

CITY OF CROWLEY  
REGULAR COUNCIL MEETING  
JANUARY 13, 2004

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 13<sup>th</sup> day of January, 2004, at the regular meeting place of said Mayor and Board of Aldermen, the City Hall, 426 North Avenue F, Crowley, Louisiana.

Mayor de la Houssaye presided with the following Aldermen present: James M. Buatt, Tiger Istre, Woody Marceaux, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux, Ira Thomas and Kitty Valdetero.

Chief Gibson led the Pledge of Allegiance to the flag and Alderman Marceaux gave the invocation.

Alderman Buatt moved to amend the agenda to consider the amendment of the lease ordinance with option to purchase for LAPAC in order to correct property description. Seconded by Alderwoman Melancon and duly adopted after a unanimous vote.

Alderwoman Valdetero moved to amend the agenda to consider the resolution for Sides & Associates contract. Seconded by Alderman Thomas and duly adopted after a unanimous vote.

Alderman Buatt moved to amend the agenda to consider the quotes for the fire station's generator. Seconded by Alderman Thomas and duly adopted after a unanimous vote.

**APPEARANCES:**

Mr. Mark Landry came before the assembly to discuss the recap of the year on Workers' Compensation insurance and to present a proposal on it for the year 2004. Alderman Martin offered a motion to accept the following proposal on Workers' Compensation insurance. Seconded by Alderman Buatt and duly adopted.

Workers' Compensation Policy

Company Name:	Safety National Casualty Corporation
Police Term:	01/01/04 to 01/01/05
<u>Specific:</u>	
Specific Limit	Statutory
Specific Retention	\$ 300,00
<u>Employers Liability:</u>	
Employers Liability Limit	\$1,000,000
Employers Liability Retention	\$ 300,000
<u>Aggregate:</u>	
Aggregate Limit	\$1,000,000
Estimated Loss Fund	\$ 603,279
Minimum Loss Fund	\$ 600,000
Loss Fund Percentage	180%
<b>Fixed Cost</b>	<b>\$ 63,575</b>

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

Alderman Istre moved to dispense with the reading of the minutes of the December 9, 2003 regular council meeting; and approve them as written and distributed. Seconded by Alderman Thomas and duly adopted.

Alderwoman Valdetero moved to dispense with the reading of the minutes of the December 17, 2003 special council meeting; and approve them as written and distributed. Seconded by Alderwoman Melancon and duly adopted.

Alderwoman Melancon moved to dispense with the reading of the minutes of the January 7, 2004 special council meeting; and approve them as written and distributed. Seconded by Alderman Martin and duly adopted.

Alderman Istre moved to approve all bills presented for payment. Seconded by Alderwoman Valdetero and duly adopted.

**MAYOR'S REPORT:**

Mayor de la Houssaye presented the Sales Tax Report and User Fee Report that compare current collections to collections from previous years. The Recap of all Funds Report compares actual revenues and expenditures for the four months of the fiscal year to the budgeted revenues and expenditures of the same period.

**STANDING COMMITTEE REPORTS:**

**COMMUNITY & ECONOMIC DEVELOPMENT:**

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

RESOLUTION OF THE MAYOR AND BOARD OF  
ALDERMEN OF THE CITY OF CROWLEY  
AUTHORIZING THE EXECUTION OF A  
CONTRACT WITH SIDES & ASSOCIATES FOR  
ADVERTISING, MARKETING AND MEDIA  
SERVICES AND TO PROVIDE FOR ALL  
MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Crowley currently has a contract for advertising, marketing and media services with Side & Associates which expires on the 18<sup>th</sup> day of February, 2004: and

WHEREAS, the City of Crowley has been pleased with the services provided by Sides & Associates and desires to extend the contract with Sides on the same terms and conditions; and

WHEREAS, the current contract does not coincide with the fiscal year of the City of Crowley and in order to provide services on a fiscal year basis, Sides & Associates has agreed to convert the term to a fiscal year for the remainder of the 2003-2004 fiscal year until August 31, 2004, with an option to renew for one (1) year thereafter;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, that they do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, to execute an agreement with Sides & Associates to furnish advertising, marketing and media services to the City of Crowley in accordance with the terms and conditions of the said contract not to exceed an annual expenditure of SIXTY THOUSAND & NO/100 (\$60,000.00) DOLLARS with services to be approved during the term of the contract.

