

CITY OF CROWLEY
REGULAR MEETING
JULY 10, 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 10th day of July, 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., Mary Melancon, Steven Premeaux and Kitty Valdetero. Aldermen Vernon Martin and Laurita Pete were absent.

Alderman Bryan Borill led the Pledge of Allegiance to the flag and Alderman Steven Premeaux 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. City Inspector, Danny Hebert said the property had been demolished and recommended that the condemnation proceeding be dropped. After no further comments Mayor Greg A. Jones called the public hearing to a close.

A motion was offered by Alderman Bryan Borill and seconded by Alderman Lyle Fogleman to dismiss condemnation proceedings 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. Motion carried.

Mayor Greg A. Jones opened the public hearing on Rule to Show Cause for Condemnation of property 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, belonging to Bernice and Wife Bates. City Inspector, Danny Hebert said he found the building was not in compliance with building codes. Mr. Harris, representative of the owners of the property, stating that they want to bring the property to code standards and requested additional time in order to do that. After no further comments Mayor Greg A. Jones called the public hearing to a close.

A motion was offered by Alderman Bryan Borill and seconded by Alderwoman Kitty Valdetero to suspend the public hearing and continue at the next regular council meeting on property 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, belonging to Bernice and Wife Bates. Motion carried.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1439, the ordinance was read by title as follows:

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, RECREATIONLY 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.

Mr. Regan asked for proponents to the proposed ordinance no. 1439. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1439 was made. Mr. Billy Miller spoke against this ordinance. The public hearing on ordinance no. 1439 was closed.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1440, the ordinance was read by title as follows:

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.

Mr. Regan asked for proponents to the proposed ordinance no. 1440. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1440 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1440 was closed.

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1442, the ordinance was read by title as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE BONDS OF THE CITY OF CROWLEY, STATE OF LOUISIANA, FROM TIME TO TIME, NOT TO EXCEED TWO MILLION & NO/100 (\$2,000,000.00) DOLLARS; 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.

Mr. Regan asked for proponents to the proposed ordinance no. 1442. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1442 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1442 was closed.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Mary Melancon moved to dispense with the reading of the minutes of the June 12th, 2012 regular council meeting and approve them as written and distributed. Seconded by Alderman Jeff Doré and duly adopted.

Alderman Bryan Borill moved to dispense with the reading of the minutes of the June 27th, 2012 special council meeting. Seconded by Alderman Jeff Doré and duly adopted.

Alderwoman Kitty Valdetero moved to approve all bills presented for payment. Seconded by Alderman Lyle Fogleman 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:

UTILITY COMMITTEE:

Chairperson – Alderman Vernon Martin
Vice-Chairperson – Alderwoman Kitty Valdetero
Members – Aldermen J. Elliot Doré, Jeff Doré, and Lyle Fogleman, Jr.

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Lyle Fogleman to approve Partial Payment no. 9 to E. B. Feucht & Sons for the release of retainage in the amount of \$43,927.91 for the LCDBG FY 2010-11 Project (Sewerage Repairs in Northeast and Southeast Crowley). 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 Bryan Borill to authorize the Mayor and Chief of Police to address the City Attorney to draft a golf cart ordinance. 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 Alderwoman Kitty Valdetero and seconded by Alderman Steven Premeaux to approve the Planning Commission recommendation for a Preliminary and Final Plat for Rose Claire, LLC d/b/a Crowley Flower Shop to re-subdivide Lots 4, 5, 8, and Part of 6, Block 5, Duson 5th Addition. Motion carried.

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Elliot Doré to approve a trailer petition for Leroy Goodwill described as Lots 5-6, Block 27, Original Crowley located at 614 W. 1st Street. Motion carried.

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Bryan Borill to approve the Planning Commission recommendation for a rear yard setback variance for Lekeisha Francis described as Lot 6, Block 82 West Crowley Subdivision located at 521 West Hutchinson Avenue. Motion carried.

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Steven Premeaux to approve the Planning Commission recommendation for rezoning from “I-1” Light Industrial to “I-2” Heavy Industrial the property described as being 16.942 Acres in section 37, Township 10 South, Range 1 East, Acadia Parish, Crowley, Louisiana located at the corner of W. Northern Avenue & Capitol Avenue belonging to 5-H Farms Inc. Motion carried.

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Steven Premeaux to take under advisement the Planning Commission recommendation for approval of the following proposed amendments to City of Crowley Code of Ordinance 5 Sec. 5-4 on Building Permit:

- A. Individual purchasing property in the City of Crowley needs to be advised of proper disclosures of zoning classifications and requirements at time of purchase.
- B. Table included in ordinance of fine fee schedule to include but not limited to amount of fine which is amount up to certain amount, detailing fines for individual, professional, and/or variances.

Motion carried.

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Elliot Doré to approve a permit for three signs and the exterior paint for the front of the building for Janet Cuccio d/b/a 2nd Time Around Consignment located in the Historic District at 125 East 4th Street. Motion carried.

REVENUE & FINANCES COMMITTEE:

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

A motion was offered by Alderman Elliot Doré and seconded by Alderman Jeff Doré to approve funding of the \$3.7m city-wide Patching/Leveling and Northern Avenue & Avenue I Reconstruction project. Motion carried.

RESOLUTIONS:

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

A RESOLUTION AUTHORIZING AND DIRECTING MADER ENGINEERING, INC. TO PROCEED WITH THE PROFESSIONAL SERVICES NECESSARY FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR “CITY OF CROWLEY 2012-2013 STREET IMPROVEMENTS”

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley desire to proceed with a construction project to improve streets within the city, generally described and estimated to cost as follows:

City-Wide Patching/Leveling:	\$ 300,000
Reconstruction* of Northern Avenue (Western to Eastern):	\$2,400,000
Reconstruction* of Avenue I (Northern to Oddfellows):	<u>\$1,000,000</u>
Total:	<u>\$3,700,000</u>

*Reconstruction anticipated to consist of:

1. Removal and hauling away existing surface and base
2. Proof roll, remove and replace deficient subbase with select material
3. Geogrid installation

4. 12" stone base installation
5. 2" Asphaltic Concrete Surfacing

and

WHEREAS, this project shall be referred to as "City of Crowley 2012-2013 Street Improvements", and

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley have approved and provided funding for the project in the amount of \$3,700,000, and

WHEREAS, it is necessary to prepare plans and specifications for the project, and

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley desire Mader Engineering, Inc. to provide all required professional design services (engineering design, surveying, basic services during construction, and construction observation) for the project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley that Mader Engineering, Inc. is hereby authorized and directed to proceed with the necessary professional engineering services necessary to prepare plans and specifications for "City of Crowley 2012-13 Street Improvements" under the Standard Engineering Agreement dated January 25, 2010, as amended

ADOPTED: July 10, 2012

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Lyle Fogleman, 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 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, Dena Diane James, by the City Inspector's office for repairs and/or demolition to be made of the improvements 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, and was received by the property owner via Certified Mail Return Receipt Requested on the 11th day of June, 2011; 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 Dena Diane James for a public hearing to be held by the Mayor and Board of Aldermen on the 14th day of August, 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 10th day of July, 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 Alderman Lyle Fogleman, 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 RE-ENACT SECTION 4-21 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR ADOPTION FEE OF CANINES AND FELINES, 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 14th day of August, 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 RE-ENACT SECTION 4-21 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR ADOPTION FEE OF CANINES AND FELINES, 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 10th day of July, 2012.

