

The Mayor and Council of the City of Gretna met this day on Wednesday, November 9, 2016 at 5:30 p.m., in Regular Session with the following members present: **Mayor Belinda C. Constant Councilmen Wayne A. Rau, Milton L. Crosby, Michael A. Hinyub, Mark K. Miller and Jackie J. Berthelot.**

Absent: None

Invocation / Pledge of Allegiance

Councilman Rau offered a prayer upon the opening of the meeting; thereafter the Pledge of Allegiance was recited.



Notice of the Meeting

Notice of the scheduled meeting of the Mayor and Council Regular meeting was appropriately advertised in the Times-Picayune (Official Journal) on Wednesday, November 2, 2016 and posted on the bulletin board at the main entrance of Gretna City Hall, 740 2nd Street, Gretna, Louisiana.



Agenda amended.

On motion by **Councilman Rau** and seconded by **Councilman Berthelot**, **IT WAS RESOLVED** to amend the Agenda to add five (5) floor resolutions; add an event request and to pull from the CONSENT AGENDA Resolution Item No. 7C(6); to be considered under Consideration and Adoption of Items pulled from the Consent Agenda, and the same were unanimously approved.



Opening Remarks by the Mayor.

Mayor Constant announced the interactive Public Workshops are taking place for the City of Gretna Comprehensive Plan involving zoning and other issues throughout the city. Will be holding public workshops as follows:

Public Workshop for District 1 and District 2 will be held at the Gretna Community Center (1700 Monroe Street) – November 30, 2016 at 6:00 p.m.

Public Workshop for Districts 3 and 4 will be at the Mel Ott Multipurpose Center (2301 Belle Chasse Highway) – December 7, 2016 at 6:00 p.m.

These are interactive workshops and the opinion of the citizenry is valuable; all are invited to attend.

Mayor Constant announced that this Friday, is the closing weekend of “Back to the River Fall Concert Series” and the “Gretna Drive-In.” Also, this Friday is Veteran’s Day and a holiday for city government. Will be celebrating Veteran’s Day as normal under the Market at 6:00 p.m.; everyone is invited.

On December 3, 2016 there will be a new event in keeping with the first weekend of the Christmas Season, called “Ring in the Arts” hosted by the Gretna Art Walk. Should be a great event and free to the public. It could be a good event for those early Christmas shoppers.



Presentations:

100th Birthday recognition - Mr. E. J. Babineaux

Mayor Constant read into the record a proclamation recognizing Mr. E. J. Babineaux on his 100th birthday (born October 31, 1916). Mr. Babineaux has been a Gretna citizen for 87 years. Attended St. Joseph School in Gretna, and worked for Southern Pacific Railroad. Has been an usher for 85 years and currently head usher for the 11:30 AM at St. Joseph Catholic Church (Gretna). He is WWII Veteran. He is the oldest member and volunteer fire fighter of the oldest volunteer fire department in the United States, David Crockett Steam Fire Company No. 1. Mr. Babineaux has been an exemplary citizen serving his community and the City of Gretna feels honored to be able to celebrate his 100 years of life as many of those years were shared with the City of Gretna.

Fire Chief Michael Labruzzo (David Crockett Steam Fire Company No. 1) read and presented to Mr. Babineaux with a proclamation recognizing his service to the David Crockett Steam Fire Company No. 1, Mr. Babineaux he is a life member with 55 years of service to the department and the citizens of Gretna and declared he is the oldest living member.



Friends of Mel Ott Park – Judge Raylyn Beevers

Judge Raylyn Beevers provided a brief synopsis: The Friends of Mel Ott Park was re-established to raise funds for park improvements and for the children. Hosted fund raisers; country fairs; poinsettias sale, etc. At that time, fellow council members; Senator David Heitmeier; then State Representative Ricky Templet; Parish Councilman Chris Roberts; the David Crocket Fire Department, City of Gretna Police Department and Sammy Steele took notice of their cause. With their help, were able to raise funds that provided for the Master Plan, lighting, batting cage, batting cage lights, benches, new bleachers and a walking trail. Funded “Christmas in the Park” free to all the families on the Westbank. The Friends of Mel Ott Park made their final donation to the City of Gretna in the amount of \$15,694.98. To cover the cost of relocating the Mel Ott Sculpture to its new home (in front of Mel Ott Multipurpose Center); fabric and welding bottom plate for the statue; LED lighting; granite wall around the sculpture base; boulder border around driveway and landscape; paver walkway, donated plaques for the benches and the sculpture. The unused balance is for irrigation of the two side gardens and the lighting around the sculpture. Judge Beevers made recognition to the Gretna Economic Development Association, (GEDA), Art and Dodie Rackley, Mark and Linda Middleton, the Law Firm of Beevers and Beevers, Russ and Kathleen Burgdahl, Tony and Paula Jordan, Entergy and Mary Fay Legnon for donation of the benches. The City of Gretna will place the plaque for the statue with the agreed write up as per mayor’s request. The check for \$15,694.98 was presented to Mayor Constant and Mrs. Amie Hebert, Superintendent of Recreation.

Councilman Rau thanked the Friends of Mel Ott Park for the donation, stating the statue sits at a perfect spot. Reminded all that part of the Belle Chasse Highway was renamed Mel Ott Parkway.

Mayor Constant also thanked the Friends of Mel Ott Park for their generous donation.



Audit Report – Mr. Edward Camnetar, City Auditor - To be done later in the meeting, running late.

Recognition of New Businesses:

Salon Sanity (1700 Belle Chasse Highway-Bayou Square Building) Jennifer Boatwell, Owner

Councilman Berthelot (District 4) read aloud and presented the *Certificate of Appreciation* acknowledging and welcoming **Salon Sanity (1700 Belle Chasse Highway)** as a new business to the City of Gretna. Miss Jennifer briefed on the purpose and activities of the new business, and thanked the City of Gretna for recognizing and welcoming her business into the community.

Employee of the Quarter.

Mr. David Sprouce, a Gretna City Hall employee was the recipient of the “Employee of the Quarter” recognition; he was greeted with a surprise upon his entrance to the Council Chambers.

Mayor Constant expressed gratitude for Mr. Sprouce’s dedication, hard work and loyalty throughout his years of service to the City. He consistently exceeds and excels his job duties and responsibilities to the City of Gretna and very proud to have him as part of our team.

**Variance Request(s):****Variance Request(s):**

2025-2029 LeBouef Street (Vacant Land) - Paul M. Galaforo, Jr., Applicant
Front yard 10-ft setback variance. (District 1)

The variance request for 2025-2029 LeBouef street was deferred.

Site Plan Review Request(s):

43 Westbank Expressway - Cameron Jones, Applicant
For: Used cars lot for parking and landscaping. (District 1)

Mr. Will Bane, City Engineer-BKI stated the site plan review meeting was held. The applicant was requested to provide new revised plans, and as of today has not received revisions, so therefore he now request this matter to be deferred.

Mayor Constant stated that the applicant Mr. Cameron Jones, was present, but the city had not received the requested revisions made by Mrs. Rousell and the Site Plan Review Committee.

Mrs. Azalea Rousell, Zoning and Planning Official explained the request was for landscaping and parking revisions; and a handicapped ramp. Met with the architect, gave him clear directions; architect stated he would submit the revised plans in two days, and as of today had not received them.

Councilman Crosby was agreeable to have this matter deferred for lack of the new revised plans.

Mr. Cameron Jones, Applicant requested from the Council approval of the site plan request contingent upon his architect submitting the revised plans of the project as soon as possible.

Mayor Constant expressed she felt bad for Mr. Jones; unfortunately there was no communication with him of the requested new revisions. She explained that the Council does not approve matters upon predication or contingencies; decisions by the Council are made based upon savvy recommendation by the Site Plan Review Committee.

On motion by **Councilman Crosby** and seconded by **Councilman Rau**, **IT WAS RESOLVED** to defer approval of the Site Plan Review request for the project located at 43 Westbank Expressway for lack of submission of new revised plans as requested, and the same were unanimously approved.

There were no comments from the public and/or Council members.



Approval of Event Request:

Gretna Heritage Appreciation Party - November 19, 2016 6:00 (Linda Court & Smithway Drive/Linda Court & N. Randall Court)

On motion by **Councilman Berthelot** and seconded by **Councilman Rau**, **IT WAS RESOLVED** to approve the event request for the Gretna Heritage Appreciation Party, November 19, 2016 6:00 (Linda Court & Smithway Drive/Linda Court & N. Randall Court) by the following vote:

Yeas: **Councilmen Berthelot, Rau, Crosby, Hinyub and Miller**

Nays: None

Absent: None



City Clerk read aloud in its entirety all items on the November 9, 2016 **CONSENT AGENDA:**

CONSENT AGENDA:

Approval of Meeting Minutes: October 12, 2016 Council Regular Meeting.



Adoption of Ordinance(s) by Consent:

ORDINANCE NO. 4748

An ordinance as amended approving the resubdivision of Portions of Lots 1, 2, 3, 8, 9 and 10, Square 44, Brooklyn Pastures Subdivision, City of Gretna, Parish of Jefferson, State of Louisiana INTO Lot 2A, Square 44, Brooklyn Pastures Subdivision, as per the plan of survey and resubdivision of Bryant Hammett And Assoc., L.L.C., dated September 14, 2016. Municipal Address: 1001 Fried Street (Adjacent Lots)

WHEREAS, Constance Stumpf Sampey and Case J. Sampey are the owners of Portions of Lots 1, 2, 3, 8, 9 and 10, Square 44, Brooklyn Pastures Subdivision, City of Gretna, Parish of Jefferson, State of Louisiana; and

WHEREAS, the aforesaid owners have resubdivided Portions of Lots 1, 2, 3, 8, 9 and 10, Square 44, Brooklyn Pastures Subdivision, City of Gretna, Parish of Jefferson, State of Louisiana **INTO** Lot 2A, Square 44, Brooklyn Pastures Subdivision, as per the plan of survey and resubdivision of Bryant Hammett And Assoc., L.L.C., dated September 14, 2016, and desires approval of same, all in accordance with ordinances relative to same; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gretna, acting as legislative authority for said City, that:

SECTION I: The plan of resubdivision of Portions of Lots 1, 2, 3, 8, 9 and 10, Square 44, Brooklyn Pastures Subdivision, City of Gretna, Parish of Jefferson, State of Louisiana **INTO** Lot 2A, Square 44, Brooklyn Pastures Subdivision, as per the plan of survey and resubdivision of Bryant Hammett And Assoc., L.L.C., dated September 14, 2016, be and the same is hereby approved.

SECTION II: The Mayor of the City of Gretna is hereby authorized, empowered and directed to sign and execute all acts, plans and documents necessary and proper in the premises to give full force and effect to this ordinance.

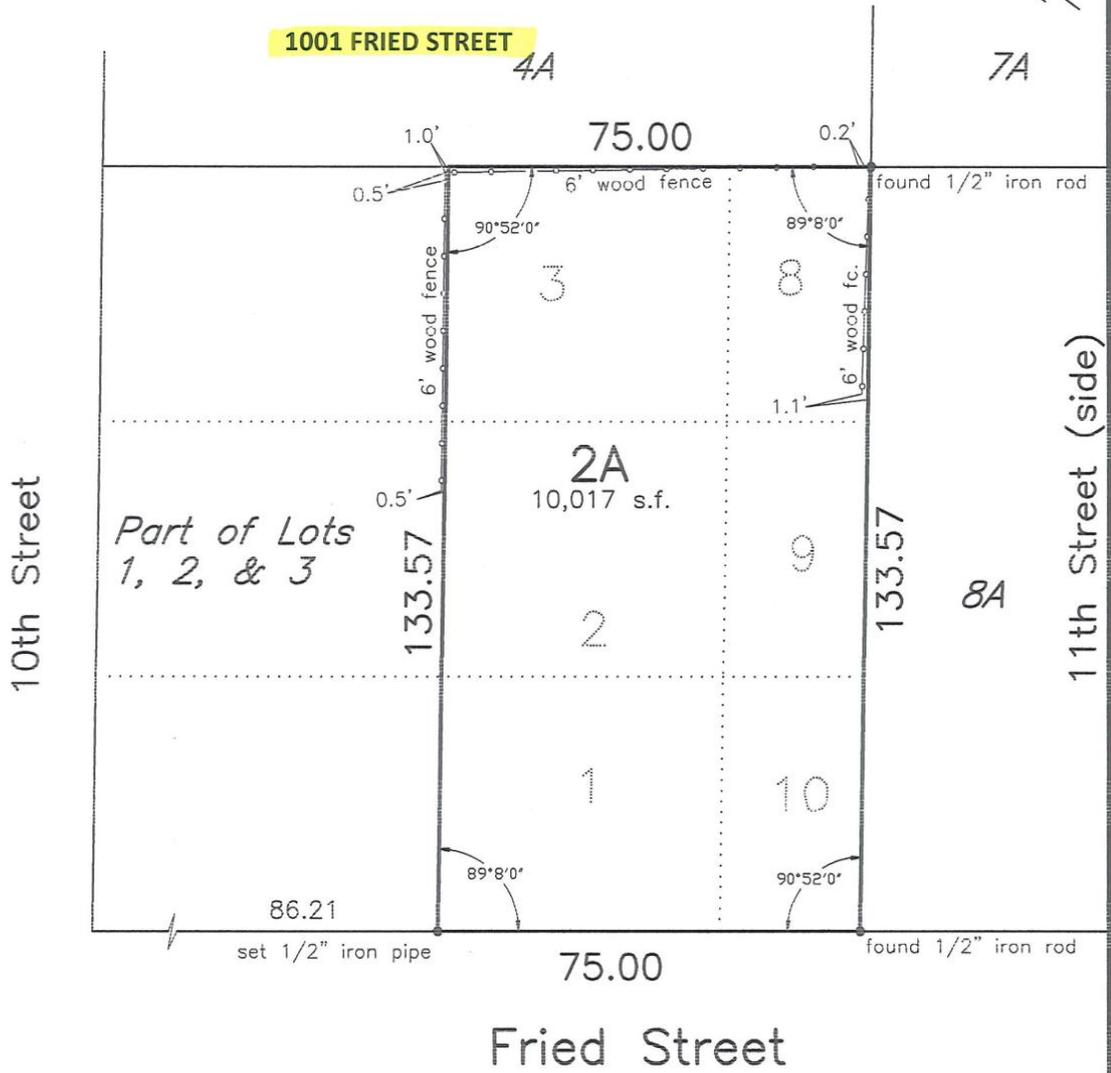
Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

Jefferson Parish, La.
City of Gretna

/S/ NORMA J. CRUZ
CITY CLERK

A TRUE AND CORRECT COPY: /S/ NORMA J. CRUZ
CITY CLERK

Governor Hall Street (side)



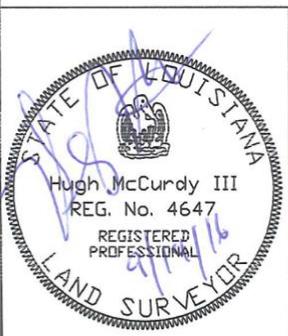
- NOTES:
- 1) Subject property lies in FEMA Zone "X" in accordance with FIRM 22051C 0145 E dated March 23, 1995.
 - 2) This survey was prepared from information and/or documents provided to this firm by the client or person requesting the survey. No title search was done by this firm and this firm takes no responsibility for any encumbrances a complete title search may reveal.
 - 3) This is to certify that this survey was done by me or under my direct supervision and control, that it was done on the ground and was done in accordance with the most recent standards of practice for boundary surveys as set forth by the Louisiana Professional Engineers and Land Surveyors Board and that the accuracy specifications and positional tolerances are based on class "C" surveys indicated in the above standards.