THUS DONE AND ADOPTED in regular session at Crowley, Acadia Parish, Louisiana, on this the 13<sup>th</sup> day of January, 2004.

ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

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

A RESOLUTION TO 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 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:

ORDINANCE NO. 1280

AN ORDINANCE TO AMEND ORDINANCE NO. 1277 OF THE CITY OF CROWLEY TO INCLUDE IN THE DESCRIPTION OF THE PROPERTY TO BE LEASED WITH OPTION TO PURCHASE TO LAPAC MANUFACTURING, INC. THREE (3) CONTINUOUS TRACTS OF LAND CONTAINING 11.5 ACRES, MORE OR LESS, LOCATED IN THE GREATER CROWLEY INDUSTRIAL DEVELOPMENT PARK, SITUATED IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 1 EAST, ACADIA PARISH, LOUISIANA, AND TO RATIFY AND RE-ADOPT ALL THE TERMS AND CONDITIONS OF THE ORIGINAL ORDINANCE NO. 1277 AS MORE FULLY SET FORTH THEREIN AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 in regular session on the 10<sup>th</sup> day of February, 2004 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, LA, to consider the adoption of the following ordinance:

ORDINANCE NO. 1280

AN ORDINANCE TO AMEND ORDINANCE NO. 1277 OF THE CITY OF CROWLEY TO INCLUDE IN THE DESCRIPTION OF THE PROPERTY TO BE LEASED WITH OPTION TO PURCHASE TO LAPAC MANUFACTURING, INC. THREE (3) CONTINUOUS TRACTS OF LAND CONTAINING 11.5 ACRES, MORE OR LESS, LOCATED IN THE GREATER CROWLEY INDUSTRIAL DEVELOPMENT PARK, SITUATED IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 1 EAST, ACADIA PARISH, LOUISIANA, AND TO RATIFY AND RE-ADOPT ALL THE TERMS AND CONDITIONS OF THE ORIGINAL ORDINANCE NO. 1277 AS MORE FULLY SET FORTH THEREIN AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

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 13<sup>th</sup> day of January, 2004.

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JUDY L. ISTRE, CITY CLERK

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THUS DONE, SIGNED AND ADOPTED on this the 13<sup>th</sup> day of January, 2004.

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ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**PUBLIC WORKS:**

Alderman Melancon offered a motion to authorize the Mayor to engage the services of Soils and Foundation Engineers to conduct soil borings, laboratory analyses and engineering recommendations for the Fireman's Training Facility project at an estimated cost of \$3,000.00. Seconded by Alderman Buatt and duly adopted.

Alderman Melancon offered a motion to deny the proposal for cleanup in the event of a disaster. Seconded by Alderman Istre and duly adopted.

**UTILITY:**

Alderman Martin moved to approve Partial Payment Estimate No. 10 to Stelly Construction for the West Crowley Sewerage Improvements (LCDBG FY 2001 Program) in the amount of \$48,812.43. Seconded by Alderman Pete and duly adopted.

Alderman Martin moved to authorize the expenditure of an additional \$1,500 for Mr. Tim Morton to provide his services to address the U. S. Army Corps of Engineer's response to the "Solicitation of View" for the "Finding Of No Significant Impact" process for the LDEQ loan for the North of I-10 Sewerage Extension Project. Seconded by Alderman Istre and duly adopted.

Alderman Martin moved to approve Partial Payment Estimate No. 2 to E. B. Feucht & Sons for the Sewerage Extension for T-Stop (Lovell A S. Hwy 13) in the amount of \$37,881.37. Seconded by Alderman Thomas and duly adopted.