JUDY L. ISTRE, CITY CLERK

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 10th day of July, 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 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, Acadia Parish, Louisiana; and

WHEREAS, the proposed ordinance must be introduced by its title and 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, date 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, in regular session duly convened 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 SECTION 5-176, GREEN SPACES AND DISTRICT REGULATIONS, OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR MINIMUM WIDTH OF

GREEN SPACES IN FRONT YARDS SITUATED IN ALL DISTRICTS EXCEPT "C-4, CENTRAL BUSINESS DISTRICT"; TO AMEND AND RE-ENACT SECTION 5-178, INTERIOR LANDSCAPING, OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE REGULATIONS FOR PARKING LOT LANDSCAPING, INCLUDING LANDSCAPING ISLANDS, MINIMUM TWO (2") INCH CALIPER SHADE TREES AND OTHER MINIMUM STANDARDS; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

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, Acadia Parish, Louisiana, shall meet on the 14th day of August, 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 RE-ENACT SECTION 5-176, GREEN SPACES AND DISTRICT REGULATIONS, OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR MINIMUM WIDTH OF GREEN SPACES IN FRONT YARDS SITUATED IN ALL DISTRICTS EXCEPT "C-4, CENTRAL BUSINESS DISTRICT"; TO AMEND AND RE-ENACT SECTION 5-178, INTERIOR LANDSCAPING, OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE REGULATIONS FOR PARKING LOT LANDSCAPING, INCLUDING LANDSCAPING ISLANDS, MINIMUM TWO (2") INCH CALIPER SHADE TREES AND OTHER MINIMUM STANDARDS; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

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 10th day of July, 2012

JUDY L. ISTRE, City Clerk

THUS DONE AND ADOPTED in regular session duly convened on the 10th day of July, 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 Elliot Doré, duly seconded by Alderman Lyle Fogleman, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LA, FIXING A DATE FOR A PUBLIC HEARING TO BE HELD TO CONSIDER THE ADOPTION OF THE ANNUAL BUDGET FOR FISCAL YEAR 2013 AND AUTHORIZING PUBLICATION OF NOTICE OF A PUBLIC HEARING AND AVAILABILITY OF THE PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2013

WHEREAS, the Board of Aldermen of the City of Crowley has received a proposed budget for fiscal year 2013 for their consideration and adoption; and

WHEREAS, a public hearing must be held to receive public comment prior to adoption of the annual budget by the Board of Aldermen; and

WHEREAS, notice of the availability of the proposed annual budget and of the public hearing to receive public comment must be published once in the official journal of the City of Crowley, no less than ten (10) days prior to the date of the hearing, which notice shall provide for the date, time and place where the Board of Aldermen will consider their adoption;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Crowley, in regular session duly convened that a public hearing will be held by the Mayor and Board of Aldermen on the 9th day of August, 2012 at 4:00 p.m. in Council Chambers, to receive public comment on the adoption of the proposed annual budget for fiscal year 2013 and

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 PUBLIC HEARING ON THE PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2013, CITY OF CROWLEY

Public notice is hereby given that the proposed annual budget of the City of Crowley for fiscal year 2013 is available for public inspection at the office of the City Clerk, City Hall, 425 N. Parkerson Avenue, Crowley, Louisiana, during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Copies of the budget are also available at a nominal cost.

Notice is hereby given that a public hearing will be held by the Mayor and Board of Aldermen concerning the adoption of the annual budget for the fiscal year 2013 as follows:

DATE : AUGUST 9, 2012
TIME: 4:00 p.m.
PLACE OF MEETING: COUNCIL CHAMBERS
426 NORTH AVENUE F
CROWLEY, LA 70526

The Board of Aldermen of the City of Crowley, shall hear any and all comments concerning the revenues and expenditures of the City of Crowley relative to the adoption of the annual budget for fiscal year 2013.

SIGNED on July 10, 2012 at Crowley, LA.

Judy L. Istre, City Clerk
City of Crowley
P. O. Box 1463, Crowley, LA 70527
Phone: (337) 783-0824

In accordance with the Americans with Disabilities Act, if special assistance is needed, please contact Judy L. Istre at (337) 788-4103, to describe the assistance that is necessary.

THE ABOVE RESOLUTION WAS DULY ADOPTED on this the 10th day of July, 2012 at Crowley, Acadia Parish, Louisiana.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

ORDINANCES:

The following Ordinance no. 1439 has been previously introduced at a regular meeting convened on June 12th, 2012, published by title in the official journal of the City, and a public hearing held thereon on July 10th, 2012. It was offered for final adoption by Alderman Elliot Jeff Doré, seconded by Alderwoman Mary Melancon and duly adopted.

ORDINANCE NO. 1439

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, 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.

WHEREAS, the City of Crowley finds it necessary to regulate and define sale and consumption of alcoholic beverages in public areas and to provide exceptions therefor; and

WHEREAS, the International Rice Festival and the Crowley Police Department have asked for assistance to identify persons under the legal drinking age by some means and to better control the sale and consumption of alcoholic beverages to persons of legal age; 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 10th day of July, 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 3-5 of Article I of Chapter 3 of the Code of Ordinances of the City of Crowley be and the same shall be amended and reenacted to read as follows, to-wit:

Sec. 3-5. Sale and consumption of alcoholic beverages within the corporate limits, open containers prohibited and defined, exceptions

(a) Except as provide for herein, it shall be unlawful for any person, including all holders of retail or wholesale dealer permits or licenses issued under the provisions of this chapter, for any agent, employee, servant or other representative of said permittee or licensee to sell alcoholic beverages on streets, sidewalks or other public rights of way, public grounds, parking lots or outside any public business or building.

(b) It shall be unlawful for any person to consume alcoholic beverages of high or low alcoholic content or in immediate possession or control of an open container, bottle, cup, glass, can or other device which is not completely sealed containing alcoholic beverages while standing or walking on public streets, sidewalks, rights of way, parks, playgrounds, parking lots, grounds of any business or other public place owned by a governmental entity, including but not limited to the City of Crowley, within the corporate limits of the City of Crowley.

(c) The sale of alcoholic beverages with high and low alcoholic content sold either by the City of Crowley or the International Rice Festival Association as an approved concessionaire during the International Rice Festival and the possession and consumption of such alcoholic beverages by those individuals who have purchased from the City of Crowley, the Crowley Police Department or the International Rice Festival Association an approved identification badge, armband or other identification device issued by the City of Crowley shall be permitted during the Thursday, Friday and Saturday of the International Rice Festival beginning 5:00 p.m. to midnight on Thursday, 8:00 a.m. to midnight on Friday and 8:00 a.m. to midnight on Saturday. After midnight, all sales of alcoholic beverages shall cease and the possession and consumption of alcoholic beverages in permitted containers shall cease no later than 12:30 a.m.

(d) Possession and consumption of alcoholic beverages by those persons possessing the proper identification device shall be permitted in an open paper, plastic, Styrofoam cup or other similar container within the area of the International Rice Festival which is defined as follows:

From the intersection of 6th Street and Parkerson Avenue extending one block on either side of Parkerson Avenue to Avenue G, from the western right of way of Avenue F to the eastern right of way of Avenue G, southerly to the intersection of the centerline of the main railroad track formerly known as the Southern Pacific.

(e) It shall be unlawful for any person to possess either on his person, in his/her immediate control, in any automobile or vehicle or in any other manner, any alcoholic beverage of high or low alcoholic content in any public streets, sidewalks, rights of way, parks, church ground, school ground, playgrounds, parking lots, grounds of any business or other public place, except that the possession of alcoholic beverages for sale and the consumption thereof shall be permissible in any other public park, place or facility so long as the event is sponsored or co-sponsored by the City of Crowley and/or a non-profit and the non-profit shall have obtained a permit from the Mayor and Chief of Police for a fair, festival, tournament or public event provided that the sponsor and/or co-sponsor has executed a contract with and/or has paid the rental fee to the City of Crowley or has the permission of the property owner and has obtained a permit to sale and serve alcoholic beverages of low and high alcoholic content on the dates and hours as specified in the permit granted by the Mayor and Chief.

For the purposes of this section, the area designated and defined in the permit or if a building shall be in the area in which the sale and consumption of alcoholic beverages may occur.

SECTION 2: 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 3: 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 10th day of July, 2012, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

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

NAYS: None

ABSTAIN: None

ABSENT: Vernon Martin and Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following Ordinance no. 1440 has been previously introduced at a regular meeting convened on June 12th, 2012, published by title in the official journal of the City, and a public hearing held thereon on July 10th, 2012. It was offered for final adoption by Alderwoman Kitty Valdetero, seconded by Alderman Elliot Doré and duly adopted.

ORDINANCE NO. 1440

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.