**Map of Resubdivision
Portions of
Lots 1, 2, 3, 8, 9, & 10
into
Lot 2A
Square 44
Brooklyn Pastures**

Approved by the Mayor and the City Council of the City of Gretna, Louisiana

Ordinance No. **4748** /S/ BELINDA C. CONSTANT
Mayor

Date Adopted: **11-09-16** /S/ DAVID E. BOYD, PE
Burk-Kleinpeter, Inc. City Engineers



**Bryant Hammett
And Assoc., L.L.C.**
6885 Highway 84 West
Ferriday, Louisiana 71334
(318)757-6576
Belle Chasse Office (504) 391-2835

Amended		
NO.	DESCRIPTION	BY
Prepared at the request of Sigfredo Construction		Date: 9/14/2016
Scale: 1" = 30'		File No.: 6248

Mr. Will Bane provided the resubdivision report for 1001 Fried Street (Adjacent lots) resubdivision request as follows: We have reviewed the subject re-subdivision request and offer the following observations:

Existing Conditions

The existing properties consist of Parts of Lots 1, 2, 3, 8, 9, and 10, Square 44, Brooklyn Pastures Subdivision. These lots are vacant and defined by the houses on either side. The property fronts on Fried Street.

Proposed Re-subdivision

It is proposed to resubdivide the properties into Lot 2A. The new lot will have an area of 10,017 square feet. The six lots will be combined into one larger lot to create one lot for residential development.

Comments

According to the City of Gretna’s zoning map, the lots are zoned R-1. The minimum lot size in an R-1 district is 5,000 square feet.

According to the City of Gretna’s Code of Ordinances, the front yard requirement for R-1 is 20 feet. The side yard requirement is 5 feet and the rear yard requirement is 15 feet. There are not existing buildings on this lot.

The resubdivision of the lots is requested to convert the six lots into one for residential construction. The resubdivision meets the requirements set forth in the zoning ordinance and is recommended for approval.

ORDINANCE NO. 4749

An ordinance amending the Gretna Code of Ordinances Chapter 10 – Buildings and Building Regulations; Article I- In General; particularly amending Section 10-5. –Maximum height and composition of fences on residential property.

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Gretna Code of Ordinances Chapter 10 - BUILDINGS AND BUILDING REGULATIONS. ARTICLE I. - IN GENERAL; Section 10-5. -*Maximum height of fences on residential property*, to read as follows:

Sec. 10-5. - Maximum height and composition of *fences* on residential property.

Except as otherwise provided in Chapter 58:

- (1) The maximum height of a *fence* or wall bordering the back and side yards of residential property shall be eight feet. A side yard *fence* shall not extend past the front corners of any residence.**
- (2) A front yard *fence* or wall shall have a maximum height of four feet, and it shall in no case be of a height or composition so as to present a traffic safety hazard by, for example, obstructing one's view from a driveway to the adjoining street or vice versa.**
- (3) The maximum height shall be measured from:**
 - a. Six inches above the lowest point of the natural grade immediately adjacent to the *fence* on the outside;**
 - b. The top of a chain wall that is not to exceed 8 inches measured from the adjacent grade on the outside; or**
 - c. The top of a retaining wall that has been properly permitted.**
- (4) Columns spaced not less than five feet apart shall not exceed nine feet when measured in the same manner described in subsection (3) of this section; gateway arbors, trellises or any other structure erected as part of or over a permitted gate on a fence shall not exceed nine feet six inches when measure in the same manner described in paragraph (3) above.**
- (5) Materials used in the construction of residential fences shall be wood, metal masonry or other rigid manmade composite materials that imitates wood, metal or masonry.**

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk’s presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

ORDINANCE NO. 4750

An ordinance amending the Gretna Code of Ordinances Chapter 32 –Historic preservation; particularly amending Section 32-7. -Procedures for application of certificate of appropriateness, paragraph (j).

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Gretna Code of Ordinances Chapter 32 –Historic preservation; more particularly amending Section 32-7. -Procedures for application of certificate of appropriateness, paragraph (j) is hereby amended as follows:

Sec. 32-7. - Procedures for application of certificate of appropriateness.

(j) Application for a historic district certificate of appropriateness shall be made in the office of the building official. Each application shall be accompanied by a \$50.00 administration fee. Such application must be filed no later than five business days prior to any meeting of the HDC, at which time such application is to be heard.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

ORDINANCE NO. 4751

An ordinance amending the Gretna Code of Ordinances, Chapter 58 -Zoning and Subdivisions; Division 1; particularly amending Section 58-3; Section 58-108; Section 58-116; Section 58-117; Section 58-118 and Section 58-119.

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Gretna Code of Ordinances Chapter 58 -Zoning and Subdivisions; Division 1; particularly amending Section 58-3; Section 58-108; Section 58-116; Section 58-117; Section 58-118 and Section 58-119, to read as follows:

Sec. 58-3. - Definitions.

(b) Specific terms. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bed and breakfast means an owner-occupied single-family residence in a Historic District having public lodging rooms and facilities for pre-registered transient guests.

Sec. 58-108. - Single-family residential district, R-1

(C) Conditional uses.

(1) Bed and breakfast shall be a conditional use in the BC-2 district in a Historic District with the following criteria:

Sec. 58-116. - General offices, GO-1

(C) Conditional uses.

(1) Bed and breakfast shall be a conditional use in the BC-2 district in Historic District with the following criteria:

Sec. 58-117. - Business Core District, BC-1

(C) Conditional uses.

(2) Bed and breakfast shall be a conditional use in the BC-2 district in Historic District with the following criteria:

Sec. 58-118. - Business core district, BC-2

(C) Conditional uses.

(2) Bed and breakfast shall be a conditional use in the BC-2 district in Historic District with the following criteria:

Sec. 58-119. - Neighborhood commercial district, C-1.

(c) Conditional uses. Bed and breakfast shall be a conditional use in the C-1 district in Historic District with the following criteria:

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk’s presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

ORDINANCE NO. 4752

An ordinance amending the Gretna Code of Ordinances, Chapter 58 –Zonings and subdivisions; Article III; particularly amending Section 58-120. –General Commercial District, C-2.

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Gretna Code of Ordinances Chapter 58 –Zonings and subdivisions; Article III; particularly amending Section 58-120. –General Commercial District, C-2, to read as follows:

Sec. 58-120. -General Commercial District, C-2.

(6) Bars, nightclubs and lounges provided the following criteria are met:

- a. The structure shall be a minimum distance of 300 feet from the sidewalk of the nearest point of the property line of any residential district, church, synagogue or school measured to the nearest point of the premises to be licensed.
- b. Density requirements.

1. Unless otherwise specifically authorized by a special zoning district or overlay, the minimum distance between any two bars, nightclubs or lounges shall be 1,000 feet, measured in a straight line from the property lines without regard to any intervening structures.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk’s presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

ORDINANCE NO. 4753

An ordinance amending the Budget for the Fiscal Year of April 1, 2016 to March 31, 2017 to recognize and appropriate \$25,000 in insurance claim reimbursements in the General Fund.

WHEREAS, the Budget for the Fiscal Year of April 1, 2016 to March 31, 2017 was adopted by Ordinance No. 4710 on March 9, 2016; and

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of its citizens; and

WHEREAS, amendments to the budget for the Fiscal Year of April 1, 2016 and March 31, 2017, are presented for approval as follows:

01-4592	Insurance Claims	\$25,000
01-5531-2785	Automotive Equipment	\$25,000

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Budget for the Fiscal Year of April 1, 2016 to March 31, 2017 is hereby amended to recognize and appropriate \$25,000 in insurance claim reimbursements in the General Fund.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk’s presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

ORDINANCE NO. 4754

An ordinance amending the Budget for the Fiscal Year of April 1, 2016 to March 31, 2017 to recognize and appropriate \$95,000 in insurance claim reimbursements in the General Fund.

WHEREAS, the Budget for the Fiscal Year of April 1, 2016 to March 31, 2017 was adopted by Ordinance No. 4710 on March 9, 2016; and

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of its citizens; and

WHEREAS, amendments to the budget for the Fiscal Year of April 1, 2016 and March 31, 2017, are presented for approval as follows:

01-5531-2783	Capital Equipment	\$95,000
01-330-75	Emergency Preparedness Fund Balance	\$95,000

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Budget for the Fiscal Year of April 1, 2016 to March 31, 2017 is hereby amended to recognize and appropriate \$95,000 in insurance claim reimbursements in the General Fund.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk’s presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

Adoption of Resolution(s) by Consent:

RESOLUTION NO. 2016-064

A resolution authorizing Mayor Belinda C. Constant to execute for and behalf the City of Gretna “Contracting Party” a Cooperative Endeavor Agreement (CEA #17-901-05) Act 17 Sales Tax Appropriation of \$250,000.00 through the Louisiana Department of the Treasury “State” and/or “Agency”.

WHEREAS, Article VII, Section 14(c) of the Constitution of the State of Louisiana provides that “for public purpose, the state and its political subdivisions...may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual”; and

WHEREAS, Act 17 of the 2016 Regular Session of the Louisiana Legislature, which was adopted in accordance with Article VIII, Section 10, of the Constitution of the State of Louisiana is the appropriation for the expenditure of State funds, and said Act 17 contains a line item appropriation within the Agency’s budget the sum of \$250,000.00; and

WHEREAS, the Department of the Treasury, State of Louisiana desires to cooperate with the City of Gretna, in the implementation of the project as hereinafter provided; and

WHEREAS, the public purpose, is to improve tourism and economic development in the City of Gretna, located in Jefferson Parish, by hosting the 2016 Gretna Heritage Festival.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant is hereby authorized to execute for and behalf the City of Gretna “Contracting Party” a Cooperative Endeavor Agreement (CEA #17-901-05) of Act 17 Sales Tax Appropriation of \$250,000.00 through the Louisiana Department of the Treasury “State” and/or “Agency”.

RESOLUTION NO. 2016-065

A resolution authorizing Mayor Belinda C. Constant to execute for and behalf the City of Gretna “Contracting Party” a Cooperative Endeavor Agreement (CEA #17-901-06) Act 17 Sales Tax Appropriation of \$200,000.00 through the Louisiana Department of the Treasury “State” and/or “Agency”.

WHEREAS, Article VII, Section 14(c) of the Constitution of the State of Louisiana provides that “for public purpose, the state and its political subdivisions...may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual”; and

WHEREAS, Act 17 of the 206 Regular Session of the Louisiana Legislature, which was adopted in accordance with Article VIII, Section 10, of the Constitution of the State of Louisiana is the appropriation for the expenditure of State funds, and said Act 17 contains a line item appropriation within the Agency’s budget the sum of \$200,000.00; and

WHEREAS, the Department of the Treasury, State of Louisiana desires to cooperate with the City of Gretna, in the implementation of the project as hereinafter provided; and

WHEREAS, the public purpose, is to improve tourism and economic development in the City of Gretna, located in Jefferson Parish, by hosting the 2016 Gretna Heritage Festival.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant is hereby authorized to execute for and behalf the City of Gretna “Contracting Party” a Cooperative Endeavor Agreement (CEA #17-901-06) of Act 17 Sales Tax Appropriation of \$200,000.00 through the Louisiana Department of the Treasury “State” and/or “Agency”.

RESOLUTION NO. 2016-066

A resolution authorizing and directing Mayor Belinda C. Constant, to enter into an Intergovernmental Agreement between the City of Gretna “CITY” and Jefferson Parish “PARISH” to provide program management and monitoring services for the Jefferson Parish Home Incarceration Program (Parishwide.)

WHEREAS, the City of Gretna and Jefferson Parish have an interest in the health, welfare and safety of the citizens of the City of Gretna and Jefferson Parish; and

WHEREAS, the CITY and the PARISH are authorized to enter into this agreement pursuant to Louisiana Revised Statute 33:1324 which permits any parish, municipality or political subdivision of the state or any combination thereof, to make agreements between or among themselves to engage jointly in police, fire and health protection; and

WHEREAS, there exists the Jefferson Parish Home Incarceration Program, which provides strict monitoring and supervision of offenders placed within control of the program by the Courts to protect the resident in the communities where the offenders reside; and

WHEREAS, the City of Gretna wishes to enter into an Intergovernmental Agreement with Jefferson Parish to provide program management and monitoring services for the Jefferson Parish Home Incarceration Program located at 327 Huey P. Long Avenue in Gretna, LA; and

WHEREAS, the public purpose of the project is to provide for the safety of residents of Jefferson Parish through the monitoring and supervision of offenders placed within control of the Home Incarceration Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant is hereby authorized and directed to enter into an Intergovernmental Agreement between the City of Gretna “CITY” and Jefferson Parish “PARISH” to provide program management and monitoring services for the Jefferson Parish Home Incarceration Program (Parishwide.)

RESOLUTION NO. 2016-067

A resolution authorizing and directing Mayor Belinda C. Constant to enter on behalf of the City of Gretna “GRETNA” into an Intergovernmental Agreement with the Parish of Jefferson “PARISH” for use and installation of surplus light fixtures from Jefferson Parish along the public streets and rights-of-ways in the City of Gretna.

WHEREAS, Article VII, Sec. 14(c) of the Louisiana Constitution of 1974 provides that for a public purpose, the State and its political subdivisions may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation or individuals; and

WHEREAS, Jefferson Parish is a constitutionally and statutorily-created local political body of the State of Louisiana with the constitutional and statutory authority to contract, including entering into intergovernmental agreements; and

WHEREAS, the City of Gretna, is a constitutionally and statutorily created political subdivision of the State of Louisiana, with the constitutional and statutory authority to contract, including entering into intergovernmental agreements; and

WHEREAS, Jefferson Parish and the City of Gretna are authorized to enter into this Intergovernmental Agreement pursuant to Louisiana Revised Statute 33:1324, which permits any parish, municipality or political subdivision of the state, or any combination thereof, to make agreements between or among themselves for public road improvement; and

WHEREAS, the public purpose of the Project is to allow the PARISH and GRETNA, to work together to use and install surplus light fixtures from the Parish along public streets and rights-of-ways in GRETNA for the benefit of all residents of Jefferson Parish.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant is hereby authorized and directed to enter on behalf of the City of Gretna “GRETNA” into an Intergovernmental Agreement with the Parish of Jefferson “PARISH” to use and install surplus light fixtures from Jefferson Parish along the public streets and rights-of-ways in the City of Gretna.

RESOLUTION NO. 2016-068

A resolution authorizing and directing Mayor Belinda C. Constant to execute for and on behalf of the City of Gretna, Louisiana, a Certificate of Substantial Completion for the Landscape and Irrigation Installation contract at the Training Center for the Developmentally Disabled (Westbank ARC) 401 Gretna Boulevard; upon substantial completion being established and verified by the City Administration.

WHEREAS, Patio Gardens and Landscaping, Inc., as contractor for the Landscape and Irrigation Installation at the Training Center for the Developmentally Disabled (Westbank ARC), has substantially completed the contract for the City of Gretna, Louisiana, in accordance with the Plans and Specifications contained in the contract executed on November 4, 2010; and

WHEREAS, the City of Gretna, Louisiana, acting through its Mayor and Council, recognizes the substantial completion of the Landscape and Irrigation Installation contract at the Training Center for the Developmentally Disabled. Contract for the City of Gretna; and

WHEREAS, the City Administration has visited the site, verified that the contractor performed the work as bid. Date of substantial completion, December 10, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Gretna, Louisiana, acting as legislative authority for said City, that:

Mayor Belinda C. Constant is hereby authorized and directed to recognize substantial completion and to execute the Certificate of Substantial Completion on behalf of the City of Gretna, Louisiana, for the Landscape and Irrigation Installation contract at the Training Center for the Developmentally Disabled (Westbank ARC) 401 Gretna Boulevard; and is directed to have a copy of this resolution recorded with the Mortgage and Conveyance Office of Jefferson, State of Louisiana, contract originally filed on January 13, 2011, Instrument No. 11101894, Mortgage Book No. 4472, Page 22.

RESOLUTION NO. 2016-069

A resolution authorizing Mayor Belinda C. Constant to enter into a contract for engineering and related services, pertaining to Construction Engineering and Inspection related to the 4th Street Extension, with Meyer Engineers, Ltd. for an amount not to exceed \$837,308 with assistance from the Louisiana Department of Transportation and Development (LADOTD).