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ACADIA PARISH LAW ENFORCEMENT DISTRICT TO ASSUME THE OPERATION AND MAINTENANCE OF THE WASTEWATER MANHOLES SERVING THE ACADIA PARISH DETENTION CENTER AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the Acadia Parish Law Enforcement District operates the Acadia Parish Detention Center located in the City of Crowley which houses inmates for the Acadia Parish Sheriff's Department and other law enforcement agencies; and

WHEREAS, the Detention Center is served by the City of Crowley's wastewater collection system; and

WHEREAS, due to the actions of the prisoners incarcerated in the facility, unauthorized materials, objects and clothing were inserted into the collection system causing backups and stoppages of flow to the system; and

WHEREAS, in order to prevent the introduction of foreign objects and materials into the collection system the City of Crowley's wastewater treatment department installed baskets/traps in the manholes serving the facility; and

WHEREAS, the baskets/traps must be maintained and cleaned regularly to allow the flow of wastewater to enter the collection system and prevent backup into the detention facilities since inmates have continued to dispose of illegal material into the system; and

WHEREAS, under the provisions of the Pretreatment Ordinance of the City of Crowley, the owner of the facility is required to install and maintain appropriate devices and/or equipment to prevent the introduction of foreign objects and material into the wastewater system; and

WHEREAS, the City of Crowley notified the Acadia Parish Law Enforcement District of the requirements of the Pretreatment Ordinance; and

WHEREAS, in lieu of construction of duplicate facilities, it is more efficient that the Law Enforcement District simply assume the control, operation and maintenance of the existing baskets/traps installed by the City of Crowley; and

WHEREAS, the Acadia Parish Law Enforcement District has agreed to assume control of the operation and maintenance of the sewer baskets/traps located in the sewer manhole serving the facility in compliance with the provisions of the Sewer User Ordinance and Pretreatment Ordinance of the City of Crowley; and

WHEREAS, the Acadia Parish Law Enforcement District has agreed to hold harmless and indemnify the City of Crowley in connection with the control, operation and maintenance of the baskets/traps.

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley in regular session duly convened that they do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, to execute an Intergovernmental Agreement with the Acadia Parish Law Enforcement District to assume the control, operation and maintenance of the two (2) manholes which serve the facility known as the Acadia Parish Detention Center located on Capital Avenue, Crowley, Louisiana, with said Agreement to contain a hold harmless and indemnity agreement in favor of the City of Crowley from the Acadia Parish Law Enforcement District.

BE IT FURTHER RESOLVED, the said Isabella L. de la Houssaye, Mayor, be and she is hereby authorized and empowered to execute any and all necessary documents, forms, exhibits and attachments as may be necessary and proper under circumstances in her sole discretion to conclude said transaction.

THUS DONE AND ADOPTED in regular session at Crowley, Acadia Parish, Louisiana, on this the 13<sup>th</sup> day of January, 2004.

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ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

Alderman Martin moved to recommend that the property owned by Arthur R. Cooling, et al. situated on LA Highway 13 in Section 29, Township 9 South, Range 1 East, Acadia Parish, Louisiana be selected as the site for the utility lift station and fire department substation and that the Mayor and City Attorney be authorized to proceed with the engagement of professional services for appraisal, engineering and legal matter and to negotiate the purchase of the property and to authorize a formal offer of just compensation for the property in accordance with the provisions of law required for expropriation of property. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Martin moved to authorize Mader Engineering to prepare a cost estimate for the preparation of a new Facility Plan for the LDEQ SRF loan for sewerage improvements and report to Council at tonight's meeting. Mr. Mader presented an estimated cost of \$10,000 to \$12,000 to prepare a new Facility Plan to continue pursuing a LDEA SRF loan for sewerage improvements. Seconded by Alderman Thomas and duly adopted.

Alderman Buatt offered a motion not to get an easement and laying a line on Avenue F eastward to 6<sup>th</sup> Street to provide sewer service to two houses at an estimated cost of \$45,000. Seconded by Alderman Thomas and duly adopted.

Alderman Thomas moved to approve Change Order No. 2 to the E. B. Feucht Contract for Sewerage Extension for T-Stop at Lovell and South Highway 13 in the amount of \$2,669.20. Seconded by Alderman Buatt and duly adopted.

The following resolution was offered by Alderman Martin, duly seconded by Alderman Marceaux, and duly resolved and adopted.

#### RESOLUTION OF TERMINATION

A resolution authorizing and directing the Mayor to execute for and on behalf of the City of Crowley, a Notice of Termination for E.B. Feucht & Sons, Inc., Contractor, pertaining to the substantial completion of the contract subject to a punch list attached hereto and made a part of this Resolution, for "Sewerage Extension to T-Stop (Lovell @ South Hwy 13)" for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto.