WHEREAS, the proposed Amended Operating Budgets and the accompanying budget ordinance have been submitted to this Board of Aldermen for review and consideration; and

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

WHEREAS, notice of a public hearing by the City of Crowley on the proposed Amended Operating Budgets and notice of the availability of the proposed amended budgets for review have been timely published in the official journal, the Crowley Post Signal; and

WHEREAS, the public hearing having been held in accordance with the law on the 10th day of November, 2011 at 6:00 o'clock p.m. at City Hall on the proposed Amended Operating Budgets have now been reviewed and considered; now.

THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in Regular Session, duly convened on the 12th day of July, 2012 that the following Amended Operating Budgets are hereby approved, adopted and finalized.

Account Name	Adopted 2011-2012 Budget	Amendment	Amended 2011-2012 Budget
General Fund Budget			
Expenditures			
Police Department			
Operational Expense	308,675	13,000	321,675
Capital Outlays	89,000	6,250	95,250
Fire Department			
Repairs & Supplies	89,500	2,680	92,180
Operational Expense	69,700	4,300	74,000
Non Departmental Expenditure			
Operational Expense	0	37,500	37,500
Economic Development	75,000	19,200	94,200
Other Financing Sources (Uses)			
Operating Transfers Out	473,790	519,891	993,681
1 & 1/2 Cent Sales Tax Budget			
Revenues			
Sales Tax	3,900,000	100,000	4,000,000
Expenditures			
Operational Expense	61,500	1,500	63,000
Debt Service	250,000	37,210	287,210
1/2 Cent Sales Tax - Salary Budget			
Revenues			
Sales Taxes	1,300,000	33,250	1,333,250
Expenditures			
Operational Expense	23,500	500	24,000
1/2 Cent Sales Tax - Street Improvement Budget			
Revenues			
Sales Tax	1,300,000	(300,000)	1,000,000
Other Financing Sources (Uses)			
Operating Transfers Out	1,234,655	(165,782)	1,068,873
Operating Transfers In	-	523,961	523,961

Youth Recreation Operation Budget

Revenues			
Charges for Services	162,500	20,000	182,500
Expenditures			
Operational Expense	62,450	37,500	99,950
Telephone & Utilities	70,000	15,000	85,000
Other Expense	17,832	5,000	22,832
Other Financing Sources (Uses)			
Operating Transfers Out	45,262	2,623	47,885

Youth Recreation Building Maintenance Budget

Revenues			
Other Revenues	351,500	(15,000)	336,500
Other Financing Sources (Uses)			
Operating Transfers Out	15,467	636	16,103

Rice City Civic Center Budget

Other Financing Sources (Uses)			
Operating Transfers Out	9,856	561	10,417

Utility Fund - Sewage Budget

Revenues			
Grants & Loans	25,150	156,000	181,150
Charges for Services	1,748,000	(16,500)	1,731,500
Expenditures			
Utility Administrative Department			
Debt Service	150,520	74,743	225,263
Other Financing Sources (Uses)			
Operating Transfers In	606,260	265,573	871,833
Operating Transfers Out	717,400	272,099	989,499
Current Liabilities			
Current Liabilities	455,000	728,739	1,183,739

LCDBG Budget

Revenues			
Grants	43,453	313,500	356,953
Expenditures			
Capital Outlays	43,453	313,500	356,953

Employee Benefit Plan Budget

Expenditures			
Operational Expense	219,570	125,000	344,570
Other Financing Sources (Uses)			
Operating Transfers In	350,000	500,000	850,000

Sales Tax Bond Sinking Fund 1997 Street Imp. Budget

Revenues			
Investment Income	-	6,840	6,840
Other Financing Sources (Uses)			
Operating Transfers In	497,345	(165,782)	331,563
Operating Transfers Out	-	523,961	523,961

Refunding Bonds Series 2011

Expenditures			
Operational Expense	-	1,000	1,000
Debt Service	502,515	(11,968)	490,547
Other Financing Sources (Uses)			
Operating Transfers In	502,515	30,238	532,753

BE IT FURTHER ORDAINED, the amounts shall be available for expenditures only to the extent and only as included within the amended 2011-2012 fiscal budget, however nothing shall be construed to prohibit the Governing Authority from making amendments to the budget.

BE IT FURTHER ORDAINED, the Mayor of the City of Crowley, Greg A. Jones, is hereby authorized and in his sole discretion, to make such changes within the various budget classifications as he may deem necessary.

BE IT FURTHER ORDAINED, 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 or phrases will not be affected and shall continue in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS AMENDED, APPROVED, ADOPTED AND FINALIZED on this the 12th day of July, 2012 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

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

NAYS: None

ABSTAIN: None

ABSENT: Vernon Martin and Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

The following Ordinance no. 1442 has been previously introduced at a special meeting convened on June 27th, 2012, published by title in the official journal of the City, and a public hearing held thereon on July 10th, 2012. It was offered for final adoption by Alderman Elliot Doré, seconded by Alderman Jeff Doré and duly adopted.

GENERAL BOND ORDINANCE NO. 1442

AN ORDINANCE AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE BONDS OF THE CITY OF CROWLEY, STATE OF LOUISIANA, FROM TIME TO TIME, NOT TO EXCEED TWO MILLION & NO/100 (\$2,000,000.00) DOLLARS; 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.

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 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 19th, 1995, 1995; \$3,000,000 Sewer Revenue Bonds, Series 2000, dated April 7, 2000, 2000; and \$1,350,000 Sewer Revenue Bonds, Series 2006, dated November 20, 2006, 2006; 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 Mayor and Board of Aldermen to adopt this ordinance in order to provide for the issuance from time to time, and in one or more series, of revenue bonds of the City (the “Bonds”), for the purpose of paying a portion of the cost of constructing and acquiring additions, improvements and extensions to the System, and/or for providing for a reserve and paying the costs of issuance thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, LOUISIANA, in regular session convened, that:

ARTICLE I

DEFINITIONS AND INTERPRETATION

SECTION 1.01. Definitions. The following terms used in this Ordinance shall have the following meanings, unless the context clearly requires otherwise:

“Act” means 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 supplemental thereto.

“Capital Appreciation Bonds” shall mean Bonds which pay interest only at maturity or redemption.

“City” has the meaning set forth in the preambles hereto.

“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.

“Costs of the Project” means, with reference to any Project, all capital costs incurred or to be incurred for such Project, including but not limited to (a) engineering, financing, legal and other fees and expenses related to the issuance of such series of the Bonds, (b) acquisition and construction costs of the Project, (c) interest on the Bonds during construction, and (d) a reasonable allowance for contingencies, all to the extent permitted by the Act and any rules or regulations promulgated thereunder.

“Credit Enhancement” shall mean any letter of credit, insurance policy, surety bond, standby bond purchase agreement or similar facility as used in connection with a series of the Bonds.

“Defeasance Obligations” means cash and/or Government Securities.

“Delivery Date” means the date on which any series of the Bonds are delivered to the purchaser 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 loans from the Clean Water State Revolving Fund.

“Executive Officers” means, collectively, the Mayor and the Clerk of the City.

“Fiscal Year” means the City’s one-year accounting period beginning on September 1 of each year or any other annual accounting period as may be determined by the Governing Authority as the fiscal year of the City.

“Fixed Rate Bonds” means any series of Bonds issued with a fixed rate or rates or interest for the entire term thereof.

“General Bond Ordinance” means this General Bond Ordinance.

“Governing Authority” means the Mayor and Board of Aldermen of the City of Crowley, State of Louisiana, or its successor in function.

“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 each date on which interest on any series of the Bonds is payable, as shall be set forth in the applicable Series Ordinance, which dates shall occur semi-annually unless otherwise required by the purchaser of any series of the Bonds.

“Loan Agreement” means a Loan and Pledge Agreement to be entered into by and between the Department and the City, prior to the delivery of any Bonds that are purchased by the Department, which will contain certain additional agreements relating to such Bonds and any other series of Bonds purchased by the Department from the Clean Water State Revolving Fund with respect to the Project as it may be supplemented, modified or amended from time to time in accordance with the terms thereof.

