each annual installment shall be the applicable percentage shown in the following tables, rounded to the nearest One Thousand Dollars (\$1,000), of the outstanding principal amount of the applicable series of the Bonds on the day before the applicable Principal Payment Date:

<u>Date</u> <u>(Oct. 1)</u>	<u>Percentage</u> <u>of Principal</u>	<u>Date</u> <u>(Oct. 1)</u>	<u>Percentage</u> <u>of Principal</u>
2015	4.564%	2025	9.580%
2016	4.827%	2026	10.696%
2017	5.120%	2027	12.090%
2018	5.448%	2028	13.884%
2019	5.817%	2029	16.275%
2020	6.235%	2030	19.624%
2021	6.712%	2031	24.647%
2022	7.264%	2032	33.019%
2023	7.907%	2033	49.764%
2024	8.667%	2034	100.000%

(e) The principal and interest on the Bonds shall be payable by check mailed to the registered owner of the Bonds (determined as of the Interest Payment Date) at the address shown on the registration books kept by the Paying Agent for such purpose, provided that payment of the final installment of principal on the Bonds shall be made only upon presentation and surrender of the Bonds to the Paying Agent.

(f) The principal installments of the Bonds are subject to prepayment at the option of the City at any time, in whole or in part, at a prepayment price of par plus accrued interest and accrued Administrative Fee, if any, to the prepayment date and in such case the remaining principal of the Bonds shall continue to mature in installments calculated using the percentages shown in Section 2(d) above.

(g) The Bonds shall be issued in the form of a single fully registered Bond, initially numbered R-1, and shall be in substantially the form attached hereto as Exhibit A.

(h) The chief financial officer of the City shall be the initial Paying Agent for the Bonds.

(i) The Bonds are hereby awarded to and sold to the Department at a price of par plus accrued interest, if any, under the terms and conditions set forth in the Loan Agreement, and after their execution and authentication by the Paying Agent, the Bonds shall be delivered to the Department or its agents or assigns, upon receipt by the City of the agreed purchase price. Pursuant to the Act and La. R.S. 39:1426(B), the City has determined to sell the Bonds at a private sale without the necessity of publishing any notice of sale.

(j) No proceeds of the Bonds will be deposited to the Reserve Fund, however upon delivery of the Bonds, the City shall establish the "Series 2012 Account" in the Reserve Fund and shall cause the Reserve Fund Requirement to be deposited to said account within five (5) years after the Delivery Date. The "Reserve Fund Requirement" for the 2012 Bonds shall be an amount equal to one-half of the highest principal and interest requirements on the Bonds in any future Bond year. No changes are required at this time with respect to the Contingencies Fund established in the General Bond Ordinance.

(k) [RESERVED]

(l) The Executive Officers are each hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of the General Bond Ordinance and this First Supplemental Ordinance, to execute and deliver the Loan Agreement, and to cause the Bonds to be prepared and/or printed, to issue, execute and seal the Bonds and to effect delivery thereof as hereinafter provided. In connection with the issuance and sale of the Bonds, the Executive Officers and the Director of Finance of the City are each authorized, empowered and directed to execute on behalf of the City such additional documents, certificates and instruments as they may deem necessary, upon the advice of Bond counsel, to effect the transactions contemplated by this Ordinance. The signatures of said on such documents, certificates and instruments shall be conclusive evidence of the due exercise of the authority granted hereunder.

(m) It is recognized that the City will not be required to comply with the continuing disclosure requirements described in the Rule 15c2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)], because (i) 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 (ii) the Bonds are being sold to only one financial institution (i.e., no more than thirty-five persons), which has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment in the Bonds and is not purchasing the Bonds for more than one account or with a view to distributing the Bonds.

(n) [RESERVED]

(o) The “Scheduled Completion Date” for the Project is September 1, 2013.

(p) There will be no Credit Facility with respect to the Bonds.