WHEREAS, E.B. Feucht & Sons, Inc., as Contractor, has substantially completed "Sewerage Extension to T-Stop (Lovell @ South Hwy 13)" for the City of Crowley in accordance with the plans and specifications contained in the contract documents pertaining thereto; and

WHEREAS, the City of Crowley desires to accept the completed work;

NOW, THEREFORE, BE IT RESOLVED by the City of Crowley Board of Aldermen that the Mayor of said City of Crowley 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 the Mayor be authorized and

directed to have a copy of said acceptance recorded in the Conveyance Records of the Parish of Acadia, State of Louisiana.

ADOPTED: January 13, 2004

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ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**ZONING & ANNEXATION:**

Alderman Marceaux offered a motion to approve the Planning Commission's recommendation to re-subdivide from D & C Properties certain lots in Block 103, Original Crowley, contingent upon the approval of the City Engineers. Seconded by Alderman Thomas and duly adopted.

Alderman Marceaux offered a motion to approve the Planning Commission's recommendation to re-adopt City Ordinance No. 1229 relative to the guidelines concerning Crowley Historic District Commission. Seconded by Alderwoman Melancon and duly adopted.

Alderman Marceaux offered a motion to refer to the Planning Commission for their review on an amendment on restrictions as to height of fences in residential areas. Seconded by Alderman Thomas and duly adopted.

**PUBLIC BUILDINGS:**

Alderman Thomas offered a motion to accept the lowest quote from Performance Controls, Inc. in the amount of \$27,330 for a 120/240 volt, 3 phase, 125 kw generator including GM 8.1L engine, enclosure, 1500 watt heater, flex fuel line, fuel strainer, 6 amp battery charger, 450 amp circuit breaker for the central fire station. Seconded by Alderman Martin and was duly adopted.

**INSURANCE & PERSONNEL:**

Alderwoman Martin offered a motion to accept the recommendation of Chief Schmaltz and promote Dale Breaux from Fire Driver to Fire Captain effective January 29, 2004 pending One Stop approval. Seconded by Alderwoman Melancon and duly adopted.

Alderman Buatt offered a motion to accept the recommendation of Chief Schmaltz and promote Clay Cormier from Firefighter to Fire Driver effective January 29, 2004 pending One Stop approval. Seconded by Alderman Thomas and duly adopted.

Alderman Buatt offered a motion to accept the recommendation of Chief Schmaltz and terminate the employment of Michael Cormier as a Fire Recruit effective December 31, 2003. Seconded by Alderwoman Valdetero and duly adopted.

Alderman Martin offered a motion to accept the recommendation of Chief Schmaltz and hire Scott Mouton as a Fire Recruit effective January 14, 2004. Seconded by Alderwoman Valdetero and duly adopted.

Alderwoman Melancon offered a motion to accept the recommendation of Chief Schmaltz and promote Danny Miller to Permanent Fire Driver effective January 14, 2004. Seconded by Alderman Buatt and duly adopted.

Alderwoman Melancon offered a motion to accept the recommendation of Chief Schmaltz and promote Louis Romero to Permanent Fire Driver effective January 14, 2004. Seconded by Alderman Thomas and duly adopted.

Alderman Martin offered a motion to accept the recommendation of Chief Schmaltz and promote Robert Burke to Permanent Fire Captain effective January 14, 2004. Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to accept the recommendation of Chief Schmaltz and promote Scott Hoffpauir to Permanent Fire Captain effective January 14, 2004. Seconded by Alderwoman Melancon and duly adopted.

Alderman Marceaux offered a motion to consider an amendment to Ordinance No. 1270 to increase the salary of the City Prosecutor, Mr. Kim Hayes, an additional \$250 per month. Seconded by Alderwoman Valdetero and duly adopted.

The following resolution was offered by Alderman Marceaux, duly seconded by Alderman Premeaux, and duly resolved and adopted.