“Net Revenues” means for the period in question the net income of the City, determined in accordance with then generally accepted accounting principles, including all revenue derived from user fees or service fees and other income received from the operation of the System, except that there shall be excluded from the calculation of Net Revenues the following:

(a) Gains on the sale or other disposition of investments or fixed or capital assets, which do not result from the ordinary course of business;

(b) Investment income that is restricted to a purpose inconsistent with the payment of operating expenses or debt service, including (whether or not so restricted) interest earned on any construction fund or construction account created with the proceeds of borrowing by the City;

(c) Any amounts received by way of government grants; and

(d) Any capital outlay moneys received from the State;

Furthermore, there shall be added back to net income for purposes of calculating Net Revenues hereunder the following:

(e) Losses on the sale or other disposition of investments or capital assets which do not result from the ordinary course of business;

(f) Depreciation and amortization allowances;

(g) Amounts paid as principal or interest on any of the Bonds; and

(h) Interest earnings on any of the funds described in Section 5.01.

“Bonds” means any Bond or Bonds authorized by this General Bond Ordinance and by a Series Ordinance.

“Bond Register” means the records kept by the Paying Agent in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

“Bond Year” means the one-year period ending on each Principal Payment Date.

“Outstanding” when used with respect to the Bonds, as of the date of determination, means all Bonds theretofore issued and delivered under the Ordinance except:

(a) Bonds that have been cancelled or delivered to the Paying Agent for cancellation;

(b) Bonds that have been defeased in accordance Section 11.01 hereof;

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

(d) Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in the Ordinance or by law.

“Owner” or “Owners” when used with respect to any Bond, means the Person in whose name such Bond is registered in the Bond Register.

“Paying Agent” means the person or organization designated as such in a Series Ordinance.

“Parity Obligations” means any additional *pari passu* indebtedness issued by the City and payable from the Net Revenues in accordance with Section 6.01 hereof.

“Person” means any individual, corporation, partnership, joint venture, limited liability company, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

“Principal Payment Date” means each date on which principal on any series of the Bonds is payable, as shall be set forth in the applicable Series Ordinance, which dates shall occur annually unless otherwise required by the purchaser of any series of the Bonds.

“Project” means the extensions and improvements to the System being financed by the sale of a series of the Bonds.

“Reserve Fund Requirement” with respect to any issue of the Bonds means a sum set forth in the applicable Series Ordinance equal to at least one-half of the highest principal and interest requirements on such issue of the Bonds for any future Bond Year.

“Ordinance” means this General Bond Ordinance authorizing the issuance of the Bonds, as hereafter amended or supplemented by Series Ordinances or in accordance with Article IX hereof.

“Revenues” means all income and revenues to be derived by the City from the operation of the System, including earnings on investments in the funds and accounts described in Section 5.01 hereof, but not including any insurance or condemnation proceeds, or proceeds from the sale or other disposition of any part of the System.

“Series Ordinance” means an Ordinance adopted by the Governing Authority in accordance with Section 2.04 authorizing the issuance and sale of any additional series of the Bonds.

“State” means the State of Louisiana.

“System” means the City’s facilities that are used for the purpose of collecting, treating, storing, holding, transporting and disposing of sewage and wastewater, as said combined systems

now exists and as they may be hereafter improved, extended or supplemented from any source whatsoever while the Bonds herein authorized remains outstanding, including specifically all properties of every nature owned, leased or operated by the City and used or useful in the operation of the system, and including real estate, personal and intangible properties, contracts, franchises, leases and chooses in action, whether lying within or without the boundaries of the City.

“User Fees” means charges or fees levied on users of the System for the cost of operation, maintenance and replacement of the System, for the repayment of debt incurred with respect to the System and for such other purposes as may be determined by the Governing Authority from time to time.

“Variable Rate Bonds” means any series of Bonds issued with a variable, adjustable, convertible or other similar rate or rates which are not fixed for the entire term thereof.

SECTION 1.02. Rules of Interpretation. Unless the context clearly indicates to the contrary, the following rules shall apply to the interpretation and construction of this Ordinance:

(a) words importing the singular number shall include the plural number and vice versa;

(b) all references to particular articles or sections herein are references to articles or sections of this Ordinance;

(c) the captions and headings herein are solely for convenience of reference and shall not constitute a part of this Ordinance, nor shall they affect its meaning, construction or effect;

(d) the terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms as used in this Ordinance refer to the Ordinance in its entirety and not the particular article or section of this Ordinance in which they appear; and

(e) the term “hereafter” means after the date of execution of this Ordinance and the term “heretofore” means before the date of the execution of this Ordinance.

In the event that any provisions of this Ordinance conflict with any provision of the Loan Agreement, then with respect to any series of the Bonds which are owned by the Department the provisions of the Loan Agreement shall control.

ARTICLE II

AUTHORIZATION, ISSUANCE AND SALE OF Bonds

SECTION 2.01. Authorization and Issuance of Bonds. This General Bond Ordinance authorizes the issuance of indebtedness of the City to be designated “Wastewater Revenue Bonds of the City of Crowley, State of Louisiana,” and provides for the full and final payment of the principal or prepayment price of and interest thereof. All of the Bonds shall be issued under the authority of the Act. The Bonds shall be issued for the purpose of providing funds for the City to construct, acquire, extend or improve any work of public improvement, including but not limited to its wastewater System, including such treatment facilities as may be required, with all necessary equipment and installations in connection therewith. Proceeds of the Bonds may also be used to pay costs of issuance, costs of credit enhancement, capitalized interest and any initial deposit to the Reserve Fund.

SECTION 2.02. Ordinance to Constitute Contract. In consideration of the purchase and acceptance of the Bonds by those who shall own the same from time to time, the provisions of the Ordinance shall be a part of the contract of the City with the Owners and shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of the Bonds.

SECTION 2.03. Obligation of Bonds. All of the Bonds, regardless of the date of issue, shall enjoy complete parity of lien on the Net Revenues despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. Subject to the foregoing, the Net Revenues are irrevocably and irrepealably pledged in an amount sufficient for the payment of the Bonds in principal and interest as they shall respectively become due and payable, and for the other purposes hereinafter set forth herein. The Revenues shall be set aside in the funds and accounts described in Section 5.01 and shall be and remain so pledged for the security and payment of the Bonds in principal and interest, and for all other payments provided in this Ordinance, until all of the Bonds shall be fully paid and discharged.

SECTION 2.04. Series Ordinances. The details of each series of the Bonds shall be set forth in a Series Ordinance to be adopted by the Governing Authority. Each Series Ordinance shall provide the following with respect to the applicable series of the Bonds:

- (a) the purposes, dated date, series designation and principal amount;
- (b) whether such series will be Capital Appreciation Bonds, Fixed Rate Bonds or Variable Rate Bonds, and a description of the applicable interest rate or rates and the first Interest Payment Date;
- (c) the schedule of principal maturities or installments, or a formula for establishing same, and if such series will be Capital Appreciation Bonds a table of accreted values;
- (d) the manner of payment of principal and interest;
- (e) the optional and/or mandatory redemption provisions;
- (f) the form or forms of Bonds;
- (g) the designation of the Paying Agent;
- (h) the terms of sale to the purchaser thereof;
- (i) the Reserve Fund Requirement and the amount, if any, of proceeds to be deposited into the account in the Reserve Fund, and any changes in amounts to be deposited to or maintained in the Contingencies Fund established in Section 5.01(d);
- (j) except for the first series issued hereunder, a finding by this Governing Authority that the parity requirements of Section 6.01 will have been met with respect to such series, and a proposed form of parity certifications to be delivered on the Delivery Date of the series;
- (k) authorization of the Executive Officers and/or such other persons as may be so designated to execute documents in connection with such series;
- (l) the designation of such series as “qualified tax-exempt obligations” under Section 265(b)(3) of the Code, if applicable;
- (m) provisions for any continuing disclosure agreement as may be required by Rule 15c2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)];
- (n) provisions for obtaining the approval of the State Bond Commission for issuance of such Bonds and covenants with respect to compliance with applicable rules and regulations of the State Bond Commission;
- (o) if such series is being sold to the Department and is subject to the Loan Agreement, the designation of the “Scheduled Completion Date” for such series and any required amendments to the Loan Agreement;

(p) provisions with respect to any Credit Enhancement; and

(q) any other additional provisions as may be necessary in connection with the issuance and sale of such series.