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, it is the desire to have improved road access into the downtown area; and

WHEREAS, an amount not to exceed \$837,308 with assistance from the Louisiana Department of Transportation and Development (LADOTD).

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant is hereby authorized to enter into a contract for engineering and related services, pertaining to Construction Engineering and Inspection related to the 4th Street Extension, with Meyer Engineers, Ltd. for an amount not to exceed \$837,308 with assistance from the Louisiana Department of Transportation and Development (LADOTD).

On motion by **Councilman Rau** and seconded by **Councilman Miller**, **IT WAS RESOLVED** to approve and adopt all the items read aloud from the [Consent Agenda for the November 9, 2016 Council Regular meeting](#), by the following vote:

Yeas: **Councilmen Rau, Miller, Crosby, Hinyub and Berthelot**

Nays: None

Absent: None

Abstain: None

There were no comments from the public and/or City Council.



Consideration and Adoption of Items Pulled from the Consent Agenda:

On motion by **Councilman Rau** and seconded by **Councilman Hinyub**, the following resolution was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Rau, Hinyub, Crosby, Miller and Berthelot**

Nays: None

Absent: None

RESOLUTION NO. 2016-070

A resolution as amended authorizing and directing Mayor Belinda C. Constant to execute on behalf of the City of Gretna, LA Amendment No. 2 to the existing contract with Burgdahl & Graves Architects for the City Hall Renovations Project – Phase 1 Relocation of Main Electrical Service; for additional services to increase the scope of the work to include a “Hurricane Hardening Phase” utilizing approximately \$550,000 of FEMA Pre Disaster Mitigation funding through the Jefferson Parish Department of Floodplain Management.

WHEREAS, Burgdahl & Graves Architects entered into a contract with the City of Gretna on March 6, 2015 as the Designer / Engineer for the City Hall Renovations Project – Phase 1 Relocation of Main Electrical Service; and

WHEREAS, Amendment No. 2 to this existing is necessary and will allow for preparation of preliminary documents to solicit funding for Hurricane Hardening and Window Replacement at Gretna City Hall; and

WHEREAS, this amendment limits the city’s financial obligations to 30% of the total project fee (approximately \$19,386.00) with option to authorize further work upon receipt of funding; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant is hereby authorized and directed to execute on behalf of the City of Gretna, LA Amendment No. 2 to the existing contract with Burgdahl & Graves Architects for the City Hall Renovations Project – Phase 1 Relocation of Main Electrical Service; for additional services to increase the scope of the work to include a “Hurricane Hardening Phase” utilizing approximately \$550,000 of FEMA Pre Disaster Mitigation funding through the Jefferson Parish Department of Floodplain Management.

Mayor Constant stated relative to above, it was a grant awarded to the City of Gretna through the hard work of Mr. Matthew Martinec to use for the hardening of the building. This resolution was removed from the consent because the dollar amount changed from \$500,000.00 to \$550,000.00 from original resolution within the agenda packet. This is a grant that will be used to harden the exterior of Gretna City Hall.



Consideration and Adoption of Ordinances:

On motion by **Councilman Rau** and seconded by **Councilman Berthelot**, the following ordinance was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Rau, Berthelot, Crosby, Hinyub, Crosby and Miller**

Nays: None

Absent: None

ORDINANCE NO. 4755

An ordinance providing for the issuance and sale not to exceed of Six Million Dollars (\$6,000,000) of sales tax refunding bonds, series 2016, of the City of Gretna, State of Louisiana; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payments of such bonds and the application of the proceeds thereof to the refunding of certain bonds of such city; awarding said bonds to the purchaser thereof and providing for other matter in connection therewith.

WHEREAS, the City of Gretna, State of Louisiana (the "Issuer"), presently receives a portion of the one percent (1 %) sales and use tax levied and collected by the Parish of Jefferson, State of Louisiana (the "Parish") pursuant to Ordinance No. 2587 adopted on November 10, 1954, as amended, under the authority of Act 188 of 1954 of the Louisiana Legislature and a special election held on October 5, 1954, as amended at a special election held on January 12, 1971, said portion hereinafter referred to as the "1955 Sales Tax," and

WHEREAS, the Issuer also receives a portion of the one-half of one percent (1/2%) sales and use tax levied and collected by the Parish pursuant to Ordinance No. 7766 adopted on June 20, 1966, as amended by Ordinance No. 7886 adopted on August 25, 1966, under the authority of Act 29 of the Extraordinary Session of the Legislature of Louisiana for the year 1964 (LA. R.S. 33:2737.1) and a special election held in the Parish on May 3, 1966, said portion hereinafter referred to as the "1966 Sales Tax," which together with the 1955 Sales Tax are hereinafter referred to as the "Sales Tax", and

WHEREAS, the Issuer has heretofore issued and presently has outstanding its (i) Sales Tax Bonds, Series 2009A (ii) Sales Tax Bonds, Series 2009B and (iii) Sales Tax Refunding Bonds, Series 2014 which are payable from and secured by the Sales Tax; and

WHEREAS, the Issuer has found and determined that the refunding of all outstanding Series 2009B Bonds, maturing serially on February 1 of the years 2021 to 2029, inclusive (collectively, the "Refunded Bonds"), would be financially advantageous to the Issuer; and

WHEREAS, pursuant to Chapter 14-A of Title 399 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, it is now the desire of this City Council to adopt this ordinance to provide for the issuance of Five Million, Three Hundred Sixty Thousand Dollars (\$5,360,000) principal amount of its Sales Tax Refunding Bonds, Series 2016 (the "Bonds"), for the purpose of refunding the Refunded Bonds and paying the costs of issuance of the Bonds, to fix the details of the Bonds and to sell the Bonds to the purchasers thereof; and

WHEREAS, it is the intention of the Issuer that the Bonds authorized herein be secured by and payable from the Sales Tax Revenues; and

WHEREAS, it is necessary to provide for the application of the proceeds of the Bonds and to provide for other matters in connection with the payment or redemption of the Refunded Bonds; and

WHEREAS, other than the Bonds herein authorized, the Issuer will have no other outstanding bonds or other obligations of any kind or nature payable from or enjoying a lien on the Sales Tax Revenues, except the outstanding (i) Sales Tax Bonds, Series 2009A, in the amount of \$2,271,000 maturing February 1, 2017

through February 1, 2029, inclusive, (ii) Sales Tax Bonds, Series 2009B maturing February 1 2017 through 2020, inclusive, in the amount of \$180,000("the Unrefunded Bonds") and (iii) Sales Tax Refunding Bonds, Series 2014 in the amount of \$5,325,000 maturing February 1, 2017 through February 1, 2024, inclusive (collectively, the "Outstanding Parity Bonds"); and

WHEREAS, under the terms and conditions of the ordinances adopted by the Issuer authorizing the issuance of the Outstanding Parity Bonds (collectively, the "Outstanding Parity Bond Ordinance"), the Issuer has authority to issue additional bonds on a complete parity with the Outstanding Parity Bonds under the terms and conditions provided therein; and

WHEREAS, the Issuer has determined that all the terms and conditions specified in the Outstanding Parity Bond Ordinance have been or will be complied with prior to the delivery of the Bonds, and it is the express desire and intention of the Issuer that the Bonds be issued on a complete parity with the Outstanding Parity Bonds; and

WHEREAS, in connection with the issuance of the Bonds, it is necessary that provision be made for the payment of the principal and interest of the Refunded Bonds described in Exhibit A hereto, and to provide for the call for redemption of the Refunded Bonds, pursuant to a Notice of Call for Redemption; and

WHEREAS, the Issuer desires to sell the Bonds to the purchaser thereof and to fix the details of the Bonds and the terms of the sale of the Bonds;

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as the legislative authority for the City of Gretna, that:

ARTICLE I
DEFINITIONS AND INTERPRETATION

SECTION 1.1. Definitions. The following terms shall have the following meanings unless the context otherwise requires:

"1955 Sales Tax" shall mean the Issuer's portion of the one percent (1 %) sales and use tax levied and collected by the Parish of Jefferson, State of Louisiana (the "Parish") pursuant to Ordinance No. 2587 adopted on November 10, 1954, as amended, under the authority of Act 188 of 1954 of the Louisiana Legislature and a special election held on October 5, 1954, as amended at a special election held on January 12, 1971.

"1966 Sales Tax" shall mean the Issuer's portion of the one-half of one percent (1/2%) sales and use tax levied and collected by the Parish pursuant to Ordinance No. 7766 adopted on June 20, 1966, as amended by Ordinance No. 7886 adopted on August 25, 1966, under the authority of Act 29 of the Extraordinary Session of the Legislature of Louisiana for the year 1964 (LA. R.S. 33:2737.1) and a special election held in the Parish on May 3, 1966.

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

"Additional Parity Bonds" shall mean any pari passu additional bonds which may hereafter be issued pursuant to Section 9.1 hereof on a parity with the Bonds and the Outstanding Parity Bonds.

"Bond" or "Bonds" shall mean any or all of the Sales Tax Refunding Bonds, Series 2016, of the City of Gretna, State of Louisiana, issued pursuant to the Bond Ordinance, as the same may be amended from time to time, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any previously issued Bond.

"Bond Counsel" shall mean an attorney or firm of attorneys whose experience in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized.

"Bond Obligation" shall mean, as of the date of computation, the principal amount of the Bonds then Outstanding.

"Bond Ordinance" shall mean this ordinance, as further amended and supplemented as herein provided.

"Bond Year" means the one-year period ending on February 1 of each year, the principal payment date for the Bonds.

"Business Day" shall mean a day of the year other than a day on which banks located in New York, New York and the cities in which the principal offices of the Paying Agent are located are required or authorized to remain closed and on which the New York Stock Exchange is closed.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Costs of Issuance" shall mean all items of expense, directly or indirectly payable or reimbursable and related to the authorization, sale and issuance of the Bonds, including but not limited to printing costs,

costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any fiduciary, legal fees and charges, fees and charges for the preparation and distribution of a preliminary official statement and official statement, if paid by the Issuer, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of the Bonds, costs and expenses of refunding and any other cost, charge or fee paid or payable by the Issuer in connection with the original issuance of Bonds.

"Defeasance Obligations" shall mean (a) cash, or (b) non-callable Government Securities.

"Escrow Agent" shall mean Regions Bank, and its successors and assigns, acting in the capacity of Escrow Agent under the terms of the Escrow Deposit Agreement.

"Escrow Deposit Agreement" shall mean the Escrow Deposit Agreement dated as of December 1, 2016, between the Issuer and the Escrow Agent, substantially in the form attached hereto as Exhibit D.

"Escrow Fund" shall mean the funds established with the Escrow Agent pursuant to the Escrow Deposit Agreement.

"Executive Officers" shall mean the Mayor and City Clerk of the City of Gretna, State of Louisiana.

"Fiscal Year" shall mean the one-year period commencing on April 1 of each year, or such other one-year period as may be designated by the Governing Authority as the fiscal year of the Issuer.

"Governing Authority" shall mean the City Council of the City of Gretna, State of Louisiana, or its successor in function.

"Government Securities" shall mean direct general obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, which may be United States Treasury Obligations such as the State and Local Government Series and may be in book-entry form.

"Interest Payment Date" shall mean February 1 and August 1 of each year, commencing February 1, 2017.

"Issuer" shall mean the City of Gretna, State of Louisiana.

"Outstanding", when used with reference to the Bonds, shall mean, as of any date, all Bonds theretofore issued under the Bond Ordinance, except:

(A) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(B) Bonds for the payment or redemption of which sufficient Defeasance Obligations have been deposited with the Paying Agent in trust for the Owners of such Bonds with the effect specified in this Bond Ordinance, provided that if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to the Bond Ordinance, to the satisfaction of the Paying Agent, or waived;

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

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

"Outstanding Parity Bonds" shall mean the Issuer's outstanding (i) Sales Tax Bonds, Series 2009A, in the amount of \$2,271,000 maturing February 1, 2017 through February 1, 2029, inclusive, (ii) the Unrefunded Bonds and (iii) Sales Tax Refunding Bonds, Series 2014, in the amount of \$5,325,000 maturing February 1, 2017 through February 1, 2024, inclusive, as described in the preamble hereto.

"Outstanding Parity Bond Ordinance" shall mean the ordinances adopted by the Governing Authority on November 5, 2009 with respect to the Series 2009A Bonds and the Series 2009B Bonds and November 14, 2014 with respect to the Series 2014 Bonds, authorizing the issuance of the Outstanding Parity Bonds.

"Owner" shall mean the Person reflected as registered owner of any of the Bonds on the registration books maintained by the Paying Agent.

"Parish" shall mean the Parish of Jefferson, State of Louisiana.

"Paying Agent", "Paying Agent/Registrar" or "Trustee" shall mean Regions Bank, in the City of New Orleans, Louisiana, as paying agent and registrar and trustee hereunder, until a successor Paying Agent shall have become such pursuant to the applicable provisions of the Bond Ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

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

"Purchaser" shall mean IBERIABANK, the original purchaser of the Bonds.

"Qualified Investments" shall mean the following, provided that the same are at the time legal for investment of the Issuer's funds and, if required by law, are secured at all times by collateral described in clause (i) below:

- (i) Government Securities, including obligations of any of the Federal agencies set forth in clause (ii) below to the extent unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in obligations or in specified portions thereof (which may consist of specified portions of the interest thereon) of the character described in this clause (i) such as those securities commonly known as CATS, TIGRS and/or STRIPS;
- (ii) bonds, debentures or other evidences of indebtedness issued by the Private Export Funding Corporation, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association and Student Loan Marketing Association;
- (iii) certificates of deposit, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the State or any national banking association having its principal office in the State (including the Paying Agent) which is a member of the Federal Deposit Insurance Corporation and which are secured at all times by collateral described in clause (i) above;
- (iv) certificates of deposit, savings accounts, deposit accounts or money market deposits of any bank or trust company organized under the laws of the State or any national banking association having its principal office in the State (including the Paying Agent) which are fully insured by the Federal Deposit Insurance Corporation; and
- (v) the Louisiana Asset Management Pool (LAMP).

"Record Date" shall mean, with respect to an Interest Payment Date, the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a Business Day.

"Redemption Price" shall mean, when used with respect to a Bond, the principal amount thereof plus the applicable premium, if any, payable upon redemption thereof pursuant to this Bond Ordinance.

"Refunded Bonds" shall mean the Issuer's outstanding Sales Tax Bonds, Series 2009B, maturing February 1, 2021 to February 1, 2029, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto.

"Reserve Fund Requirement" means, with respect to the Bonds, the Outstanding Parity Bonds and any Additional Parity Bonds, as of any date of calculation, an amount equal to the least of an amount equal to (i) ten percent (10%) of the principal amount of said bonds, or (ii) the maximum Debt Service in an future bond year on the said bonds or (iii) one hundred and twenty-five percent (125%) of the average annual Debt Service on said bonds. Provided, that the Reserve Fund Requirement may be satisfied with a Surety Bond or other Credit Facility.

"Sales Tax" shall mean collectively the 1955 Sales Tax and the 1966 Sales Tax.

"Sales Tax Revenues" shall mean the combined revenues received by the Issuer from the Sales Tax.

"State" shall mean the State of Louisiana.

"Surety Bond" or "Credit Facility" shall mean a surety bond, insurance policy or letter of credit, issued by a municipal bond insurer or other credit facility provider in lieu of funding the Debt Service Reserve Fund Requirement.

"Unrefunded Bonds" shall mean the Issuer's Sales Tax Bonds, Series 2009B, maturing February 1, 2017 to February 1, 2020, inclusive.

SECTION 1.2. Interpretation. In this Bond Ordinance, unless the context otherwise requires, (a) words importing the singular include the plural and vice versa, (b) words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders and (c) the title of the offices used in this Bond Ordinance shall be deemed to include any other title by which such office shall be known under any subsequently adopted charter.