#### RESOLUTION

A RESOLUTION TO 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 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 TO AMEND AND RE-ENACT PART 12 OF SUBSECTION B OF SECTION 2-4 OF CHAPTER 2 OF ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO INCREASE THE SALARY OF THE CITY PROSECUTOR BY TWO HUNDRED FIFTY & NO/100 (\$250.00) DOLLARS PER MONTH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 10<sup>th</sup> day of February, 2004 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 RE-ENACT PART 12 OF SUBSECTION B OF SECTION 2-4 OF CHAPTER 2 OF

ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO INCREASE THE SALARY OF THE CITY PROSECUTOR BY TWO HUNDRED FIFTY & NO/100 (\$250.00) DOLLARS PER MONTH; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 13 day of January, 2004.

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JUDY ISTRE, CITY CLERK

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THUS DONE, SIGNED AND ADOPTED at Crowley, Acadia Parish, Louisiana, on this the 13<sup>th</sup> day of January, 2004.

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ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**RECREATION:**

Alderman Premeaux offered a motion to accept the low negotiated quote from Quality Construction Specialist, Inc. for the Recreational Facilities Sidewalk Improvement Project - Phase I in the amount of \$97,000. Seconded by Alderwoman Melancon and duly adopted.

**RESOLUTION:**

The following resolution was offered by Alderwoman Melancon, duly seconded by Alderwoman Valdetero, and duly resolved 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 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 monthly, regular meeting of the Mayor and Board of Aldermen, to-wit:

ORDINANCE NO. 1281

AN ORDINANCE ACCEPTING THE TERMS OF AND APPROVING AND AUTHORIZING THE EXECUTION OF A COMMITMENT AGREEMENT AND A LOAN AND PLEDGE AGREEMENT WITH THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (THE "DEPARTMENT"); PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$1,500,000 OF SEWER REVENUE NOTES, SERIES 2004 OF THE CITY OF CROWLEY, STATE OF LOUISIANA; PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON SAID NOTES, AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION WITH THE SECURITY AND PAYMENT OF THE SAID NOTES, SAID NOTES TO BE ISSUED ON A PARITY WITH THE SEWER REVENUE BOND, SERIES 1995 AND THE SEWER REVENUE BOND, SERIES 2000 (COLLECTIVELY, THE "PARITY OBLIGATIONS") ISSUED BY THE CITY OF CROWLEY AND SOLD TO AND HELD BY THE DEPARTMENT; AND AUTHORIZING ADDITIONAL DRAWS ON THE PARITY OBLIGATIONS TO BE USED FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING AND ACQUIRING IMPROVEMENTS TO THE CITY'S SEWERAGE SYSTEM, AND PROVIDING FOR OTHER MATERS IN CONNECTION 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 10<sup>th</sup> day of February, 2004 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

ORDINANCE NO. 1281

AN ORDINANCE ACCEPTING THE TERMS OF AND APPROVING AND AUTHORIZING THE EXECUTION OF A COMMITMENT AGREEMENT AND A LOAN AND PLEDGE AGREEMENT WITH THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (THE "DEPARTMENT"); PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$1,500,000 OF SEWER REVENUE NOTES, SERIES 2004 OF THE CITY OF CROWLEY, STATE OF LOUISIANA; PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON SAID NOTES, AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION WITH THE SECURITY AND PAYMENT OF THE SAID NOTES, SAID NOTES TO BE ISSUED ON A PARITY WITH THE SEWER REVENUE BOND, SERIES 1995 AND THE SEWER REVENUE BOND, SERIES 2000 (COLLECTIVELY, THE "PARITY OBLIGATIONS") ISSUED BY THE CITY OF CROWLEY AND SOLD TO AND HELD BY THE DEPARTMENT; AND AUTHORIZING ADDITIONAL DRAWS ON THE PARITY OBLIGATIONS TO BE USED FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING AND ACQUIRING

IMPROVEMENTS TO THE CITY'S SEWERAGE SYSTEM,  
AND PROVIDING FOR OTHER MATERS IN CONNECTION  
THEREWITH.

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 13<sup>th</sup> day of January, 2004.

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JUDY L. ISTRE, CITY CLERK

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THUS DONE, SIGNED AND ADOPTED on this the 13<sup>th</sup> day of January,  
2004.