SECTION 2.05. Paying Agent. The City will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance of the duties hereunder for the Bonds and as provided in Section 2.04(h) above will designate the Paying Agent for each series in the applicable Series Ordinance.

The City reserves the right to appoint a successor Paying Agent by (a) filing with the person then performing such function a certified copy of appropriate proceedings appointing a successor and (b) causing notice to be given to each Owner. Every successor 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.

SECTION 2.06. Execution. The Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signatures of the Executive Officers, and the corporate seal of the City (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. If facsimile signatures are used, then such signatures shall have been registered with the Louisiana Secretary of State in the manner required by La. R.S. 39:244.

SECTION 2.07. Regularity of Proceedings. The City, having investigated the regularity of the proceedings had in connection with the issuance of the Bonds, and having determined the same to be regular, each of 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.”

ARTICLE III

PREPAYMENT OF BONDS

SECTION 3.01. Optional Prepayment of Bonds. The principal installments of the Bonds shall be subject to prepayment by the City in the manner set forth in the applicable Series Ordinance, pursuant to Section 2.04(f) above.

SECTION 3.02. Notice of Prepayment. Official notice of such call of any of the Bonds for prepayment shall be given by means of first class mail, postage prepaid by notice deposited in the United States Mail not less than thirty (30) days prior to the prepayment date addressed to the Owner of each Bond to be prepaid at his address as shown on the registration records of the Paying Agent, which notice may be waived by any Owner. In the event a portion of the Bonds is to be prepaid, such Bonds shall be surrendered to the Paying Agent, who shall Bond the date and amount of such prepayment in the space provided therefor on the Bonds.

ARTICLE IV

APPLICATION OF BOND PROCEEDS

SECTION 4.01. Issuance of Bonds; Application of Proceeds. All of the proceeds derived from the sale of each series of the Bonds, except for any proceeds as may be designated in a Series Ordinance for deposit into the Reserve Fund or as accrued interest into the Debt Service Fund, may be deposited by the City in a construction fund to be established for such series of the Bonds (the “Construction Fund”). The funds in the Construction Fund shall be used solely for the purpose of paying Costs of the Project.

Any accrued interest and premium received upon the sale of the Bonds shall be deposited in the debt service fund described in Section 5.01(b) hereof.

SECTION 4.02. Investment of Construction Fund. Moneys in the Construction Fund may be temporarily invested in the manner provided by Louisiana law. Said moneys shall be sacred funds and the Owners shall have a lien thereon until said funds are paid out as provided in the Loan Agreement and this Ordinance. Any investment earnings on moneys in the Construction Fund may be retained in the Construction Fund and applied for the purposes described in this Section, or may be transferred to the Debt Service Fund described in Section 5.01(b) hereof and applied to the payment of interest accruing on the Bonds during the period of construction of Project.

All moneys in the Construction Fund shall at all times be secured to the full extent thereof by the banks or trust companies holding such funds by direct obligations of the United States of America or the State of Louisiana having a market value not less than the amount of moneys then on deposit in said funds.

ARTICLE V

PAYMENT OF BONDS; FLOW OF FUNDS

SECTION 5.01. Funds and Accounts. All of income and revenues earned or derived from the operation of the System shall be deposited daily as the same may be collected in the City's existing "Revenue Fund" (the "Revenue Fund"). Funds in the Revenue Fund shall be expended in the following order of priority and for the following express purposes:

(a) The payment of all reasonable and necessary expenses of operation and maintenance of the System as are not provided for from other lawfully available sources.

(b) The establishment and maintenance of a "Revenue Bond Debt Service Fund" (the "Debt Service Fund"), sufficient in amount to pay promptly and fully the principal of and the interest on the Bonds, as they severally become due and payable, by transferring from funds in the Revenue Fund, after making the payments required by (a) above, to the Debt Service Fund monthly on or before the 20th day of each month of each year, a sum equal to 1/6th of the interest and Administrative Fee, if any, falling due on the Bonds on the next Interest Payment Date and a sum equal to 1/12th of the principal falling due on the Bonds on any Principal Payment Date that occurs within the next ensuing twelve months, together with such additional proportionate monthly sum as may be required to pay said principal, interest and Administrative Fee as the same become due. The City shall transfer from said Debt Service Fund to the paying agent(s) for all Bonds payable from the Debt Service Fund, or directly to the Owners, not less than three days prior to each Interest Payment Date, funds fully sufficient to pay promptly the principal, interest and Administrative Fee of the Bonds falling due on such date.

(c) The establishment and maintenance of a "Revenue Bond Debt Service Reserve Fund" (the "Reserve Fund"), containing separate accounts for each series of the Bonds, each such account to be designated as the "Series 2012 Account," the money in the accounts of Reserve Fund to be retained solely for the purpose of paying principal of and interest on the respective series of the Bonds payable from the Debt Service Fund as to which there would otherwise be default, by transferring from the proceeds of such series or from the Revenue Fund (after making all required payments from said fund as hereinabove described), monthly or annually, such amounts as will increase the total amount on deposit in each account in the Reserve Fund within a period not exceeding five (5) years from the Delivery Date to a sum equal to the Reserve Fund Requirement for the applicable series of the Bonds.

(d) The establishment and maintenance of the "Depreciation and Contingency Fund" (the "Contingencies Fund"), to care for extensions, additions, improvements, renewals and replacements necessary to properly operate the System, by transferring from funds in the Revenue Fund after making the payments required by (a), (b) and (c) above to the Contingencies Fund monthly on or before the 20th day of each month of each year, a sum equal to five percent (5%) of the Net Revenues for the preceding month, provided that such sum is available after provision is made for the payments required under paragraphs (a), (b) and (c) above. Such payments into the Contingencies Fund shall continue until such time as there has been accumulated in the Contingencies Fund the sum of One Hundred Thousand Dollars (\$100,000),

whereupon such payments may cease and need be resumed thereafter only if the total amount of money on deposit in said fund is reduced below the sum of One Hundred Thousand Dollars (\$100,000), in which event such payments shall be resumed and continue until said maximum amount is again accumulated. In addition to caring for extensions, additions, improvements, renewals and replacements necessary to properly operate the System, the money in the Contingencies Fund may also be used to pay the principal of and the interest on the Bonds for the payment of which there is not sufficient money in the Debt Service Fund and Reserve Fund described in paragraphs (b) and (c) above, but the money in said Contingencies Fund shall never be used for the making of improvements and extensions to the System or for payment of principal or interest on Bonds if the use of said money will leave in said Contingencies Fund for the making of emergency repairs or replacements less than the sum of Ten Thousand Dollars (\$10,000).

(e) Any money remaining in the Revenue Fund after making the above-required payments may be used by the City for the purpose of calling and/or purchasing and paying any Bonds payable from the Revenues, or for such other lawful corporate purposes as the Governing Authority may determine.

SECTION 5.02. Reserve Fund Surety Bond or Policy Allowed. In lieu of the required transfers or deposits to the any account in the Reserve Fund, the City may cause to be deposited into any account in the Reserve Fund a surety bond or an insurance policy for the benefit of the holders of the applicable series of the Bonds or a letter of credit in an amount equal to the difference between the Reserve Fund Requirement and the sums then on deposit in the applicable account in the Reserve Fund, if any, after the deposit of such surety bond, insurance policy or letter of credit. Such difference may be withdrawn by the City and be deposited in the Revenue Fund. The surety bond, insurance policy or letter of credit shall be payable (upon the giving of notice as required thereunder) on any due date on which monies will be required to be withdrawn from the account in the Reserve Fund and applied to the payment of principal, premium, if any, or interest on the related series of the Bonds and such withdrawal cannot be met by amounts on deposit in such account in the Reserve Fund. If a disbursement is made pursuant to a surety bond, an insurance policy or a letter of credit provided pursuant to this section, the City shall be obligated either (i) to reinstate the maximum limits of such surety bond, insurance policy or letter of credit or (ii) to deposit into the applicable account in the Reserve Fund, funds in the amount of the disbursement made under such surety bond, insurance policy or letter of credit, or a combination of such alternatives, as shall provide that the amount in the applicable account in the Reserve Fund equals the Reserve Fund Requirement for that series of the Bonds. Any other provision in this Section to the contrary notwithstanding, for each particular series of Bonds or portion thereof which is entitled to the benefits of Credit Enhancement, the right of the City to cause a surety bond or an insurance policy to be deposited into the Reserve Fund in lieu of the required transfers or deposits thereto shall be subject to the condition that the City obtain the prior written consent of the provider of the Credit Enhancement as to the structure and the issuer of such surety bond or insurance policy.