ARTICLE II AUTHORIZATION AND ISSUANCE OF BONDS

SECTION 2.1. Authorization of Bonds: Refunding of Refunded Bonds. (a) This Bond Ordinance creates a series of Bonds of the Issuer to be designated "Sales Tax Refunding Bonds, Series 2016, of the City of Gretna, State of Louisiana" and provides for the full and final payment of the principal of and interest on all the Bonds.

(b) The Bonds issued under this Bond Ordinance shall be issued for the purpose of refunding the Refunded Bonds.

(c) Provision having been made for the orderly payment until maturity or earlier redemption of all the Refunded Bonds, in accordance with their terms, it is hereby recognized and acknowledged that as of the date of delivery of the Bonds under this Bond Ordinance, provision will have been made for the performance of all covenants and agreements of the Issuer incidental to the Refunded Bonds, and that accordingly, and in compliance with all that is herein provided, the Issuer, is expected to have no future obligation with reference to the aforesaid Refunded Bonds.

SECTION 2.2. Bond 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 this Bond Ordinance shall be a part of the contract of the Issuer with the Owners of the Bonds and shall be deemed to be and shall constitute a contract between the Issuer and the Owners from time to time of the Bonds. The provisions, covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the Owners of any and all of the Bonds, each of which Bonds, regardless of the time or times of its issue or maturity, shall be of equal rank without preference, priority or distinction over any other thereof except as expressly provided in this Bond Ordinance.

SECTION 2.3. Obligation of Bonds. The Bonds shall be secured by and payable, equally with the Outstanding Parity Bonds, in principal, premium, if any, and interest solely from an irrevocable pledge and dedication of the (i) Sales Tax Revenues and (ii) all Funds and Accounts maintained hereunder. The Sales Tax Revenues are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Bonds in principal, premium, if any, and interest as they shall respectively become due and payable, and for the other purposes hereinafter set forth in this Bond Ordinance. All of the Sales Tax Revenues shall be set aside in a separate fund, as hereinafter provided, and shall be and remain pledged for the security and payment of the Bonds, the Outstanding Parity Bonds and any Additional Parity Bonds in principal, premium, if any, and interest and for all other payments provided for in this Bond Ordinance until such bonds shall have been fully paid and discharged.

SECTION 2.4. Authorization and Designation. Pursuant to the provisions of the Act, there is hereby authorized the issuance of Five Million, Three Hundred Sixty Thousand Dollars (\$5,360,000) principal amount of Bonds of the Issuer to be designated "Sales Tax Refunding Bonds, Series 2016, of the City of Gretna, State of Louisiana," for the purpose of refunding the Refunded Bonds, funding a Reserve Fund and paying the Costs of Issuance. The Bonds shall be in substantially the form set forth in Exhibit B hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Bond Ordinance.

SECTION 2.5. Registration. Transfer and Exchange of Bonds. The Issuer shall cause the Bond Register to be kept at the principal office of the Paying Agent. The Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bonds or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond or Bonds will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bonds after receipt of the Bonds to be transferred in proper form. Such new Bond or Bonds shall be in the denomination of \$100,000 or integral multiples of \$5,000 in excess thereof within a single maturity. Neither the Issuer nor the Paying Agent shall be required to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

SECTION 2.6. Denominations, Maturities and Interest. The Bonds are issuable as fully registered bonds without coupons, are issued as a single term bond, and shall be numbered R-1. The Bonds shall be dated the date of delivery thereof, shall bear interest from the date thereof or from the most recent date interest has been paid, and at the rate of 1.70% per annum, payable semiannually on February 1 and August 1 of each year, commencing on February 1, 2017, and shall become due and payable and mature on February 1, 2029 in the aggregate principal amount of \$5,360,000. Interest shall be calculated on the basis of a three hundred sixty (360) day year, consisting of twelve thirty (30) day months.

SECTION 2.7. Payment of Principal and Interest. The principal of the Bonds is payable in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts at the principal office of the Paying Agent, upon presentation and surrender thereof. The interest on the Bonds, when due and payable, shall be paid by the Paying Agent Trustee to the registered Owner thereof by wire transfer pursuant to wire instructions provided to the Paying Agent on an Interest Payment Date with funds provided by the Issuer, unless the Issuer shall default in payment of interest due on such Interest Payment Date. Such wire instructions shall be irrevocable until new wire instructions are delivered not later than a Regular Record Date. In the event that the registered Owner has not provided wire instructions to the Paying Agent, interest on the Bonds is payable by check mailed on or before the Interest Payment Date by the Paying Agent to the Owner thereof (determined as of the close of business on the Record Date) at the address of such Owner as it appears on the registration books of the Paying Agent maintained for such purpose.

Except as otherwise provided in this Section, Bonds shall bear interest from date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, as the case may be, provided, however, that if and to the extent that the Issuer shall default in the payment of the interest on any Bonds due on any Interest Payment Date, then all such Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid on the Bonds, or if no interest has been paid on the Bonds, from their dated date.

The person in whose name any Bond is registered at the close of business on the Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

ARTICLE III GENERAL TERMS AND PROVISIONS OF THE BONDS

SECTION 3.1. Exchange of Bonds; Persons Treated as Owners. The Issuer shall cause books for the registration and for the registration of transfer of the Bonds as provided in this Bond Ordinance to be kept by the Paying Agent at its principal corporate trust office, and the Paying Agent is hereby constituted and appointed the registrar for the Bonds. At reasonable times and under reasonable regulations established by the Paying Agent said list may be inspected and copied by the Issuer or by the Owners (or a designated representative thereof) of 15% of the outstanding principal amount of the Bonds.

All Bonds presented for registration of transfer or exchange shall be accompanied by a written instrument or instruments of transfer in form and with a guaranty of signature satisfactory to the Paying Agent, duly executed by the Owner or his attorney duly authorized in writing. Subject to the provisions of Section 2.5, the Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bond or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond after receipt of the Bond to be transferred in proper form. Such new Bond shall be in an authorized denomination. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

No service charge to the Owners shall be made by the Paying Agent for any exchange or registration of transfer of Bonds. The Paying Agent may require payment by the person requesting an exchange or registration of transfer of Bonds of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto. The Issuer and the Paying Agent shall not be required to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business on a Record Date or any date of selection of Bonds to be redeemed and ending at the close of business on the Interest Payment Date.

All Bonds delivered upon any registration of transfer or exchange of Bonds shall be valid obligations of the Issuer, evidencing the same debt and entitled to the same benefits under this Bond Ordinance as the Bonds surrendered. Prior to due presentment for registration of transfer of any Bond, the Issuer and the Paying Agent, and any agent of the Issuer or the Paying Agent may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and shall not be bound by any notice to the contrary.

SECTION 3.2. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be improperly cancelled, or be destroyed, stolen or lost, the Issuer may in its discretion adopt an ordinance and thereby authorize the issuance and delivery of a new Bond in exchange for and substitution for such mutilated or improperly cancelled Bond, or in lieu of and in substitution for the Bond destroyed, stolen or lost, upon the Owner (i) furnishing the Issuer and the Paying Agent proof of his ownership thereof and proof of such mutilation, improper cancellation, destruction, theft or loss satisfactory to the Issuer and the Paying Agent, (ii) giving to the Issuer and the Paying Agent an indemnity bond in favor of the Issuer and the Paying Agent in such amount as the Issuer may require, (iii) compliance with such other reasonable regulations and conditions as the Issuer may prescribe and (iv) paying such expenses as the Issuer and the Paying Agent may incur. All Bonds so surrendered shall be delivered to the Paying Agent for cancellation pursuant to Section 3.3 hereof. If any Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof. Any such duplicate Bond issued pursuant to this Section shall constitute an original, additional, contractual obligation on the part of the Issuer, whether or not the lost, stolen or destroyed Bond be at any time found by anyone. Such duplicate Bond shall be in all respects identical with those replaced except that it shall bear on its face the following additional clause: "This bond is issued to replace a lost, cancelled or destroyed bond under the authority of R.S. 39:971 through 39:974.11 Such duplicate Bond may be signed by the facsimile signatures of the same officers who signed the original Bonds, provided, however, that in the event the officers who executed the original Bonds are no longer in office, then the new Bonds may be signed by the officers then in office. Such duplicate Bonds shall be

entitled to equal and proportionate benefits and rights as to lien and source and security for payment as provided herein with respect to all other Bonds hereunder, the obligations of the Issuer upon the duplicate Bonds being identical to its obligations upon the original Bonds and the rights of the Owner of the duplicate Bonds being the same as those conferred by the original Bonds.

SECTION 3.3. Cancellation of Bonds. All Bonds paid or redeemed either at or before maturity, together with all Bonds purchased by the Issuer, shall thereupon be promptly cancelled by the Paying Agent. The Paying Agent shall thereupon promptly furnish to the Clerk of Council of the Issuer an appropriate certificate of cancellation.

SECTION 3.4. Execution. The Bonds shall be executed in the name and on behalf of the Issuer by the manual or facsimile signatures of the Executive Officers, and the corporate seal of the Issuer (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer before the Bonds so signed and sealed shall have been actually delivered, such Bonds may, nevertheless, be delivered as herein provided, and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Said officers shall, by the execution of the Bonds, adopt as and for their own proper signatures their respective facsimile signatures appearing on the Bonds or any legal opinion certificate thereon, and the Issuer may adopt and use for that purpose the facsimile signature of any person or persons who shall have been such officer at any time on or after the date of such Bond, notwithstanding that at the date of such Bond such person may not have held such office or that at the time when such Bond shall be delivered such person may have ceased to hold such office.

SECTION 3.5. Registration by Paying Agent and Secretary of State. (a) No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Ordinance unless and until a certificate of registration on such Bond substantially in the form set forth in Exhibit B hereto shall have been duly manually executed on behalf of the Paying Agent by a duly authorized signatory, and such executed certificate of the Paying Agent upon any such Bond shall be conclusive evidence that such Bond has been executed, registered and delivered under this Bond Ordinance.

(b) The Bonds shall also be registered with the Secretary of State of the State of Louisiana (which registration shall be by manual signature on the bonds issued upon original issuance of the Bonds and by facsimile signature on Bonds exchanged therefor) and shall have endorsed thereon the following:

"OFFICE OF SECRETARY OF STATE
STATE OF LOUISIANA
BATON ROUGE

Incontestable. Secured by a pledge and dedication of a sales and use tax in the City of Gretna, State of Louisiana. Registered this _____ day of _____, 2016.

Secretary of State

SECTION 3.6. Regularity of Proceedings. The Issuer, 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 IV FUNDS AND ACCOUNTS

SECTION 4.1. The Pledge Effected by this Ordinance. A. There are hereby irrevocably and irrevocably pledged and dedicated 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 herein set forth (i) the Sales Tax Revenues and (ii) all Funds and Accounts established herein, subject only to the provisions of this Ordinance permitting the application thereof for the purposes and on the terms and conditions set forth in this Ordinance. The Bonds shall be issued on a complete parity with respect to the Sales Tax Revenues with the Outstanding Parity Bonds. It is the intention of the Issuer that, to the fullest extent permitted by law, this pledge shall be valid and binding from the time when it is made, that the Sales Tax Revenues so pledged and then or thereafter received by the Issuer shall immediately be subject to the lien of such pledge without any physical delivery or further act, and that the lien of such pledge and the obligation to perform the contractual provisions herein contained shall have priority over any or all other obligations and liabilities of the Issuer, and this pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Issuer, irrespective of whether such parties have notice thereof. Said Sales Tax Revenues shall be set aside in a separate fund, as hereinafter provided, and, shall be and remain pledged for the security and payment of the Bonds in principal, including mandatory redemption, interest and premium, if any, and for all other payments provided for in this Ordinance, until the Bonds shall have been fully paid and discharged or provisions for such payment and discharge have been provided in accordance herewith.

The Issuer hereby obligates itself to use its best efforts to cause to be continued the levy and collection of the Sales Tax, and further obligates itself to take any actions necessary to cause the Parish not to discontinue or decrease or permit to be discontinued or decreased the Sales Tax in anticipation of the collection of which the Bonds are to be issued, nor in any way make any change or permit any change which would diminish the amount of the Sales Tax Revenues to be received by the Issuer.

SECTION 4.2. Establishment of Funds and Accounts. A. The Funds and Accounts established with respect to the Refunded Bonds and the Outstanding Parity Bonds and maintained hereunder shall be held and maintained for the equal benefit and security of the holders and Owners of the Bonds. Specifically, the Issuer will maintain the following special funds or accounts with the Trustee to be held with respect to the Bonds:

- (a) Sales Tax Fund;
- (b) Sales Tax Bonds Sinking Fund (the "Sinking Fund"); and
- (c) Sales Tax Bond Reserve Fund (the "Reserve Fund").

B. All moneys or securities deposited with the Paying Agent pursuant to this Ordinance shall be held and applied only in accordance with the provisions hereof and shall be considered trust funds for the purposes of this Ordinance.

SECTION 4.3. Sales Tax Fund. (A) The Issuer shall deposit the Sales Tax Revenues from time to time, as the same may be received, in the Sales Tax Fund maintained with the Trustee.

So long, as any Bonds under this Ordinance remain Outstanding, the Issuer shall cause the Sales Tax Revenues to be deposited as promptly as possible after receipt thereof in the Sales Tax Fund and disbursed by the Trustee in the manner provided herein.

(B) The following transfers of money shall be made from the Sales Tax Fund by the Trustee at the times and in the order of priority indicated:

(i) To the Sinking Fund, an amount sufficient to pay promptly and fully the principal of and the interest on the Bonds and the Outstanding Parity Bonds, including any Bonds issued thereafter in the manner provided by this Ordinance, as they severally become due and payable (whether at maturity or upon mandatory redemption), by transferring on or before the 20th day of each month following the delivery of the Bonds equal monthly sums which, in the aggregate, will be sufficient to pay the interest falling due on the next Interest Payment Date, and (ii) equal monthly sums which, in the aggregate, will be sufficient to pay the principal (including any Mandatory Redemption Payment) falling due on the next Principal Payment Date, together with such additional proportionated sum as may be required to pay said principal and interest as the same respectively become due after taking into account any amounts deposited therein from investment earnings and accrued interest on bond proceeds.

(ii) Subject to the provisions of Section 4.4 hereof, upon the delivery of the Bonds, the Issuer shall retain in the Reserve Fund, an amount equal to the Debt Service Reserve Requirement for the Bonds and the Outstanding Parity Bonds. The Debt Service Reserve Requirement may be satisfied with a Surety Bond or other Credit Facility, all as shall be determined in a Supplemental Ordinance. The money in the Reserve Fund or the surety bond shall be retained solely for the purpose of paying the principal of and the interest on the Bonds and the Outstanding Parity Bonds payable from the Sinking Fund as to which there would otherwise be default. In the event that Additional Bonds are issued after the issuance of the Bonds in the manner provided by this Ordinance, there shall be deposited in the Reserve Fund an amount equal to the Debt Service Reserve Requirement for such Additional Bonds (as may be designated in the Ordinance authorizing the issuance of such Additional Bonds).

(iii) All money remaining in the Sales Tax Fund after making the required payments into the Sinking Fund and the Reserve Fund for the current month and for prior months during which the required payments may not have been made, shall be considered as surplus. Such surplus shall be transferred by the Trustee to any other accounts or funds of the Issuer including the Sinking Fund created herein, pursuant to standing written instructions to the Trustee from an Authorized Officer and may be used by the Issuer for any of the purposes for which the Issuer may lawfully use the Sales Tax Revenues or for the purpose of retiring Bonds and the Outstanding Parity Bonds in advance of their maturities, either by purchase of bonds then outstanding at prices not greater than the Redemption Price of said bonds or redeeming such Bonds at the price and in the manner set forth in this Ordinance.