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ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

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

RESOLUTION

A RESOLUTION MAKING APPLICATION TO THE STATE  
BOND COMMISSION FOR APPROVAL FOR THE CITY OF  
CROWLEY, STATE OF LOUISIANAN, TO ENTER INTO A  
COMMITMENT AGREEMENT AND A LOAN AND PLEDGE  
AGREEMENT WITH THE LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY, PROVIDING FOR A NEW LOAN  
(THE "2004 LOAN") IN THE AMOUNT OF NOT TO EXCEED  
\$1,500,000 IN THE FORM OF REVENUE NOTES OF THE CITY  
OF CROWLEY, PLUS A DRAW ON OUTSTANDING PARITY  
OBLIGATIONS IN THE AMOUNT OF \$1,040,000, OR IN THE  
ALTERNATIVE, A 2004 LOAN IN THE AMOUNT NOT TO  
EXCEED \$2,540,000 UNDER AUTHORITY OF THE STATE  
REVOLVING LOAN FUND ACT, SAID 2004 LOAN TO BE  
REPRESENTED BY A SEWER REVENUE NOTE, SERIES 2004 IN  
THE PRINCIPAL AMOUNT OF THE 2004 LOAN OF SAID CITY  
OF CROWLEY, SAID 2004 LOAN TO BE USED FOR THE  
PURPOSE OF ACQUIRING AND CONSTRUCTING  
IMPROVEMENTS TO THE CITY OF CROWLEY'S SEWER  
SYSTEM; MAKING A FINDING OF NECESSITY FOR  
SPECIALIZED LEGAL SERVICES OF QUALIFIED COUNSEL TO  
ASSIST IN THE ISSUANCE OF THE NOTE; AND PROVIDING  
FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS the United States of America, pursuant to the Clean Water Act of 1972,  
as amended by the Water Quality Act of 1987, as amended (the "Clean Water Act"), has  
required each state to establish a water pollution control revolving fund to be administered by  
an instrumentality of the state for the purposes of receiving capitalization grants from the  
United States to assist local governmental entities, by means of loans and other forms of  
financial assistance, to finance the costs of acquiring and constructing wastewater treatment  
facilities: and

WHEREAS the State of Louisiana (the "State"), pursuant to Chapter 4 of Subtitle II  
of Title 30 of the Louisiana Revised Statutes of 1950, as amended (the "State Revolving  
Fund Act"), has established in the custody of the Louisiana Department of Environmental

Quality (the "Department"), its Municipal Facilities Revolving Loan Fund (the "Fund") to be used for the purpose of assisting local governmental entities, such as the City of Crowley, State of Louisiana (the "Issuer"), to finance the construction of eligible wastewater treatment facilities in accordance with the Clean Water Act, the State Revolving Fund Act and applicable rules and regulations of the United States Environmental Protection Agency (the "EPA") and the Department; and

WHEREAS, the Issuer previously obtained loans from the Department from the Fund to finance improvements to the Issuer's sewerage collection, treatment and disposal system ("the System"), pursuant to a Loan and Pledge Agreement between the Issuer and the Department, authorizing the issuance of not to exceed \$12,000,000 loans and bonds, to be evidenced by multiple series, with the initial loan in an amount not to exceed \$4,500,000 of Sewer Revenue Bond, Series 1995 (the "1995 Bond") of the Issuer, the proceeds of which bonds were used to construct additions, extensions and improvements to the System; and

WHEREAS, the Department amended the 1995 Loan to reduce the amount of the loan commitment and bonds to an amount of \$4,500,000, as evidenced by the 1995 Bond, which was approved by the State Bond Commission in application No. L95-211, at the meeting of the said Bond Commission held on June 15, 1995; and

WHEREAS, the Issuer, obtained a loan from the Department from the Fund to finance additional improvements to the System, pursuant to a Loan and Pledge Agreement between the Issuer and the Department, authorizing the issuance of not to exceed \$3,000,000 of Sewer Revenue Bond, Series 2000 (the "2000 Bond") (collectively with the 1995 Bond, the "Parity Obligations"), as approved by the State Bond Commission in application number L99-61 at the meeting of the said Bond Commission held February 18, 1999, the proceeds of which were to be used to construct additions, extensions and improvements to the System: and