SECTION 5.03. Replenishment of Funds. If at any time it shall be necessary to use moneys in any account of the Reserve Fund or the Contingencies Fund for the purpose of paying principal of or interest on Bonds payable from the Debt Service Fund as to which there would otherwise be default, then the moneys so used shall be replaced from the revenues first thereafter received, not hereinabove required to be used for the purposes described in (a) and (b) above. If at any time there are sufficient moneys on deposit in the Debt Service Fund, Reserve Fund and Contingencies Fund to retire all outstanding Bonds payable from the Debt Service Fund by defeasance, by exercising the prepayment option provided by such Bonds or by purchase on the open market, the City may utilize such funds for such purpose.

SECTION 5.04. Notification of Deficiencies. As required by La. R.S. 39:1410.62 the City will notify the State Bond Commission, in writing, whenever (i) transfers to any fund required to be established by this Ordinance or any Ordinance authorizing the issuance of indebtedness of the City have not been made timely or (ii) principal, interest, premiums, or other payments due on the City Bonds or any other outstanding indebtedness of the City have not been made timely.

SECTION 5.05. Investment of Funds. All or any part of the moneys in the foregoing funds and accounts shall, at the written request of the City, be invested in accordance with the provisions of the laws of the State of Louisiana, except that moneys in any account in the Reserve Fund, if any, 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.

For the purpose of determining if the required amount is being maintained in any of the funds, such investment securities shall be valued at least annually at the lesser of amortized cost (exclusive of accrued interest) or fair market value.

SECTION 5.06. Deposit of Funds and Security Therefor. All of the income and revenues to be earned from the operation of the System shall be deposited daily as provided in Section 5.01 hereof in the Revenue Fund, which Fund shall be maintained separate and apart from all other funds of the City. The Debt Service Fund, the Reserve Fund and the Contingencies 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 the Governing Authority may give in writing to the banks holding such funds. The Owners are hereby granted a lien on all funds established pursuant to the requirements of this Ordinance until applied in the manner herein provided, provided that the Owners will only have a lien or claim against the account in the Reserve Fund that pertains to the issue of the Bonds that such Owners own. The moneys on deposit in all of the funds herein required shall at all times be secured to the full extent thereof by the banks or trust companies holding such funds by direct obligations of the United States of America or the State of Louisiana having a market value not less than the amount of moneys then on deposit in said funds.

ARTICLE VI

ISSUANCE OF PARITY OBLIGATIONS

SECTION 6.01. Issuance of Parity Obligations; Parity Requirements. The City hereby covenants that after the issuance of the initial series of Bonds hereunder, it shall issue no other Bonds hereunder or otherwise, or obligations of any kind or nature payable from or enjoying a lien on any part of the Revenues having priority over or parity with any of the Bonds, except that Parity Obligations may be issued hereunder and hereafter if the following conditions are met:

(a) If any outstanding Bonds of the City are proposed to be refunded with reduced annual debt service in each Bond Year and no extension of the final maturity date, then the City may issue refunding Bonds to effect such refunding, and such refunding Bonds shall enjoy complete equality of lien with any portion of the Bonds that is still outstanding; or

(b) Parity Obligations may also be issued if all of the following conditions are met:

(i) The average Net Revenues of the System for the two (2) completed Fiscal Years immediately preceding the issuance of the Parity Obligations must have been not less than 120% of the average debt service requirements of the Bonds and any Parity Obligations theretofore issued and then outstanding and any other Bonds or obligations whatsoever then outstanding which are payable from the Revenues (but not including Bonds which have been refunded or provisions otherwise made for their full and complete payment and prepayment), and the Parity Obligations so proposed to be issued; provided, however, that if Parity Obligations are being issued as Variable Rate Bonds, this calculation shall be made assuming interest on said Bonds at historical levels of the applicable variable rate during the previous three (3) years as determined by a

nationally recognized underwriter experienced in handling Bonds with similar variable rates; and provided further that this limitation may be waived or modified by the written consent of the owners of any Bonds then outstanding. If a rate increase has been effected prior to the issuance of the Parity Obligations, then the coverage calculations for the preceding two Fiscal Years immediately preceding the issuance of the Parity Obligations may be made as if such rate increase had been in effect during such period.

(ii) The payments required to be made into the various funds provided in Section 5.01 hereof must be current;

(iii) The existence of the facts required by paragraphs (i) and (ii) above must be determined and certified to by the chief financial officer of the City, or by an independent firm of certified public accountants who have previously audited the books of the City, or such successors thereof as may have been employed for that purpose;

(iv) The proceeds of the Parity Obligations must be used solely for the making of improvements, extensions, renewals, replacements or repairs to the System or to refund any outstanding revenue Bonds payable from a pledge of the Net Revenues issued for such purposes; and

(v) The City must certify that all conditions prescribed in this Section have been met.

ARTICLE VII

RATES AND CHARGES; RATE COVENANT; COVENANTS AS TO THE OPERATION OF THE SYSTEM

SECTION 7.01. Operation of the System. The City will maintain the System in good repair and operating condition and will cooperate with the Department in the observance and performance of the respective duties, covenants, obligations and agreements of the City and the Department under the Loan Agreement.

SECTION 7.02. Utility Charges and Connections. The City will take all action necessary, in accordance with its annexation policies, to require every owner, tenant or occupant of each lot or parcel of land within the geographical boundaries of the City which abuts upon a street or other public way containing a water line and upon which lots or parcels of a building shall have been constructed for residential, commercial or industrial use, to connect said building with the System and to cease to use any other method for the supply of drinking water or the collection and disposal of wastewater which can be handled by the System. All such connections shall be made in accordance with the rules and regulations to be adopted from time to time by the City, which rules and regulations may provide for an inspection charge to assure the proper making of such connection. The foregoing to the contrary notwithstanding, by established custom of the City, property owners newly annexed into the City are not immediately mandated to connect when new sewer/wastewater lines become available in their area. Newly annexed property owners are charged a front foot assessment for installation of the new sewer/wastewater lines, and, when connected to the new sewer/wastewater lines a user fee is then imposed.

The City will not furnish or supply or cause to be furnished or supplied any use, capacity or service of the System free of charge to any person, firm, corporation (public or private), public agency or instrumentality, other than water delivered to fire hydrants for firefighting purposes.

In addition to all other rights and remedies available to be used for the enforcement of utility charges and for the compelling of the making of water connections as aforesaid, the City covenants that it shall exercise and enforce promptly and efficiently all rights given it under the laws of the State for the enforcement and collection of such charges.

SECTION 7.03. Rate Covenant. The City will enact, maintain and enforce an ordinance or resolution imposing User Fees and will enact, maintain and enforce a water and sewerage use ordinance or resolution or similar proceeding that satisfies the requirements of all applicable regulations.