SECTION 4.4. Reserve Fund. There shall be retained in the Reserve Fund the funds equal to the Reserve Fund Requirement for the Bonds and the Outstanding Parity Bonds. The Issuer may, at its discretion, substitute a Surety Bond or other Credit Facility as additional security for the Bonds in place of the Reserve Fund. The issuer of the Surety Bond or other Credit Facility, if any, and the terms and provisions thereof shall be established in the Supplemental Ordinance. The Reserve Fund shall be used for the purpose of paying the principal of and the interest on Bonds and the Outstanding Parity Bonds payable from the Sinking Fund as to which there would otherwise be default.

In the event that Additional Bonds are issued after the issuance of the Bonds in the manner provided by this Ordinance, there shall be deposited in the Reserve Fund from the proceeds of such Additional Bonds, or otherwise, an amount equal to the Reserve Fund Requirement for such Additional Bonds (as may be designated in the Supplemental Ordinance authorizing the issuance of such Additional Bonds). If at any time it shall be necessary to use moneys in the Reserve Fund for the purpose of paying principal of or interest on the Bonds as to which there would otherwise be default, then the money so used shall be replaced from the Sales Tax Revenues first thereafter received not hereinabove required to pay current principal and interest requirements, it being the intention hereof that there shall as nearly as possible be at all times in the Reserve Fund the amount hereinabove specified.

SECTION 4.5. Investment of Certain Funds and Accounts.

(A) Moneys held in any Fund or Account created and established pursuant to this Ordinance shall be invested and reinvested, to the fullest extent practicable, in Qualified Investments which mature not later than such times as shall be necessary to provide moneys for payments to be made from such funds and accounts, as required herein; provided however, that any such investment shall be made only in accordance with any instructions received from the Issuer.

(B) In computing the amount in the Sinking Fund and the Reserve Fund held under the provisions of this Ordinance, obligations purchased as an investment under the provisions of this Ordinance, obligations purchased as an investment of money therein shall be valued at the cost or market value thereof, whichever is lower, inclusive of accrued interest. The value of moneys and Qualified Investments on deposit in the Reserve Fund shall be determined as of December 31 in each year.

(C) Investments purchased as an investment of moneys in the Sinking Fund and the Reserve Fund shall be deemed at all times to be a part of such fund and any losses suffered due to the investment thereof shall be charged to such fund.

(D) Investment earning shall be credited as all amounts earned from the investment of moneys in the Sinking Fund and Reserve Fund, if any, to the Sinking Fund to be used for the payment of Debt Service on the next Interest Payment Date and/or Principal Payment Date and for such purpose. Debt Service due from the Issuer on such date shall be credited by an amount equal to the amount so transferred.

SECTION 4.6. Depositories, Security for Deposits.

(A) All Sales Tax Revenues received by the Issuer and all Qualified Investments purchased as an investment of moneys in any of the Funds shall be deposited with the Trustee of the Issuer and held for the benefit of the owners of the Bonds and applied only in accordance with the provisions thereof and hereof, and shall not be subject to any lien attachment by any other creditor of the Issuer.

(B) All moneys held in the Sinking Fund and Reserve Fund shall be secured to the fullest extent required or permitted by the laws of the State pertaining to the security of public deposits.

(C) Pay Costs of issuance.

**ARTICLE V
REDEMPTION OF BONDS**

SECTION 5 .1. Redemption of Bonds.

(a) **Optional Redemption.** The Bonds are subject to optional redemption prior to their stated maturity in an Authorized Denomination at the option of the Issuer on or after February 1, 2026, in whole on any date, or in part, from maturities selected by the Issuer, on thirty (30) Business Days’ notice, on any Interest Payment Date, by lot, or in such other manner as the Paying Agent/Registrar determines at the redemption price of 100% plus interest accrued to the date fixed for redemption.

(b) **Mandatory Sinking Fund Redemption.** The Bonds are subject to mandatory sinking fund redemption and will be redeemed prior to their maturity in part by payment of mandatory sinking fund installments, on each of the dates set forth below and in the respective principal amounts, without premium, set forth opposite each such date as follows:

Year	Principal	Interest Rate	Year	Principal	Interest Rate
2018	\$60,000	1.70%	2024	\$115,000	1.70%
2019	60,000	1.70	2025	915,000	1.70
2020	60,000	1.70	2026	930,000	1.70
2021	110,000	1.70	2027	950,000	1.70
2022	110,000	1.70	2028	960,000	1.70
2023	110,000	1.70	2029*	980,000	1.70

*Maturity Date

(c) **Notice of Redemption.** Whenever any Bond is to be redeemed under Section 5.1(a) above, any such notice of redemption shall be given in the name of the Issuer, shall specify the redemption date and the redemption price of 100%, and shall state that on the redemption date the Bonds called for redemption will be payable at the designated corporate trust office of the Bond Registrar and Paying Agent and that from

that date interest will cease to accrue. Failure to mail any notice of redemption or defect in the mailing thereof in respect of any Bond shall not affect the validity of the redemption of any other Bond with respect to which notice is properly given.

**ARTICLE VI
APPLICATION OF BOND PROCEEDS**

SECTION 6.1. (a) Proceeds of the Bonds in the amount of \$5,419,807.19 will be deposited into the Escrow Fund, established under the Escrow Deposit Agreement with the Escrow Agent, together with additional moneys, if any, of the Issuer which, together with the initial cash deposits deposited therein, if any, shall on the Closing Date be sufficient to pay and retire or redeem the Series 2009B Bonds, payable upon redemption and interest. The moneys so deposited with the Escrow Agent shall constitute trust funds irrevocably dedicated for the use and benefit of the owners of the Series 2009B Bonds.

(b) Proceeds not deposited in the Escrow Fund shall be applied first to the payment of Costs of Issuance and thereafter, any remaining moneys transferred to the Sinking Fund.

**ARTICLE VII
TAX AND SECURITIES LAWS COVENANTS**

SECTION 7.1. Tax Covenants. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Code to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer shall not take any action or fail to take any action, nor shall it permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, to acquire any securities or obligations the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in the Code or would result in the inclusion of the interest on any Bond in "gross income" under the Code; including, without limitation, (i) the failure to comply with the limitation on investment of the proceeds of the Bonds, (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" under the Code.

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 7.2. Bonds are "Bank Qualified". The Bonds are designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:

- (a) the Bonds are not private activity bonds within the meaning of the Code; and
- (b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities in the calendar year 2016 will not exceed \$10,000,000.

SECTION 7.3. Disclosure Under SEC Rule 15c2-1 2. It is recognized that the Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c-2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)], because:

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

SECTION 7.4. Indemnity Bonds. So long as any of the Bonds are outstanding and unpaid, the Issuer shall require all of its officers and employees who may be in a position of authority or in possession of money derived from the collection of the Tax, to obtain or be covered by a blanket fidelity or faithful performance bond, or independent fidelity bonds written by a responsible indemnity company in amounts adequate to protect the Issuer from loss.

SECTION 7.5. Issuer to Maintain Books and Records. So long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall maintain and keep proper books of records and accounts separate and apart from all other records and accounts in which shall be made full and correct entries of all transactions relating to the collection and expenditure of the Net Revenues of the Tax, including specifically but without limitation, all reasonable and necessary costs and expenses of collection. Not later than six (6) months after the close of each Fiscal Year, the Issuer shall cause an audit of such books and accounts to be made by the Legislative Auditor of the State of Louisiana (or his successor) or by a recognized independent firm of certified public accountants showing the receipts of and disbursements made for the account of the aforesaid Sales Tax Fund. Such audit shall be available for inspection upon request by the Owners of any of the Bonds; The Issuer further agrees that the Paying Agent and the Owners of any of the Bonds shall have at all reasonable times the right to inspect the records, accounts and data of the Issuer relating to the Tax.

**ARTICLE VIII
SUPPLEMENTAL BOND ORDINANCES**

SECTION 8.1. Supplemental Bond Ordinances Effective Without Consent of Owners. For any one or more of the following purposes and at any time from time to time, an ordinance supplemental hereto may be adopted, which, upon the filing with the Paying Agent of a certified copy thereof, but without any consent of Owners, shall be fully effective in accordance with its terms:

- (a) to add to the covenants and agreements of the Issuer in the Bond Ordinance other covenants and agreements to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;
- (b) to add to the limitations and restrictions in the Bond Ordinance other limitations and restrictions to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;
- (c) to surrender any right, power or privilege reserved to or conferred upon the Issuer by the terms of the Bond 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 Issuer contained in the Bond Ordinance;
- (d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision of the Bond Ordinance; or
- (e) to insert such provisions clarifying matters or questions arising under the Bond Ordinance as are necessary or desirable and are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect.

SECTION 8.2. Supplemental Bond Ordinances Effective With Consent of Owners.

Except as provided in Section 8.1, any modification or amendment of the Bond Ordinance or of the rights and obligations of the Issuer 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 Bond Obligation at the time such consent is given. No such modification or amendment shall permit a change in the terms of redemption 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 redemption price thereof or in the rate of interest thereon without the consent of the Owner, 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 Issuer to levy and collect the Tax for the payment of the Bonds 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 or the Escrow Agent without its written assent thereto. For the purposes of this Section, Bonds shall be deemed to be affected by a modification or amendment of the Bond Ordinance if the same adversely affects or diminishes the rights of the Owners of said Bonds. A supplemental ordinance, upon the filing with the Paying Agent of a certified copy thereof, shall become fully effective in accordance with its terms.

**ARTICLE IX
ADDITIONAL PARITY BONDS**

SECTION 9.1. Additional Bonds, Refunding Bonds. The Bonds, equally in all respects with the Outstanding Parity Bonds, shall enjoy complete parity of lien on the revenues and funds and accounts of the Issuer pledged pursuant to this Ordinance despite the fact that any Bond may be delivered at an earlier date than any other Bond. The Issuer shall hereafter issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the Sales Tax Revenues of the Issuer having priority over or parity with the Bonds and the Outstanding Parity Bonds, and any Outstanding pari passu bonds, except under the following conditions:

- (a) The Bonds or any part thereof, including interest and redemption premiums thereon, may be refunded and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any; provided, however that if only a portion of the Bonds outstanding is so refunded such portion of the Bonds may not be refunded without the consent of the owners of the unrefunded portion of the Bonds (provided, such consent shall not be required if such refunding of the Bonds meet the requirements set forth in clause (b) below of this Section).
- (b) Additional bonds may also be issued on a parity with the Bonds, the Outstanding Parity Bonds and any Outstanding pari passu bonds if all of the following conditions are met:
 - (i) The Sales Tax Revenues collected by the Issuer during a period of any twelve (12) consecutive months out of the eighteen (18) months immediately preceding the issuance of the Additional Bonds must have been not less than 1.50 times the highest combined principal and interest requirements for any succeeding Fiscal Year on all Bonds and the Outstanding Parity Bonds then Outstanding (but not including bonds which have been refunded or provision otherwise made for their full and complete payment and redemption), and the Additional Bonds proposed to be issued.
 - (ii) The payments required to be made into the Sinking Fund for principal and interest for all outstanding bonds, including the amounts required to be paid into any reserve fund for outstanding bonds, must be current, and there are no other Events of Default.

- (iii) The Additional Bonds must be payable as to principal on February 1 of each year in which principal falls due, and shall bear interest payable semiannually on February 1 and August 1 of each year.
- (iv) Any Ordinance providing for the issuance of series of Additional Bonds may set forth provisions governing the funding of the Reserve Fund in the amount of the respective Reserve Fund Requirement.
- (v) All Funds established under the Ordinance issuing such Additional Bonds shall be the same Funds established pursuant to this Ordinance.
- (vi) In connection with the issuance of any additional bonds which bear interest at a floating, variable or adjustable rate ("Variable Rate Bonds") for purposes of computing the highest combined principal and interest requirements in this Section, the interest rate on such bonds, while such bonds bear interest at a floating, variable or adjustable rate shall be calculated as that rate which is equal to the greater of (i) the then current short term interest rate borne by such Variable Rate Bonds (or, if no such bonds are then outstanding, by comparable variable rate obligations, the interest on which is calculated according to the same or similar index as that applicable to the proposed bonds) over the preceding twelve months, or (iii) that rate calculated by reference to the index of 25 Revenue Bonds published by the Bond Buyer (the "Proforma Rate"). In addition, no additional Variable Rate Bonds shall be issued unless (a) the Ordinance authorizing such bonds specifies (i) a maximum interest rate to be borne by such bonds, including any bonds held by a person (other than the Issuer) who is required to provide moneys necessary for payment to a bond owner to tenders his bonds pursuant to an option to tender (the "Liquidity Provider") and (ii) the payment of principal to the Liquidity Provider due to any acceleration of principal on the bonds or the payment of any interest due to the Liquidity Provider in excess of the interest rate on the Variable Rate bonds while such bonds are held by a person other than the Liquidity Provider shall be subordinate to the payment of Debt Service and (b) the short-term unsecured obligations of the Liquidity Provider are rated in the highest short-term rating category by Standard & Poor's Rating Services, a division of The McGraw-Hill Companies, Inc., Moody's Investors Service, Inc. or A.M. Best & Company. And the long-term unsecured obligations of the Liquidity Provider are rated "A" by Standard & Poor's Rating Services, a division of The McGraw-Hill Companies, Inc., Moody's Investor Service, Inc. and Fitch. For the purpose of calculating the Reserve Fund Requirement for Variable Rate Bonds the interest rate on the Variable Rate Bonds shall be the Proforma Rate.

SECTION 9 .2. Other Indebtedness and Liens. The Issuer shall not issue any bonds, notes or other evidences of indebtedness of similar nature, other than as provided in Section 9 .1, payable out of or secured by any pledge of or other lien or charge on the Sales Tax Revenues or other moneys, securities or funds paid or to be paid to or held or to be held by the Issuer or the Trustee under this Ordinance, and shall not create or cause to be created any lien or charge on the Sales Tax Revenues or such moneys, securities or other funds other than the lien and pledge created by this Ordinance; provided, however, that nothing herein shall prevent the Issuer from issuing evidences of indebtedness payable out of or secured by a pledge of or other lien or charge on the Sales Tax Revenues so long as such lien, charge or other encumbrance is subordinate to the lien or charge of this Ordinance on the Sales Tax Revenues.

ARTICLE X EVENTS OF DEFAULT

SECTION 10.1. Events of Default. If one or more of the following events (in this Ordinance called "Events of Default") shall occur:

- (a) if default shall be made in the due and punctual payment of the principal or Redemption Price of any Bonds or Outstanding Parity Bonds when and as the same shall become due and payable, whether at maturity or upon call from redemption, or otherwise; or
- (b) if default shall be made in the due and punctual payment of any installment of interest on any Bond or Outstanding Parity Bond when and as such interest installment shall become due and payable; or
- (c) if default shall be made by the Issuer in the performance or observance of any other of the covenants, agreements or conditions on its part in this Ordinance or in the Bonds or Outstanding Parity Bonds contained, and such default shall continue for a period of forty-five days after written notice thereof to the Issuer by the Trustee or by the Owners of not less than 25% of the bonds Outstanding; or
- (d) if the Issuer shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law; or then, upon the happening and continuance of any Event of Default the Owners of the Bonds, or the Trustee on their behalf, shall be entitled to exercise all rights and powers for which provision is made in the Act or in any provision of law.

SECTION 10.2. Application of Sales Tax Revenues and Other Moneys After Default. During the continuance of an Event of Default, the Trustee shall apply all moneys, securities and funds held in any Fund or Account (other than the Reserve Fund which shall be applied only as provided in Section 4.4 hereof) under the Ordinances and in the following order:

- (1) to the payment of reasonable and proper charges, expenses and liabilities of the Trustee and Paying Agent/Registrar and their respective counsel;
- (2) to the payment of interest due on the Bonds and the Outstanding Parity Bonds;
- (3) to the payment of principal of the Bonds and the Outstanding Parity Bonds that have become due and payable;
- (4) moneys to be distributed in accordance with this Section shall be distributed to Owners of the Bonds and the Outstanding Parity Bonds by determining the proportion that each Owner holds of the Outstanding Bonds and the Outstanding Parity Bonds.