(q) The Loan Agreement, in substantially the form attached hereto as Exhibit B, is hereby approved, and the Executive Officers are authorized to execute and deliver the aforesaid documents on behalf of the City, with such changes as may be deemed necessary, upon the advice of counsel, in connection with the Bonds.

**SECTION 3. Davis-Bacon Wage Rate Requirement.** The City agrees that all laborers and mechanics employed by contractors and subcontractors on the portion of the Project that is funded in whole or in part with the Bonds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality of the City as determined by the Secretary of the United States Department of Labor (“DOL”) in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code. DOL provides all pertinent information related to compliance with the foregoing requirements, including prevailing wage rates and instructions for reporting. The City will ensure that all construction contracts relating to the portion of the Project that is funded in whole or in part with the Bonds will require that the contractor comply with the aforesaid wage and reporting requirements. This section shall not apply to “force account” work where the City may perform construction work using its own employees rather than any contractor or subcontractor.

**SECTION 4. Federal Tax Covenants.** The City 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 in order to establish, maintain and preserve the exclusion from “gross income” of interest on the Bonds under the Code. The City 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 City 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 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.”

**SECTION 5. Parties Interested Herein.** Nothing in this First Supplemental Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or corporation, other than the City, the Paying Agent and the Owners of the Bonds any right, remedy or claim under or by reason of this First Supplemental Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this First Supplemental Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Paying Agent and the Owners of the Bonds.

**SECTION 6. No Recourse on the Bonds.** No recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on this First Supplemental Ordinance against any member of the Governing Authority or officer of the City or any person executing the Bonds.

SECTION 7. Successors and Assigns. Whenever in this First Supplemental Ordinance the City is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this First Supplemental Ordinance contained by or on behalf of the City shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 8. Execution. The Governing Authority does hereby authorize the Executive Officers of the City to execute, on behalf of the City, the Bond and the Loan and Pledge Agreement in form substantially as attached hereto as Exhibits A and B, respectively, as well as such other documents and instruments as may be necessary, in their collective discretion and with the approval of Bond Counsel, City Counsel and Department Counsel, to carry out and give effect to the transaction herein described.

SECTION 9. Severability. In case any one or more of the provisions of this First Supplemental Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this First Supplemental Ordinance or of the Bonds, but this First Supplemental 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 provision enacted after the date of this First Supplemental Ordinance which validates or makes legal any provision of this First Supplemental Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to this First Supplemental Ordinance and to the Bonds.

SECTION 10. Publication; Peremption. This First Supplemental Ordinance shall be published one time in the Crowley Post, the official journal of the City. It shall not be necessary to publish the exhibits to this First Supplemental Ordinance but such exhibits shall be made available for public inspection at the offices of the Governing Authority at reasonable times and such fact must be stated in the publication within the official journal. For a period of thirty (30) days after the date of such publication any persons in interest may contest the legality of this First Supplemental Ordinance and any provisions herein made for the security and payment of the Bonds. After such thirty day period no one shall have any cause or right of action to contest the regularity, formality, legality, or effectiveness of this First Supplemental Ordinance and the provisions hereof or of the Bonds authorized hereby for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the Bonds authorized pursuant to this First Supplemental Ordinance within the thirty days herein prescribed, the authority to issue the Bonds or to provide for the payment thereof, and the legality thereof, and all of the provisions of this First Supplemental Ordinance and such Bonds shall be conclusively presumed, and no court shall have authority or jurisdiction to inquire into any such matter.

SECTION 11. Effective Date. This First Supplemental Bond Ordinance shall become effective immediately.

This Ordinance adopted and passed on this 11<sup>th</sup> day of September, 2012.

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

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

**OTHER BUSINESS:**

There being no further business to come before the Council upon motion duly made by Alderman Bryan Borill and seconded by Alderwoman Mary Melancon the meeting was adjourned at 7:05 p.m.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on September 12, 2012 at 9:00 a.m.

Presented for Mayor's signature on September 14<sup>th</sup>, 2012 at 10:30 a.m.

Mayor signed & returned to City Clerk on September           , 2012 at           .m.

Published in newspaper on September           , 2012