Whereas, pursuant to application number 95-211B the State Bond Commission, at a meeting held September 16, 1999, approved the 2000 Bond which issued and delivered April 7, 2000 in an amount not to exceed \$2,000,000, reserving the right to draw down not to exceed \$3,000,000 subject to obtaining supplemental approval therefor from the State Bond Commission; and

WHEREAS in order to continue with the sewer improvement program, the Issuer has made application to the Department for an additional loan in the amount not to exceed \$1,500,000 and an additional draw of not to exceed \$1,040,000 on the Parity Obligations to be used to finance additional eligible cost of improvements, additions, renovations and extensions to the System, and the Department has agreed to extend a loan from the fund by the purchase of an additional sewer revenue notes in the principal amount of not exceeding \$1,500,000 and additional draws of not exceeding \$1,040,000 on the Parity Obligations from the same funds and accounts as established by the Resolution issuing the Parity Obligations, the Department having approved said Bonds to be repaid on a parity and first lien basis with the Parity Obligations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen (the "Governing Authority") of the City of Crowley, State of Louisiana (the "Issuer"), the governing authority thereof, as follows:

SECTION 1. Authorization and Application to State Bond Commission. The Governing Authority hereby makes application to the State Bond Commission for the issuance, sale and delivery of not to exceed \$1,500,000 of sewerage system revenue notes (the "Notes"), in one or more series, to be sold to the Louisiana Department of Environmental Quality (the "Department") under the authority of Chapter 4 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, as amended ("the State Revolving Fund Act") pursuant to the terms of a loan and pledge agreement with the Department, for the purpose of paying a portion of the costs of acquiring and constructing additions, improvements, extensions and renovations to the Issuer's sewerage system (the "Project"), to bear interest at a rate not to exceed 3.45% with an administrative fee of .5% payable on each interest payment date, over a period not to exceed twenty years from the date of completion of the Project, which is defined as the "Permanent Loan Period" in the Loan and Pledge

Agreement, which is to follow the temporary loan period (not to exceed two years) which shall run from the date of delivery of the Notes to the completion of construction. The Notes will be secured by and payable from revenues derived from the operation of the Issuer's sewerage system, after payment of reasonable costs of operation and maintenance of the said system, on a parity and first lien basis with the Issuer's outstanding Sewer Revenue Bond, Series 1995 and the Issuer's outstanding Sewer Revenue Bond, Series 2000 (collectively, the "Parity Obligations"). The Governing Authority hereby further authorizes and makes application to the State Bond Commission for approval for additional draws to be made on the Parity Obligations in an amount not to exceed \$40,000 on the 1995 Bond and not to exceed \$1,000,000 on the 2000 Bond, the proceeds of said additional draws along with the proceeds of the Notes will be used for the purpose of paying the cost of the Project, which the engineers estimate will cost approximately \$2,540,000. In the event the aforesaid additional draws on the Parity Obligation are not approved, the Governing Authority hereby makes application to the State Bond Commission for approval of the issuance of the aforesaid Notes in an amount not to exceed \$2,540,000.

SECTION 2. Application to the Department. Application to the Department to participate in the program administered by the Department under the State Revolving Fund Act under the terms of the Loan and Pledge Agreements with the Department with respect to the Notes and to the Parity Obligations are hereby ratified and confirmed.

SECTION 3. Intent under 26 C.F.R. § 1.150-2(e). The Governing Authority hereby adopts an official intent of said Governing Authority toward the issuance of the Notes for the purpose of financing the Project to be secured by revenues as contemplated in the laws of Louisiana and the United States Treasury Regulations, Section 1.150-2(e), if applicable.