SECTION 10.3. Remedies. (A) Upon the happening and continuance of any event of default specified in Section 10.1, the Trustee may, and in each such case upon the written request of the Owners of not less than twenty-five percent (25%) in aggregate principal amount of the Outstanding Bonds, shall, proceed, in its own name, and after receiving indemnity and such security satisfactory to it with respect to any costs and expenses which may be incurred, to protect and enforce its rights and the rights of the Bondholder(s) by such of the following remedies, as the Trustee, being advised by counsel, shall deem most effectual to protect and enforce such rights:

- (i) by suit, action or proceeding in accordance with the laws of the State, enforce all rights of the Bondholders;
- (ii) by bringing suit upon the Bonds;
- (iii) by action or suit, require the Issuer to account as if it were the trustee of an express trust for the Owners of the Bonds; and
- (iv) by action or suit, enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

(B) In the enforcement of any remedy under this Ordinance, the Trustee shall be entitled to sue for, enforce payment on or receive any and all amounts then or during any default becoming, and any time remaining, due from the Issuer for principal, Redemption Price, interest or otherwise, under any provision of this Ordinance or of the Bonds, and unpaid, with interest on overdue payments at the rate or rates of interest payable on such Bonds prior to maturity, together with any and all costs and expenses of collection and of all proceedings hereunder and under such Bonds, without prejudice to any other right or remedy of the Trustee or of the Bondholders, and to recover and enforce judgment or decree against the Issuer for the portion of such amounts remaining unpaid, with interest, costs and expenses, and to collect from any moneys available for such purpose, in any manner provided by law, the moneys adjudged or decreed to be payable.

SECTION 10.4 Termination of Proceedings. In case any proceeding taken by the Trustee on account of any event of default shall have been discontinued or abandoned for any reason, then in every such case the Issuer, the Trustee and the Bondholders shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Trustee shall continue as though no such proceeding had been taken.

SECTION 10.5 Bondholders' Direction of Proceedings. The Owners of the majority in principal amount of the Bonds then Outstanding shall have the right, by an instrument or concurrent instruments in writing executed and delivered to the Trustee, to direct the method of conducting all remedial proceedings to be taken by the Trustee hereunder, provided that the Trustee is first furnished indemnity and security satisfactory to it for all costs, expenses and liabilities which may be incurred in connection with the conducting of such proceedings and that such direction shall not be otherwise than in accordance with law or the provisions of the Ordinances, and that the Trustee shall have the right to decline to follow any such direction which in the opinion of the Trustee would be unjustly prejudicial to Bondholders not parties to such direction.

SECTION 10.6 Limitation on Rights of Bondholders. No Owner of any Bond shall have any right to institute any suit, action or other proceeding hereunder, or for the protection or enforcement of any right under the Parity Ordinances or any right under law unless such Owner shall have given to the Trustee written notice of the event of default or breach of duty on account of which such suit, action, or proceeding is to be taken, and unless the Owners of not less than twenty-five per cent (25%) in aggregate principal amount of the Bonds then Outstanding shall have made written request of the Trustee after the right to exercise such powers or right of action, as the case may be, shall have accrued, and shall have afforded the Trustee a reasonable opportunity either to proceed to exercise the powers herein granted or granted under the law or to institute such action, suit or proceeding in its name and unless, also, there shall have been offered to the Trustee reasonable security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby, and the Trustee shall have refused or neglected to comply with such request within a reasonable time; and such notification, request and offer of indemnity are hereby declared in every such case, at the option of the Trustee, to be conditions precedent to the execution of the powers under it is understood and intended that no Owner or Owners of the Bonds hereby secured shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security of the Prior Resolutions, or to enforce any right hereunder or under law with respect to the Bonds or this Ordinance, except in the manner herein provided, and that all proceedings shall be instituted, had and maintained in the manner herein provided and for the benefit of all Owners of the Outstanding Bonds.

Notwithstanding any of the foregoing provisions of this Section 10.6 or any other provisions of this Article X, the obligation of the Issuer shall be absolute and unconditional to pay the principal of, Redemption Price, if any, of and interest on the Bonds to the respective Owners thereof on the respective due date thereof, but solely out of Sales Tax Revenues, and nothing herein shall affect or impair the right of action, which is absolute and unconditional, of such Owners to enforce such payment.

SECTION 10.7 Parties in Interest. The Department (with respect to the Series 2009A Bonds only) and provider of Credit Facility, if any, shall be included as a party in interest and as a party entitled to (i) notify the Trustee of the occurrence of an Event of Default and (ii) request the Trustee to intervene in judicial proceedings that effect the Bonds or the security therefor. The Trustee is required to accept notice of an Event of Default from the Bond Insurer or the Department (with respect to the Series 2009A Bonds only).

SECTION 10.8 Possession of Bonds by Trustee Not Required. All rights of action under this Ordinance or under any of the Bonds, enforceable by the Trustee, may be enforced by it without the possession of any of the Bonds or the production thereof on the trial or other proceeding relative thereto, and any such suit, action or proceeding instituted by the Trustee shall be brought in its name for the benefit of all the Owners of such Bonds, subject to the provisions of this Ordinance.

SECTION 10.9 Remedies Not Exclusive. No remedy herein conferred upon or reserved to the Trustee or to the Owners of the Bonds is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to any other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

SECTION 10.10 No Waiver of Default. No delay or omission of the Trustee or of any Owner of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by the Ordinances to the Trustee and the Owners of the Bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.

SECTION 10.11 Notice of Event of Default. The trustee shall mail written notice to all Bondholders within thirty (30) days after knowledge of an Event of Default unless such Event of Default has been remedied or cured before the giving of such notice. Such notice shall be mailed postage prepaid to each Owner of Bonds then Outstanding at his address appearing upon the Bond Registrar of the Issuer as kept by the Paying Agent/Registrar. The Trustee shall mail written notice to the Bond Insurer upon knowledge by the Trustee of an Event of Default as described in Section 10.1 (i) or (ii) hereof. The Trustee shall mail written notice to the Bond Insurer, if any, within thirty (30) days of an Event of Default as described in Section 10.1 (iii) or (iv) hereof.

ARTICLE XI PAYING AGENT/REGISTRAR

SECTION 11.1 Appointment of Trustee and Paying Agent. Regions Bank is hereby appointed and designated as the Trustee and said Trustee shall signify its acceptance of the duties and obligations imposed upon it by this Ordinance by executing and delivering to the Issuer a written acceptance thereof prior to the delivery of the Bonds. Said Trustee, if so designated, may resign or be removed in accordance with the terms set forth herein.

SECTION 11.2 Paying Agent/Registrar; Appointment and Acceptance of Duties. (a) The Trustee is hereby appointed as Paying Agent/Registrar for the Bonds.

(b) The Paying Agent/Registrar shall signify its acceptance of the duties and obligations imposed upon it by this Ordinance by executing and delivering to the Issuer a written acceptance thereof.

(c) The principal office of the Paying Agent/Registrar is designated as the respective office or agency of the Issuer for the payment of the interest on and principal or Redemption Price of the Series Bonds.

SECTION 11.3 Responsibilities of Trustee and Paying Agent/Registrar. The recitals of fact contained in this Ordinance and in the Bonds shall be taken as to be the statements of the Issuer and neither the Trustee nor the Paying Agent/Registrar assumes any responsibility for the correctness of the same. Neither the Trustee nor the Paying Agent/Registrar makes any representations as to the validity or sufficiency of this Ordinance or of any Bonds or in respect of the security afforded by this Ordinance, and neither the Trustee nor the Paying Agent/Registrar shall incur any liability in respect thereof. Neither the Trustee nor the Paying Agent/Registrar shall be under any responsibility or duty with respect to the issuance of the Bonds or the application of the proceeds thereof or the application of any moneys paid to the Issuer of for any losses incurred upon the sale or redemption of any securities purchased for or held in any Fund or Account under this Ordinance. Neither the Trustee nor the Paying Agent/Registrar shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiduciary. Neither the Trustee nor the Paying Agent/Registrar shall be liable in connection with the performance of its duties under this Ordinance except for its own willful misconduct, negligence or default.

SECTION 11.4 Evidence on Which Trustee or Paying Agent/Registrar May Act. a. The Trustee and Paying Agent/Registrar shall be protected in acting upon any notice, request, consent, order, certificate, report, opinion, bond or other paper or document believed by it to be genuine, and to have been signed or presented by the proper party or parties. The Trustee and Paying Agent/Registrar may consult with counsel, who may or may not be counsel to the Issuer, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by the Trustee and Paying Agent/Registrar under this Ordinance in good faith and in accordance therewith.

b. Whenever the Trustee and Paying Agent/Registrar shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certification of an Authorized Officer, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Ordinance upon the faith thereof; but in its discretion the Trustee and Paying Agent/Registrar may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may seem reasonable.

c. Except as otherwise expressly provided in this Ordinance, any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by the Issuer to the Trustee or Paying Agent/Registrar shall be sufficiently executed if executed in the name of the Issuer by an Authorized Officer.

SECTION 11.5 Certain Permitted Acts. The Trustee and Paying Agent/Registrar may become the Owner of any Bonds or any other obligations of the Issuer with the same rights it would have if it were not the Trustee or Paying Agent/Registrar. To the extent permitted by law, the Trustee and Paying Agent/Registrar may act as depositary for, and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of Bond owners or the owners of any other obligations of the Issuer or to effect or aid in the enforcement of the Bonds or any other obligations of the Issuer or this Ordinance, whether or not any such committee shall represent the owners of the majority of the Bonds Outstanding.

SECTION 11.6 Resignation or Removal of Paying Agent/Registrar Appointment of Successor Paying Agent/Registrar.

a. The Paying Agent/Registrar may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving at least sixty days' written notice to the Issuer. Any Paying Agent/Registrar may be removed at any time by an instrument filed with such Paying Agent/Registrar and signed by the Issuer after approval of the Council. Any successor Paying Agent/Registrar shall be appointed by the Issuer and shall be a bank or trust company organized under the laws of any state of the United States or a national banking association, having a capital and surplus aggregating at least \$25,000,000 and willing and able to accept the office on reasonable and customary terms and authorized by law to perform all duties imposed upon it by this Ordinance.

b. In the event of the resignation or removal of any Paying Agent/Registrar, such Paying Agent/Registrar shall pay over, assign and deliver any moneys held by it as Paying Agent/Registrar to its successor. If for any reason there shall be a vacancy in the office of any Paying Agent/Registrar, the Fiscal Agent shall act as the Paying Agent/Registrar until a successor Paying Agent/Registrar meeting the requirements of Section 11.3(a) hereof is appointed.

SECTION 11.7 Resignation and Removal of Trustee.

a. The Trustee may resign and thereby become discharged from the trusts under this Ordinance by notice in writing to the Issuer and by notice mailed, postage prepaid, to all registered Owners and all parties entitled to notice hereunder not less than sixty (60) days before such resignation is to take effect, but such resignation shall take effect immediately upon the appointment of a successor Trustee pursuant to Section 11.8 hereof, if such successor Trustee shall be appointed before the time specified by such notice and shall accept such trust.

b. The Trustee may be removed at any time by an instrument or concurrent instruments in writing, filed with the Trustee and signed by the Owners of not less than a majority in principal amount of the Bonds then Outstanding or their attorneys-in-fact duly authorized. The Trustee shall promptly give notice of such filing to all parties entitled to notice hereunder.

c. The Issuer may remove the Trustee at any time except during an Event of Default, for such cause as shall be determined in the sole discretion of the Issuer by filing with the Trustee an instrument signed by an Authorized Officer of the Issuer.

(d) No removal or resignation of the Trustee shall become effective until a successor has been appointed and has accepted the duties of Trustee.

SECTION 11.8 Successor Trustee. a. If at any time the Trustee shall resign, or shall be removed, be dissolved or otherwise become incapable of acting or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator thereof, or of its property, shall be appointed, or if any public officer shall take charge or control of the Trustee or of its property or affairs, the position of Trustee shall thereupon

become vacant If the position of Trustee shall become vacant for any of the foregoing reasons or for any other reason, the Issuer shall appoint a successor Trustee to fill such vacancy. Within twenty (20) days after such appointment, the Issuer shall cause notice of such appointment to be mailed, postage prepaid, to all the registered Owners.

b. At any time within one (1) year after such vacancy shall have occurred, the Owners of a majority in principal amount of the Bonds then Outstanding, by an instrument or concurrent instruments in writing, signed by such Bond owners or their attorneys-in-fact thereunto duly authorized and filed with the Issuer, may appoint a successor Trustee, which shall, immediately and without further act, supersede any Trustee theretofore appointed. If no appointment of a successor Trustee shall be made pursuant to the foregoing provisions of this Section, the Owner of any Bond then Outstanding, or any retiring Trustee may apply to any court of competent jurisdiction to appoint a successor Trustee. Such court may thereupon, after such notice, if any, as such court may deem proper and prescribe, appoint a successor Trustee.

c. Any Trustee appointed under this Section shall be a national banking association or a bank or trust company duly organized under the laws of any State of the United States, a member of the Federal Deposit Insurance Corporation or its successor and authorized to exercise corporate trust powers within the State and to perform all the duties imposed by this Ordinance. At the time of its appointment, any successor Trustee or Co-Trustee must have combined capital, surplus and undivided profits aggregating not less than \$25,000,000.

d. Every Successor Trustee shall execute, acknowledge and deliver to its predecessor and to the Issuer an instrument in writing accepting such appointment, and thereupon such successor Trustee, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, immunities, powers and trusts, and subject to all the duties and obligations of its predecessor, with like effect as if originally named as such Trustee; but such predecessor shall, nevertheless, upon the written request of its successor or of the Issuer, and upon payment of the compensation, expenses, charges and other disbursements of such predecessor that are due and payable, deliver all property and moneys held by it under the Ordinance to its successor. Any successor Trustee shall promptly notify the Paying Agent/Registrar of its appointment as Trustee.

(e) Any company into which the Trustee may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it shall be a party or any company to which the Trustee may sell or transfer all or substantially all of its corporate trust business, provided such company shall be a national banking association or a bank or trust company duly organized under the laws of any state of the United States, a member of the Federal Deposit Insurance Corporation or its successor and authorized to exercise corporate trust powers within the State and to perform all the duties imposed upon it by the Ordinance, shall be the successor to such Trustee without the execution or filing of any paper of the performance of any further act.

(f) Any Trustee who becomes incapable of acting as Trustee shall pay over, assign and deliver to its successor any moneys, funds or investments held by it and shall render an accounting to the Issuer.

SECTION 11.9 Notice to Issuer. The Trustee shall give the Issuer an annual report as to whether it has become aware of any failure of any party to this Ordinance to comply with the provisions of such Ordinance and, if so, shall specify the details thereof. Upon becoming aware of any condition or event that constitutes, or which with the giving of notice or the passage of time or both would constitute, an Event of Default under this Ordinance, the Trustee shall deliver to the Issuer a written notice stating the existence thereof.

SECTION 11.10 Successor Trustee/Paying Agent/Registrar. Notwithstanding anything contained in this Ordinance, in the event the Trustee and Paying Agent/Registrar shall resign or shall merge or be consolidated with any other entity, or if the Trustee and/or Paying Agent/Registrar shall sell or transfer all or substantially all of its corporate trust business to any other entity, the Issuer is hereby authorized, in its sole discretion, to approve or disapprove of any resulting successor trustee and/or paying agent/registrar, and in the event and to the extent such successor trustee and/or paying agent/registrar shall not be approved by the Issuer, a successor paying agent/registrar and/or successor trustee shall be appointed by the Issuer in accordance with the provisions set forth in Section 11.6 and Section 11.8 hereinabove, as the case may be.