So long as the Bonds are outstanding, the City through its Governing Authority obligates itself to fix, establish, maintain, levy and collect such rates, fees, rents or other charges for services and facilities of the System and all parts thereof and to revise the same from time to time whenever necessary to always provide Revenues in each Fiscal Year sufficient to meet all requirements of this Ordinance and at least to pay:

(a) the reasonable and necessary expenses of operating and maintaining the System in each Fiscal Year,

(b) the principal and interest and Administrative Fee, if any, falling due during the Fiscal Year;

(c) all other payments required for such Fiscal Year by the Ordinance and the Loan Agreement; and

(d) all other obligations or indebtedness payable out of the Revenues for such Fiscal Year, and which in any event will provide Net Revenues, including any Other City Moneys, in an amount equal to at least one hundred twenty percent (120%) of the required deposits in such Fiscal Year to the Debt Service Fund. Such rates, fees, rents or other charges shall not at any time be reduced so as to be insufficient to provide adequate Revenues for the foregoing purposes.

For purposes of this Section 7.03, "Other City Moneys" means the avails of any ad valorem taxes approved by the voters for the purpose of operation, maintenance and development of the System, revenues from the investment of idle funds of the City, penalties, proceeds of the sale of obsolete and unusable properties or other payments to the City from any other source, other than revenues of the System.

Notwithstanding the foregoing, at any time that the Department owns any of the Bonds, in making the calculations required in this Section 7.03, the City may take into account any Other City Moneys as defined in the preceding paragraph, provided that as required by LAC 33:IX.2111(L), or LAC 33:IX.2209(C)(1), as the case may be, the actual amount of User Fees must be sufficient to offset the costs of operation, maintenance, and replacement of equipment and debt repayment.

SECTION 7.04. Annual Review of User Fees. At least annually the City shall review the adequacy of its User Fees to satisfy the requirements of Section 7.03 for the next succeeding Fiscal Year, in the manner provided by the Loan Agreement.

SECTION 7.05. Enforcement of User Fees. Except as provided herein, nothing in this Ordinance or in the Bonds shall be construed to prevent the City from altering, amending or repealing from time to time as may be necessary any ordinance or resolution setting up and establishing a schedule or schedules of User Fees, said alterations, amendments or repeals to be conditioned upon the continued preservation of the rights of the Owners with respect to the Revenues, not alone for the payment of the principal of and interest on the Bonds, but to give assurance and insure that the Revenues, together with such other lawfully available funds as are used by the City for such purposes, shall be sufficient at all times to meet and fulfill the other provisions stated and specified in Section 7.03 of this Ordinance.

The City agrees that all charges owed by any individual, partnership or corporation for services rendered by the System shall be billed as a separate item and collected and accounted for separately from any other utility services or charges provided by the City. 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; the City further agrees that if such

delinquent charge, with interest and penalties accrued thereon, is not paid within thirty (30) days from the date on which it became delinquent, the City will shut off water services to the affected premises. The City further agrees that the City and the 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 in such amount as may be determined by the Governing Authority, and the amount so due, including any penalty charge, may, in the discretion of the Governing Authority, after thirty (30) days from the date of delinquency, bear interest at the rate of at least six percentum (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 reconnection charge as determined by the Governing Authority.

It is further understood and agreed that the schedule of User Fees 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 Sections 5.01 and 7.03 hereof.

SECTION 7.06. Right to Pledge Revenues; Rank of Lien. In providing for the issuance of the Bonds, the City 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 therefrom 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 costs and expenses of operation and maintenance of the System.

SECTION 7.07. Records and Accounts; Audit Reports. The City will establish and maintain adequate financial records as required by the laws of the State governing financial record-keeping by political subdivisions and in accordance with generally accepted accounting principles ("GAAP") and will make these and the following records and reports available to the Owners or their authorized representatives upon request.

The City will cause an audit of its financial statements to be made by an independent firm of certified public accountants in accordance with the requirements of Chapter 8 of Title 24 of the Louisiana Revised Statutes of 1950, as amended, and for so long as the Department owns the Bonds, or any part thereof, in accordance with the requirements of Circular A-133 of the U.S. Office of Management and Budget, and Section 66.458 of the Catalog of Federal Domestic Assistance (CFDA Publication #66.458 - Capitalization Grants for State Revolving Funds) if applicable. Upon completion, but in no event later than six (6) months after the close of the applicable Fiscal Year, the City shall file a copy of such audited financial statements with any Owner requesting same. In addition to whatever matters may be thought proper by the auditors to be included therein, the audited financial statements shall include the following:

(a) a statement in detail of the income and expenditures of the System for such Fiscal Year,

(b) a balance sheet of the System as of the end of such Fiscal Year;

(c) the accountant's comments regarding the manner in which the City has carried out the requirements of the Ordinance and the Loan Agreement and the accountant's recommendations for any changes or improvements in the operation of the System or the method of keeping the records relating thereto;

(d) a list of the insurance policies in force at the end of the Fiscal Year, setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy;

(e) the number of System users at the end of the Fiscal Year;

(f) an analysis of additions, replacements and improvements to the physical properties of the System during the Fiscal Year;

(g) an analysis of all funds created pursuant to the Ordinance setting out as to each all deposits and disbursements made during the Fiscal Year;

(h) a statement of all schedules of User Fees in effect during the Fiscal Year, the aggregate dollar billed for services rendered by the System during such Fiscal Year and the average monthly billing per user; and

(i) a schedule of fixed assets, if not provided elsewhere in the audit report.

A reasonable portion of the expenses incurred in the preparation of the audit report required by this Section may be regarded and paid as a maintenance and operation expense of the System. The City further agrees that if the Department owns any of the Bonds, the Department shall have the right to ask for and discuss with the accountant making the review and the contents of the review and such additional information as it may reasonably require. The City further agrees that if the Department owns any of the Bonds, the City will furnish to the Department, upon request therefor, a monthly statement itemized to show the income and expenses of the operation of the System and the number of users for the preceding month.

SECTION 7.08. Rights of Bondholders; 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 Owners 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 City 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 the Debt Service Fund or Reserve Fund or any other payments required to be made by this Ordinance, or in the event that the City 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 or any trustee appointed to represent such Owner(s) 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 City shall exercise all the rights and powers of the City with respect to the System as the City 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 reserve, sinking or 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 City upon the entry of an order of the court to that effect. Upon any subsequent default,

any Owner of Bonds, or any trustee appointed for The 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 City and for the joint protection and benefit of the City 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 City 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 City, 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 City and in such manner as the court shall direct.

The Owner or Owners of Bonds in an aggregate principal amount of not less than twenty-five percent (25%) of Bonds issued under this Ordinance 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 Clerk of the Council of the City.

UNTIL AN EVENT OF DEFAULT SHALL HAVE OCCURRED, THE CITY 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 7.09. 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 City shall be bound and obligated not to 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 City of property which in its judgment has become worn out, unserviceable, unsuitable or unnecessary in the operation of the System, when other property of equal value is substituted therefor or the sale price thereof is deposited in the aforesaid Contingencies Fund.

SECTION 7.10. Competitive Franchises. So long as the Bonds are Outstanding the City obligates itself not to grant a franchise to any utility for operation within the boundaries of the City which would render services or facilities in competition with the System, and also obligates itself to oppose the granting of any such franchise by any other public body having jurisdiction over such matters. Further, the City shall maintain its corporate identity and existence so long as any of the Bonds remain outstanding.

SECTION 7.11. Prohibition Against Encumbrances. Except as provided in Section 7.09 of this Ordinance, the City will maintain title to or the possession of the System and equipment acquired and properties improved by the Project, including any necessary servitudes and rights-of-way acquired in connection with the Project. Title to any immovable equipment and any real property purchased by the City in connection with the Project will remain free and clear of all liens and encumbrances. Furthermore, all movable property necessary for the operation of the

system will remain free of all liens except liens necessary to secure the purchase of said movable equipment.

SECTION 7.12. Insurance; Fidelity Bonds. So long as the Bonds are outstanding the City will maintain or cause to be maintained in force insurance policies and fidelity Bonds as set forth in the Loan Agreement.

SECTION 7.13. Retention of Consulting Engineer in Case of Certain Defaults. THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY DURING ANY PERIOD WHEN THE CITY MAY BE IN DEFAULT IN MAKING REQUIRED PAYMENTS INTO THE FUNDS REQUIRED BY SECTION 5.01 OF THIS Bond ORDINANCE OR WHEN AN "EVENT OF DEFAULT" HAS OCCURRED UNDER THE LOAN AGREEMENT.