SECTION 4. Confirmation of Employment of Special Counsel. A real necessity has heretofore been found and is hereby found for the employment of special counsel in connection with the issuance of the aforesaid 1995 Bond, the 2000 Bond, and the Notes and, accordingly, the employment of Benton, Benton & Benton P.L.C. as bond counsel, heretofore authorized, is hereby ratified and confirmed, and the employment of Benton, Benton & Benton P.L.C. and Foley & Judell, L.L.P. as co-bond counsel for the Notes is hereby ratified and confirmed, said attorneys having been employed and requested to do and perform comprehensive legal, and coordinate professional work with respect to the issuance of the aforesaid sewer revenue Notes of the and the Issuer. The employment of Thomas R. Regan, City Attorney, heretofore authorized, is hereby ratified and confirmed, said attorney having been employed and requested to do and perform comprehensive legal and coordinate professional work in the local associate counsel category as Issuer's counsel and to assist bond counsel in the issuance of the City sewer financing program. Bond counsel shall prepare and submit to this Governing Authority for adoption all proceedings incidental to the authorization, issuance, sale and delivery of the Notes. Issuer's counsel shall advise this Governing Authority with respect to the sale and delivery of the Notes to the Department and the execution of a loan agreement. Such special counsel shall furnish their opinions covering the legality of the issuance thereof. The fee of special bond council in connection with the issuance of the aforesaid Notes is hereby fixed at a sum less than the maximum fee allowed by the Attorney General's fee guidelines for comprehensive legal and coordinate professional services for the issuance of revenue bonds (set forth in Exhibit A hereto), based on the amount of the said Notes of each issue actually issued, sold and delivered and paid for, plus itemized expenses of the Issuer paid for by the said attorney, and out-of-pocket expenses. The fee for Issuer's counsel shall be on an itemized hourly basis in accordance with the Attorney General's guidelines for local associate counsel and hourly fee schedule, plus itemized expenses of the Issuer and out-of-pocket expenses of the said Issuer's counsel. Fees of said special co-bond counsel for the issuance, sale and delivery of the Notes shall be payable solely out of the funds derived from the sale of said Notes and are to be contingent upon the issuance, sale and delivery of said Notes. A certified copy of the Resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Authorized Officers are hereby empowered and requested to make payment to the said bond counsel and Issuer's counsel in payment of the fees herein provided for under the conditions herein enumerated.

SECTION 5. Resolution a Contract. A certified copy of this Resolution shall be submitted to the Attorney General of the State of Louisiana for his approval and review. This

Resolution shall constitute a contract of employment when approved and signed by the parties below, subject to the written approval of such employment by the Attorney General of the estate of Louisiana.

SECTION 6. Effective Date. This Resolution shall be effective immediately upon its adoption. All ordinances or resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

The foregoing Resolution was adopted on the 13<sup>th</sup> day of January, 2004.

\_\_\_\_\_  
ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, CITY CLERK

There being no further business to come before the Council upon motion duly made by Alderman Buatt and seconded by Alderman Premeaux the meeting was adjourned at 7:40 p.m.

\_\_\_\_\_  
ISABELLA L. DE LA HOUSSAYE, MAYOR

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, CITY CLERK

Presented rough draft to Mayor on January 15, 2004 at 4:00 p.m.  
Presented for Mayor's signature on January 20, 2004 at 3:20 p.m.  
Mayor Signed & returned to City Clerk January 26, 2004 at 9:00 a.m.

EXHIBIT A

Maximum fees allowable for comprehensive legal and coordinate professional work as Bond Counsel in the issuance of all revenue bonds of whatever nature are as follows:

MORE THAN	NOT MORE THAN	FEE
\$0	\$1,350,000	1.5% of face amount of the issue
\$1,350,000	\$2,700,000	\$20,250 plus 0.75% of all over \$1,350,000
\$2,700,000	\$6,750,000	\$30,375 plus .30% of all over \$2,700,000
\$6,750,000	\$13,500,000	\$42,525 plus .20% of all over \$6,570,000
\$13,500,000		\$56,025 plus .075% of all over \$13,500,000

**MAXIMUM HOURLY FEE SCHEDULE FOR  
ISSUER'S COUNSEL AND LOCAL ASSOCIATE COUNSEL**

\$150.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF TEN YEARS OR MORE IN THE PRACTICE OF LAW
\$135.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF FIVE YEARS OR MORE IN THE PRACTICE OF LAW
\$120.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF THREE TO FIVE YEARS OR MORE IN THE PRACTICE OF LAW
\$100.00	PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF LESS THAN THREE YEARS OR MORE IN THE PRACTICE OF LAW
\$ 45.00	PER HOUR FOR PARALEGAL SERVICE
\$ 25.00	PER HOUR FOR LAW CLERK SERVICES