ARTICLE XII

SALE OF THE BONDS

SECTION 12.1 Sale of the Bonds. (a) The Bonds are hereby awarded to and sold to the Purchaser at the price of par and under the terms and conditions set forth in the commitment letter attached hereto as Exhibit C, under the terms and conditions set forth herein, and after their execution the Bonds shall be delivered to the Purchaser, upon receipt by the Issuer of the Purchase price.

ARTICLE XIII

REDEMPTION OF REFUNDED BONDS

SECTION 13.1. Call for Redemption. The Issuer's outstanding Sales Tax Bonds, Series 2009B, maturing serially on February 1 of the years 2021 to 2029, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto, are hereby called for redemption on February 1, 2020, at the principal amount of each bond so redeemed, together with accrued interest to the call date, in compliance with the ordinance authorizing their issuance.

SECTION 13.2. Notice of Call for Redemption. In accordance with the ordinance authorizing the issuance of the Refunded Bonds, a notice of call for redemption shall be sent by the paying agent for the Refunded Bonds to the registered owners of the Refunded Bonds as the same appear on the registration books of said paying agent by means of first class mail not less than thirty (30) days nor more than forty-five (45) days prior to the date of redemption.

ARTICLE XIV. MISCELLANEOUS

SECTION 14.1 Defeasance.

a. If the Issuer shall pay or cause to be paid to the owners of all Bonds then Outstanding, the principal or Redemption Price, if any, and interest to become due thereon, at the times and in the manner stipulated therein and in this Ordinance, then the covenants, agreements and other conditions of the Issuer to the Bond owners shall be discharged and satisfied. In such event, the Paying Agent/Registrar shall, upon the request of the Issuer, execute and deliver to the Issuer all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent/Registrar shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to this Ordinance which are not required for the payment or redemption of Bonds not theretofore surrendered for payment or redemption.

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

SECTION 14.2 Evidence of Signatures of Bond Owners and Ownership of Bonds.

a. Any request, consent, revocation of consent or other instrument which this Ordinance may require or permit to be signed and executed by the Bond Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Bond Owners in person or by their attorneys-in-fact appointed in writing. Proof of (i) the execution of any such act or of an instrument appointing any such attorney, or (ii) the owning by any person of the Bonds shall be sufficient for any purpose of this Ordinance (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Paying Agent/Registrar which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

(1) the fact and date of the execution by any Bond Owner or his attorney-in-fact of such instruments may be proved by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company or of any notary public or other officer authorized to take acknowledgments of deeds, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer.

Where such execution is by an officer of a corporation or association or other member of a partnership, on behalf of such corporation, association or partnership, such certificate or affidavit shall also constitute sufficient proof of his authority;

(2) the ownership of Bonds and the amount, numbers and other identification, and date of owning the same shall be proved by the Bond Register.

b. Any request or consent by the Owner of any Bond shall bind all future owners of such Bond in respect of anything done or suffered to be done by the Issuer, the Trustee or the Paying Agent/Registrar in accordance therewith.

SECTION 14.3. The Maintenance of Books and Records. The Issuer will maintain and keep proper books of record and accounts separate from all other records and accounts in which shall be made full and correct entries of all transactions relating to the collection and expenditure of the Sales Tax Revenues. After the close of each Fiscal Year, the Issuer shall cause an audit of such books and accounts to be made by a recognized independent firm of certified public accountants showing the receipts of and disbursements made from the account of the Sales Tax Fund and other funds or accounts herein required. Such audit shall be available for inspection upon request by the Owners of any of the Bonds. The Issuer further agrees that the Trustee and Owner of any of the Bonds shall have at all reasonable times the right to inspect the records, accounts and data of the Issuer relating to the Sales Tax Revenues.

SECTION 14.4. Fidelity Bonds. So long as any of the Bonds are outstanding and unpaid, the Issuer shall require all of its officers and employees who may be in a position of authority or in possession of money derived from the collection of the Sales Tax Revenues to obtain or be covered by a blanket fidelity or faithful performance bond, or independent fidelity bonds written by a responsible indemnity company in amounts to protect the Issuer from the loss.

SECTION 14.5. General. The Issuer shall do and perform or cause to be done and performed all acts and things required to be done or performed by or on behalf of the Issuer under provisions of law, including the Act and this Ordinance in accordance with the terms of such provisions.

SECTION 14.6 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 Issuer, the Trustee, the Paying Agent/Registrar, and the Owners of the Bonds any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Trustee, the Paying Agent/Registrar and the owners of the Bonds.

SECTION 14.7 No Recourse Against Members of Governing Authority. 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 Issuer or any person executing the Bonds.

SECTION 14.8 Successors and Assigns. Whenever in this Ordinance the Issuer 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 Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 14.9 Certification of Proceedings. This Governing Authority, having investigated the regularity of the proceedings had in connection with the issuance of the Bonds herein authorized and having determined the same to be regular, each of said Bonds shall contain the following recital, to-wit:

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

SECTION 14.10 Severability. In case any one or more of the provisions of this Ordinance or of the Bonds issued hereunder for any reason should be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or of the Bonds, but this Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of this Ordinance, which validates or makes legal any provision of this Ordinance or of the Bonds, which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance and to the Bonds.

SECTION 14.11 Publication of Ordinance. A copy of this Ordinance shall be published immediately after its adoption in the official journal of the Issuer. For a period of thirty (30) days from the date of such publication any person in interest shall have the right to contest the legality of this Ordinance and of the Bonds issued pursuant hereto and the provisions securing the Bonds. After the expiration of said thirty (30) days, no one shall have any right of action to contest the validity of the Bonds, the security therefor, or the provisions of this Ordinance, and the Bonds shall be conclusively presumed to be legal and no court shall thereafter have authority to inquire into such matters.

SECTION 14.12 Notices. Any notice, demand, direction or other instrument authorized or required by the Ordinance to be given to or filed with the Issuer shall be deemed to have been sufficiently given or filed for all purposes hereof if and when sent by registered mail, return receipt requested:

If to the Issuer: City of Gretna
 c/o Mayor
 P. O. Box 404
 Gretna, Louisiana 70054-0404

SECTION 14.13 Headings. The headings of the various Articles and Sections hereof are inserted for convenience of reference only and shall not control or affect the meaning or construction of any of the provisions hereof.

SECTION 14.14 Effective Date. Provided that a majority of the City Council of the City of Gretna have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns same, unsigned, to the Clerk during that ten-day period.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

Mr. Ken Schexnayder, Municipal Advisor with Sisung Securities in New Orleans informed the Mayor and Council that on October 14, 2016 Sisung sent out offers to 16 banks, to purchase bonds issued by the City of Gretna to refund the 2009B series sales tax bonds. The offers were due yesterday and Sisung received 5 offers. The banks that submitted were Iberia Bank, Chase Bank, Hancock Bank, Whitney Bank, Regions Bank and Gulf Coast Bank; the lowest rate received was from Iberia Bank at 1.7% and the second lowest was Chase Bank at 1.94%. The lowest offer by Iberia Bank was accepted and with that, it translated into a savings to the City of \$620,000; which is \$60,000 per year. The Bond Commission like to see an average of 3% savings and with this low interest rate, it computes to a 12.8% savings. This is extremely good for the city and are very pleased with the rates.

Mr. Schexnayder thanked Mrs. Raylyn Stevens, Finance Director for her cooperativeness in the provision of information requested. This transaction is expected to close on December 16, 2016.

Ms. Betty Earnest, Becknell Law Firm addressed the Mayor and Council with the pertaining information needed to fill in the blanks spaces within above ordinance. Ms. Earnest provided Page by page the information needed to complete of the ordinance.

In conclusion, Ms. Earnest commented, with the low response of 1.7%, was a testament to the banking community confidence in the City of Gretna, LA, thanks to the Mayor, the Council and the Finance Director, of which the city should be very proud of. Ms. Earnest informed the City Clerk sitting at the dais, that she will forward the completed ordinance to her for its format completion tomorrow morning.

Mayor Constant thanked Mrs. Raylyn Stevens for her work; thank Mr. Schexnayder and Miss Earnest for working with the city on this bond, it is appreciated.



Audit Report – Mr. Edward Camnetar, City Auditor

Mr. Edward Camnetar, Camnetar & Co., CPAs thanked the Mayor and City Council for allowing his company to serve as the city's auditor for many years. He recognized the cooperation and professionalism of Mrs. Raylyn Stevens and staff. The audit was a collaborative effort with the city's financial personnel, it would be impossible to complete the audit timely. Mr. Camnetar provided a brief synopsis of the audit conducted. The audit was completed in September and was submitted timely to the Legislative Auditor's Office. Issued reports without findings and for the first time in 10 years, did not issue a Management Advisory Letter. Congratulations to the Finance Department and the City Administration.

The main operating fund of the city (General Fund) produced a \$395,000 surplus. Unreserve fund balance in General Fund is \$5,105,000 which is 23% of the city's annual expenditures, a healthy state. City took some of the BP money (BP Lawsuit) \$1,968,000 and placed it in a reserve fund balance for economic development. All city's operating funds, special revenues funds and enterprise funds have positive fund balances and operated within their adopted budgets. The Water and Sewer Fund is on schedule, repaying owed debt to the General Fund, and it is almost liquidated. The reports are available on the Legislative Auditor's Website and should be on the City of Gretna's Website. It is an accomplishment.

Mayor Constant congratulated Mrs. Raylyn Stevens, Finance Director and the administrative staff.



Consideration and Adoption of Resolutions (Floor):

On motion by **Councilman Rau** and seconded by **Councilman Hinyub**, the following resolution was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Rau, Hinyub, Crosby, Miller and Berthelot**

Nays: None

Absent: None

RESOLUTION NO. 2016-071

A resolution authorizing Mayor Belinda C. Constant to execute Supplemental Agreement No. 2 between the City of Gretna (Entity) with the Louisiana Department of Transportation and Development (LADOTD), relative to State Project No. H.001413; Federal Aid Project No. H001413 regarding the LA 18 4th Street Extension-Burmester (Gretna) Jefferson Parish.

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, it is the interest of the City of Gretna to promote the economic development and quality of life aspects of its citizens; and

WHEREAS, the Fourth Street Extension will provide a more direct route for current truck traffic servicing the industrial area along First Street; and

WHEREAS, the Department of Transportation and Development and the City of Gretna entered into a formal agreement on May 31, 2001 to extend existing 4th Street from its intersection with Richard Street to its intersection with Burmaster Street, and supplemental Agreement No. 1, dated 24, 2016, to update language in Article 4; and

WHEREAS, it is necessary to amend Article 7 to update language in the Original Agreement to Cost Reimbursement; and

WHEREAS, DOTD is agreeable to the implementation of this Project and desires to cooperate with the City of Gretna as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, acting as legislative authority for the City of Gretna, that:

Mayor Belinda C. Constant is hereby authorized to execute Supplemental Agreement No. 2 between the City of Gretna (Entity) with the Louisiana Department of Transportation and Development (LADOTD), relative to State Project No. H.001413; Federal Aid Project No. H001413 regarding the LA 18 4th Street Extension-Burmaster (Gretna) Jefferson Parish.



On motion by **Councilman Rau** and seconded by **Councilman Hinyub**, the following resolution was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Rau, Hinyub, Crosby, Miller and Berthelot**

Nays: None

Absent: None

RESOLUTION NO. 2016-072

A resolution authorizing Mayor Belinda C. Constant, to ratify an Intergovernmental Agreement between the City of Gretna “CITY” and Jefferson Parish “PARISH” for the promotion and staging of tourism-related events and/or other economic development activities within the City of Gretna for a cost not to exceed \$25,000. (Parish Council District 1)

WHEREAS, Article VII, Sec. 14(B) of the Louisiana Constitution of 1974 provides that public funds may be used for programs of social welfare for the aid and support of the citizens of the City of Gretna and Parish of Jefferson; and

WHEREAS, the City of Gretna wishes to enter into an Intergovernmental Agreement with the Parish of Jefferson to accept their assistance in the promotion and staging of tourism related events and/or other economic development activities within the City of Gretna; and

WHEREAS, City of Gretna will promote and stage tourism-related events and/or other economic development activities within the City of Gretna, Jefferson Parish, Louisiana.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

Mayor Belinda C. Constant, is hereby authorized to ratify an Intergovernmental Agreement between the City of Gretna “CITY” and Jefferson Parish “PARISH” for the promotion and staging of tourism-related events and/or other economic development activities within the City of Gretna for a cost not to exceed \$25,000. (Parish Council District 1)



On motion by **Councilman Berthelot** and seconded by **Councilman Miller**, the following resolution was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Berthelot, Miller, Rau, Crosby and Hinyub**

Nays: None

Absent: None

RESOLUTION NO. 2016-073

A resolution authorizing Mayor Belinda C. Constant, to ratify Amendment No. 1 of the Intergovernmental Agreement between the City of Gretna and the Parish of Jefferson for the development and maintenance of Centennial Park for a cost not to exceed \$698,800.00. (Parish Council District 1) (City Council District 4)

WHEREAS, the City of Gretna and Jefferson Parish entered into an agreement, on August 17, 2015, which permitted any parish, municipality or political subdivision of the state, or any combination thereof, to make agreements between or among themselves to engage jointly in the promotion and maintenance of any undertaking or the exercise of any power, provided that at least one of the participants to the agreement is authorized under a provision of general or special law to perform such activity or exercise such power as may be necessary for completion of the undertaking; and

WHEREAS, the City of Gretna to ratify Amendment No. 1 to this Intergovernmental Agreement with Jefferson Parish for the development and maintenance of Centennial Park, to increase the cap on the Parish's financial obligation for the Centennial Park project from \$640,000 to \$648,800; and

WHEREAS, the financial obligation of the City of Gretna for the project shall remain at \$50,000.00; and

WHEREAS, the public purpose is to increase available parking space for the Jefferson Parish Library's Gretna Branch; restrict street parking, which impedes emergency access to the neighboring community by responding police, fire and medical personnel; and for the creation of an amenity park-like area for City and Parish residents to use and enjoy when accessing the Gretna Branch of the Jefferson Parish Library, and for other such qualifying use by the City and Parish, with the addition of \$8,800.00 to the Parish's financial obligation for the project to be used for additional fencing and landscaping on the project's perimeter.

Mayor Belinda C. Constant is hereby authorized to ratify Amendment No. 1 of the Intergovernmental Agreement between the City of Gretna and the Parish of Jefferson for the development and maintenance of Centennial Park for a cost not to exceed \$698,800.00. (Parish Council District 1) (City Council District 4)



On motion by **Councilman Rau** and seconded by **Councilman Crosby**, the following resolution was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Rau, Crosby, Hinyub, Miller and Berthelot**
Nays: None
Absent: None

RESOLUTION NO. 2016-074

A resolution authorizing Mayor Belinda C. Constant, to execute Supplemental Agreement No. 1, which amends the existing Intergovernmental Agreement with the Parish of Jefferson to cooperate in the development of an Environmental Review of the Proposed Relocation of the New Orleans and Gulf Coast Railway (NOGC) Track Located in the West Bank of Jefferson Parish and Plaquemines Parish, to extend the term of the Cooperative Endeavor Agreement one year. (Council Districts 1, 2, 3)

WHEREAS, there is an existing Agreement between City of Gretna and Jefferson Parish, dated November 17, 2014, committing the City of Gretna to provide half of the required Jefferson Parish local matching funds, an amount of \$26,666.50, for the development of an Environmental Review of the Proposed Relocation of the New Orleans and Gulf Coast Railway (NOGC) Track Located in the West Bank of Jefferson Parish and Plaquemines Parish, to increase the potential for economic growth and reduce the amount of vehicle accidents and congestion caused by frequent rail movements by identifying and developing an alternative to the current Gulf Coast (NOGC) railway alignment through the City of Gretna and along LA 23/Belle Chasse Highway (hereinafter, the PROJECT); and

WHEREAS, the Regional Planning Commission (RPC) applied for a grant from the Federal Railroad Administration (FRA) to perform an Environmental Review for the relocation of the NOGC track located in Jefferson and Plaquemines Parishes along LA 23/Belle Chasse Highway in the amount of \$640,000.00 which required a 20% local match of \$160,000.00 to be funded by the RPC in the amount of \$27,667.00, by Plaquemines Parish in the amount of \$79,000.00, and Jefferson Parish in the amount of \$53,333.00 of which the City of Gretna would reimburse the Jefferson Parish an amount of \$26,666.50; and

WHEREAS, the FRA approved the grant on October 1, 2014 and the RPC is responsible for implementation of the Environmental Review with input provided by Federal, State, Jefferson Parish, and Plaquemines Parish authorities; and

WHEREAS, the RPC advertised for Statements of Qualifications from qualified consulting engineering firms to perform the Environmental Review which statements were evaluated by a Committee consisting of members of the RPC, Jefferson Parish Engineering Department, and the Louisiana Department of Transportation and Development; and

WHEREAS, the RPC selected the Consulting Engineering firm ranked highest by the Committee, HDR, to perform the Review and subsequently entered into a contract with the firm to perform all work associated with the Review; and

WHEREAS, the Review is in the final stage of completion; and

WHEREAS, considering the complexity and importance of the PROJECT, it is in the best interest of the CITY to extend the Intergovernmental Agreement for one (1) year, from November 17, 2016, to November 17, 2017, allowing sufficient time for completion of all necessary work associated with the ongoing PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

SECTION 1. That the Gretna City Council does hereby authorize the execution of Supplemental Agreement No. 1, which amends the existing Intergovernmental Agreement with the City of Gretna to cooperate in the development of an Environmental Review of the Proposed Relocation of the New Orleans and Gulf Coast Railway (NOGC) Track Located in the West Bank of Jefferson Parish and Plaquemines Parish, to extend the term of the Intergovernmental Agreement one year from a termination date of November 17, 2016 to a termination date of November 17, 2017.