The City covenants and agrees that in the event it should fail to derive sufficient income from the operation of the System to make the required monthly payments into the funds established by Section 5.01 hereby or when an "event of default" has occurred under the Loan Agreement, it will retain a Consulting Engineer on a continuous basis until all defaults are cured, for the purpose of providing for the City continuous engineering counsel in the operation of its System. Such Consulting Engineer shall be retained under contract at such reasonable compensation as may be fixed by the Governing Authority, and the payment of such compensation shall be considered to be one of the costs of maintaining and operating the System. Any Consulting Engineer appointed under the provisions of this Section may be replaced at any time by another Consulting Engineer appointed or retained by the City, with the consent and approval of the Owners of a majority of the outstanding principal amount of the Bonds herein authorized.

The Consulting 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 City'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 Consulting 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 Consulting Engineer may deem proper. Copies of such report shall be placed on file with the Governing Authority and sent to the Owners, and shall be open to inspection by any Owners of any of the Bonds. It shall be the duty of the Consulting 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 in the Contingencies Fund, and the Consulting 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 City and the depository for said Contingencies Fund.

Sixty (60) days before the close of each Fiscal Year, the Consulting Engineer shall submit to the 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 City that may be available for such purposes. A copy of said suggested budget and recommendations shall also be furnished by said Consulting Engineer directly to the Owners. Such recommendations as to rates and charges, consistent with the requirements relating thereto contained herein, shall be followed by the Governing Authority insofar as practicable and all other recommendations shall be given careful consideration by the 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 Consulting Engineer that such expenditures are necessary and essential to the continued operation of the System.

It shall be the duty of the Consulting 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 Consulting 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 City, the manager or superintendent and with the original purchaser of the Bonds.

In the event the Governing Authority shall fail to select and retain a Consulting Engineer in accordance with the first paragraph of this Section 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, the Governing Authority shall select and retain such Consulting Engineer as is named in the petition of said Owners.

ARTICLE VIII

FEDERAL TAX MATTERS; CONTINUING DISCLOSURE

SECTION 8.01. General Tax Covenants. In the event that any of the Bonds are issued as tax-exempt Bonds for federal income tax purposes, or as Build America Bonds, 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 or the status of the Bonds as Build America Bonds.

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 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" or fail to be Build America Bonds, if applicable.

ARTICLE IX

SUPPLEMENTAL BOND ORDINANCES

SECTION 9.01. Supplemental Ordinances Effective Without Consent of Owners. For any one or more of the following purposes, in addition to the adoption of Series Ordinances pursuant to Section 2.04 with respect to the issuance of additional series of the Bonds, and at any time from time to time, an ordinance supplemental hereto may be adopted, which, upon the filing with the Paying Agent and any rating agency which is then rating the Bonds, of a notice thereof at least fifteen (15) days prior to the adoption thereof, and thereafter with a certified copy thereof, but without any consent of the Owners, shall be fully effective in accordance with its terms:

(a) to add to the covenants and agreements of the City in the Ordinance other covenants and agreements to be observed by the City which are not contrary to or inconsistent with the Ordinance as theretofore in effect;

(b) to add to the limitations and restrictions in the Ordinance other limitations and restrictions to be observed by the City which are not contrary to or inconsistent with the Ordinance as theretofore in effect;

(c) to surrender any right, power or privilege reserved to or conferred upon the City by the terms of the Ordinance, but only if the surrender of such right, power or privilege is not contrary to or inconsistent with the covenants and agreements of the City contained in the Ordinance;

(d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision of the Ordinance; or

(e) to insert such provisions clarifying matters or questions arising under the Ordinance as are necessary or desirable and are not contrary to or inconsistent with the Ordinance as theretofore in effect.

SECTION 9.02. Supplemental Ordinances Effective With Consent of Owners. Except as provided in Sections 2.04 and 9.01, any modification or amendment of the Ordinance or of the rights and obligations of the City and of the Owners hereunder, in any particular, may be made by a supplemental ordinance, with the written consent of the Owners of a majority of the Outstanding principal amount of the Bonds at the time such consent is given. The City shall give a notice thereof to the Paying Agent and any rating agency which is then rating the Bonds, at least fifteen (15) days prior to the adoption thereof, and thereafter shall furnish to said persons a certified copy thereof. No such modification or amendment shall permit a change in the terms of prepayment or maturity of the principal of any outstanding Bond or of any installment of interest thereon or a reduction in the principal amount or the prepayment price thereof or in the rate of interest thereon without the consent of the Owner of such Bond, or shall reduce the percentages of Bonds the consent of the Owner of which is required to effect any such modification or amendment, or change the obligation of the City to levy and collect User Fees as provided herein, without the consent of the Owners of all of the Bonds then outstanding, or shall change or modify any of the rights or obligations of either the Paying Agent without its written assent thereto.

ARTICLE X

EVENTS OF DEFAULT; REMEDIES

SECTION 10.01. Events of Default. If one or more of the following events (in this Ordinance called "Events of Default") shall happen, that is to say, (a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or (b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or (c) if default shall be made by the City in the performance or observance of any other of the covenants, agreements or conditions on its part in the Ordinance, any supplemental ordinance or in the Bonds contained and such default shall continue for a period of forty-five (45) days after written notice thereof to the City by the Owners of not less than 25% of the Outstanding principal amount of the Bonds; or (d) if the City shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law; then, upon the happening and continuance of any Event of Default the Owners shall be entitled to exercise all rights and powers for which provision is made under Louisiana law.

ARTICLE XI

MISCELLANEOUS

SECTION 11.01. Defeasance. (a) If the City shall pay or cause to be paid to the Owners of all Bonds then outstanding, the principal and interest and prepayment premium, if any, to become due thereon, at the times and in the manner stipulated therein and in the Ordinance, then the covenants, agreements and other obligations of the City to the Owners shall be discharged and satisfied. In such event, the Paying Agent shall, upon the request of the City, execute and deliver to the City all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent shall pay over or deliver to the City all moneys, securities and funds held by them pursuant to the Ordinance which are not required for the payment or prepayment of Bonds not theretofore surrendered for such payment or prepayment.

(b) Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the City of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section if they have been defeased using Defeasance Obligations pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 11.02. Parties Interested Herein. Nothing in this 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 any right, remedy or claim under or by reason of the Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in the 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.

SECTION 11.03. 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 Ordinance against any member of the Governing Authority or officer of the City or any person executing the Bonds.

SECTION 11.04. Successors and Assigns. Whenever in this 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 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 11.05. Severability. In case any one or more of the provisions of the 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 the Ordinance or of the Bonds, but the 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 the Ordinance which validates or makes legal any provision of the Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to the Ordinance and to the Bonds.

SECTION 11.06. Publication of Ordinance. This Ordinance shall be published one (1) time in the official journal of the City.

SECTION 11.07. Effective Date. This General Bond Ordinance shall become effective immediately.

This Ordinance adopted and passed on this 10th day of July, 2012.

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

NAYS: None

ABSTAIN: None

ABSENT: Vernon Martin and Laurita Pete

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

OTHER BUSINESS:

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Jeff Doré to approve a permit to change the wooden windows at the Shop Rite main office, located at 115 East First Street in the Historic District, to a vinyl exact replica window. Motion carried.

Gretchen Young appeared before the Council to request assistance with the continued and repeated nuisance of loud noise, illegal parking, littering and mechanic work being done in a residential area at 1602 Lennie Johnson. After much discussion, it was the consensus of the Council to refer the matter to the City Inspector, Chief of Police and City Prosecutor for filing of charges.

Pamela Scott requested assistance with the damages done to her vehicle by a fallen tree located on city property. Mayor Jones advised her to provide him with copies of her insurance claim and he will get with the city attorney for his review of the accident.

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderman Elliot Doré the meeting was adjourned at 7:35 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on July 11, 2012 at 11:30 a.m.

Presented for Mayor's signature on July 11, 2012 at 11:30 a.m.

Mayor signed & returned to City Clerk on July 11, 2012 at 12:30 p.m.

Published in newspaper on July 18, 2012