SECTION 2. That the RPC commitment of \$27,667.00, the Plaquemines Parish commitment of \$79,000.00, and the City of Gretna commitment of \$26,666.50 to develop an Environmental Review of the Proposed Relocation of the New Orleans and Gulf Coast Railway (NOGC) Track Located in the West Bank of Jefferson Parish and Plaquemines Parish detailed in the original Intergovernmental Agreement remain unchanged.

SECTION 3. That the Jefferson Parish commitment of \$26,666.50 (\$53,333.30 with reimbursement by the City of Gretna in the amount of \$26,666.50) in local matching funds to develop an Environmental Review of the Proposed Relocation of the New Orleans and Gulf Coast Railway (NOGC) Track Located in the West Bank of Jefferson Parish and Plaquemines Parish detailed in the original Intergovernmental Agreement remains unchanged.

SECTION 4. That the total cost for Jefferson Parish pursuant to this Agreement shall remain at \$26,666.50 and shall be charged to Account No. 44560-4008-7451 (45602.001).

SECTION 5. That Mayor Belinda C. Constant of the City of Gretna, be and is hereby authorized to execute any and all documents necessary to give full force and effect to this resolution.



On motion by **Councilman Rau** and seconded by **Councilman Miller**, the following resolution was read and adopted section by section and then as a whole by the following vote:

Yeas: **Councilmen Rau, Miller, Crosby, Hinyub and Berthelot**
Nays: None
Absent: None

RESOLUTION NO. 2016-075

A resolution authorizing Mayor Belinda C. Constant, to execute and Intergovernmental Agreement on behalf of the City of Gretna with the Parish of Jefferson for their assistance in providing payment for (18) Closed Circuit Television Cameras and video recording server for monitoring and providing surveillance of ingress and egress locations throughout the Police Department Headquarters. (Parish Council District 1)

WHEREAS, pursuant to Resolution No. 125929, adopted on the 21st day of October, 2015, the Jefferson Parish Council ratified an Intergovernmental Agreement between Jefferson Parish and the City of Gretna Police Department; and

WHEREAS, Jefferson Parish and the City of Gretna Police Department never executed that certain Intergovernmental Agreement adopted on the 21st day of October 2015; and

WHEREAS, that certain agreement erroneously referenced City as “City of Gretna Police Department” and the amount of the Urban Area Security Initiative (UASI) Grant as \$46,457.62; and

WHEREAS, it is in the mutual interests of both Parties to rescind Resolution No. 125929 and correct said errors contained in the Intergovernmental Agreement; and

WHEREAS, the Parish and the City are authorized to enter into this agreement pursuant to La. R.S. 33:1324 which permits any parish, municipality or political subdivision of the state, or any combination thereof, to make agreements between or among themselves for police, fire, and health protection; and

WHEREAS, the Parish, pursuant to Jefferson Parish Charter, Section 1.01(5), has the authority to provide law enforcement, police protection, and traffic control services; develop and administer training, communications, records, crime investigation, jail and stockade facilities, and related services for the benefit of all citizens of Jefferson Parish; and

WHEREAS, the public purpose of the project is to provide Closed Circuit Television Cameras and video recording server for monitoring and providing surveillance of ingress and egress locations throughout the police department headquarter benefitting the residents of Jefferson Parish; and

WHEREAS, Jefferson Parish has a reasonable expectation of receiving the benefit of a safer Parish through a better equipped police force at least equivalent to the \$47,240.18; and

WHEREAS, Jefferson Parish has been designated as the recipient of numerous grants from the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), or other state or federal agencies, part of the purpose of which is to place equipment with various agencies located within Jefferson Parish; and

WHEREAS, the City has agreed to use the eighteen (18) Closed Circuit Television Cameras and video recording server in the use identified and approved by the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP); and

WHEREAS, the Parish wishes to enter into an Intergovernmental Agreement with the City to provide payment in the amount not to exceed \$47,240.18 for the purchase of eighteen (18) Closed Circuit Television Cameras and video recording server for monitoring and providing surveillance of ingress and egress locations throughout the police department headquarters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Gretna, Louisiana, acting as governing authority of said City that:

SECTION 1. That the attached Intergovernmental Agreement between the City of Gretna and Jefferson Parish for eighteen (18) Closed Circuit Television Cameras and video recording server for a cost not to exceed \$47,240.18, is hereby approved.

SECTION 2. SECTION 5. That Mayor Belinda C. Constant of the City of Gretna, be and is hereby authorized to execute any and all documents necessary to give full force and effect to this resolution.



Historic District Commission Appeals:

431 11th Street – Brent Trauth, Appellant

Mr. Brent Trauth apologized to the Mayor and City Council for not obtaining the proper paperwork for the work he performed. Would appreciate consideration in approving the completed work. The work done was for cement and a garage structure at the rear of 431 11th Street. He informed Councilman Hinyub and he reviewed everything that was done.

Mr. Daniel Rosenthal, member and representative for the Historic District Commission addressed the Mayor and Council.

Mr. Rosenthal provided as follows: Mr. Trauth has appeared before the HDC on numerous occasions with projects. Expressed that city officials with enforcement capability, consider supporting the HDC's position. - This matter began as "stop work order" on a fence erected without proper permitting. During that process, it was discovered the entire green space along several lots had been paved. A fence was moved, destroyed or replaced with a fence which is not historically appropriate. The Historic District Commission separated this matter into three components. One project was approved; the garage and paving were denied. The HDC's position was, not only the building was inappropriate, but they reviewed it under the National Park Service (NPS) standards, for preservation, which they should be addressing lot coverage, footprints, land use, zoning, (Gretna has a wonderful zoning organization mechanism sensitive to historic preservation). Under the National Park Service standards HDC is to look at bulk positive and negative externalities that projects bring. Review rhythms of the structure in relationship to neighborhoods.

One of the things considered, (Lafayette Street is zoned commercial), look at commercial type activity; and the paving appears to be supporting commercial structures on Lafayette Street across residential properties. Looking at the historic nature of the city, look at precedents, although in the French Quarter, noticed court yards in properties completely taken up with structures, paving etc. Found no similar circumstance in the Gretna, this is unique. It is completely paved over with no green space in a traditionally residential area that when you look at the neighborhoods, there are lawns and green space available.

Allowing an inappropriate fencing and concrete because there are precedents, seems contradictory. Members of the Council are empowered with police powers for a municipality to enforce ordinances. Rather than allowing one more time, which opens us to capricious and arbitrary; and at least for once need to heed to enforceability of the ordinances; allowing the violation, in going outside of the historic nature. The Historic District Commission really feels that this matter is inappropriate to be allowed to continue without asking to be put back. He now asks the Council to support the position of the Historic District Commission.

Councilman Hinyub stated he visited the site met with the owner; confirmed that it is not being or contemplated to be used for commercial use. The driveway stands back to a storage building where personal items are housed. The commercial building that the new driveway extends to is not being used commercially. He understood that Mr. Trauth did the projects to improve his property and that some of the things that he does, is for the betterment of Gretna.

Councilman Hinyub stated it strayed away from the appeal itself and one of the biggest concerns is that all this work was done without a permit. You have to follow the proper procedure, apply for a permit; if Historic District Commission review is needed, follow it. In some cases it may not be totally appropriate but modifications can be made to historic appropriateness. The council never wants to be in this position; we are at this point in appeal process due to neglect to obtain the permit and to follow the proper procedure. In going forward, Councilman Hinyub wanted to make it absolutely clear that latitude he may receive now will not happen in the future.

At this time, Councilman Hinyub commended the volunteers of the Historic District Commission, they do a tremendous job and take a lot of heat in some cases for what they do and do not get credit. He asked Mr. Rosenthal to deliver the message to the Historic District Commission members. After meeting with Mr. Trauth, he consulted with the City attorney, who advised that basically in the case of the flatwork paving and the fence both meet zoning requirements. In looking at how the HDC looked at the project was visually and the amount of concrete. Based on the City Attorney's opinion that the concrete is not applicable to HDC review and that the fence as constructed does mimic or is applicable to other fences in the city. He expressed to Mr. Trauth he was not elated at what he did, but at this time he is compelled to grant the appeal.

Appeal vote: Concrete/flatwork

On motion by **Councilman Hinyub** and seconded by **Councilman Miller**, **IT WAS RESOLVED** to approve the appeal by the applicant and reverse the ruling of the Historic District Commission to allow the concrete/flatwork as completed to remain for the property located at 431 11th Street, by the following vote:

Yeas: **Councilman Hinyub, Miller, Rau, Crosby and Berthelot**

Nays: None

Absent: None

There were no comments from the public and/or Council.

Appeal vote: Fence as erected

On motion by **Councilman Hinyub** and seconded by **Councilman Miller**, **IT WAS RESOLVED** to approve the appeal by the applicant and reverse the ruling of the Historic District Commission to allow the fence as erected to remain for the property located at 431 11th Street, by the following vote:

Yeas: **Councilman Hinyub, Miller, Rau, Crosby and Berthelot**

Nays: None

Absent: None

There were no comments from the public and/or Council.

Councilman Hinyub lastly warned Mr. Trauth that if for whatever reason in the future he decides to use what he has created for commercial use, it would definitely be a violation of the city's zoning.

Mr. Trauth stated that he would definitely not use any part of that for customers or commercial use; it was never the intention.

Mayor Constant reminded Mr. Trauth there would be a fine attached to the permit (contact Building Department), next time, and call before digging.



REPORTS:**Police Department: None****City Engineer (Burk-Kleinpeter, Inc.)**

Mr. William Bane, P. E. provided a monthly Project Status report dated November 9, 2016, report was uploaded to Novus as part of the Agenda packet and on file in the office of the City Clerk.

Departmental Reports distribution:

Monthly reports dated November 9, 2016 were distributed, to the Mayor and Council Members; reports on file in City Clerk's Office from the following departments: Public Works Department, Building Department, Historic District Commission and Code Enforcement.

Reports uploaded to Novus as part of the Agenda packet and on file in the office of the City Clerk.

**Council District Reports:****Councilman Crosby (District 1)**

Councilman Crosby informed all that the Hancock Street Renovation Project is well underway.

Matter of 2110 Pratt Street - - Mrs. Azalea Roussell, provided information relative to 2110 Pratt Street as follows: The business opened August 2016. The applicants were issued a license to operate as a restaurant serving alcohol. The Council approved the liquor license August 10, 2016. Since that time, there have been situations of parking, using the facility as a rental hall with live entertainment, which did not include the police security at the location. The police department was called and they were issued a citation. Subsequent to that, the business owner has applied for three (3) live entertainment permit on a weekly basis. The city understands that they are operating as a bar.

Mrs. Roussell initially did inspection (with police officer) once licensed, there was no food inventory, lots of alcohol for the bar. They are operating outside the scope of what they are licensed for. Periodically she has been scouting the location (with supporting documentation) during lunch hour and there has been no activity; with only two vehicles always parked there.

Mrs. Roussell explained that initially when the applicants approached the city, they already had a signed lease; they inquired about opening a bar and at that time there was a moratorium on bars in the city which still exists. The applicants were upset and they could not get out of their lease. So they decided to open a restaurant serving alcohol and now this is the situation the city currently has.

Councilman Crosby expressed he was strongly against bars coming into his district; his district has enough bars already.

Mayor Constant stated this matter needed to be brought to the Council's attention and she wanted the public to understand what the city is dealing with. There is a moratorium on "Class A" licenses in the city (bars, nightclubs, etc.) The owners came back to the city, asked for a license for a restaurant serving alcohol; but had not operated as a restaurant to date. Last week they were given a special event permit for a weekend. Came back again for an event permit and were denied. It is turning into an event hall, which is another type of license. Wanted this matter before the Council because the city is approaching the point and time where the Council can ask for suspension of the license and is asking for a special hearing on this license as to whether or not they should have a license at all. It has not clearly been demonstrated that it is a restaurant. Since the applicant is not acting within the scope of his license, she asked the Council to consider a special meeting to revoke the license they presently have, under the application that it is restaurant serving alcohol.

Chief Lawson (GPD) added, that when Mrs. Roussell inspected, she saw a dance floor, staging for a band and lighting used for a bar.

Mr. Mark Morgan, City Attorney advised that procedurally the city can proceed on two grounds. One, the business license and second the alcohol license. The applicant is entitled to a hearing, the city met the requirements at this meeting of initiating the procedure by either the mayor, a council member or the Police Department. At this point, the applicant has to be noticed that there will be a hearing conducted to suspend both his business and alcohol license. There is a 10-day period lapsed before the hearing takes place before the City Council (as judges); the city attorney (as advocator for revocation of the license). The applicant is entitled to come before the Council and plead his case in defense to keep their licenses.

On motion by **Councilman Crosby** and seconded by **Councilman Hinyub**, **IT WAS RESOLVED** to call for a Special meeting for Tuesday, November 22, 2016 for the purpose of a revocation hearing of the business license of 3 J's Restaurant located at 2110 Pratt Street, by the following vote:

Yeas: **Councilmen Crosby, Hinyub, Rau, Miller and Berthelot**

Nays: None

Absent: None



Councilman Hinyub (District 2)

Councilman Hinyub thanked Chief Lawson and the Gretna Police Department for the "Night out Against Crime" event. It was well attended and believed it is a great event.

He also thanked Mrs. Amie Hebert and Mr. Ronnie Gauthreaux for great "Gretna Goblin Night", another well attended event.

Councilman Crosby expressed thanks to everyone who attended, sent cards and flowers for his wife's funeral and repast, he was very appreciative of everyone's gesture and it is much appreciated.

Councilman Miller (District 3)

Councilman Miller informed, with the help of the Cub Scout, 100 Cypress trees were planted along City Park. There will be 150 more planted in the spring of 2017.

The "Senior Day" and "Youth Fishing Rodeo" events in the park were well attended and successful.

Will hold the BMX event on November 19, 2016; the "Night Under the Stars" event on November 29, 2016 and the ribbon cutting ceremony for the re-grand opening of the Gretna Bark Park "Paws In The Park" on Saturday, December 3, 2016 from 10:00 AM to NOON.

Registration for basketball is taking place at the Recreation Department.

The City of Gretna's Recreation Department will be offering a "Youth Flag Rugby", to start in mid-November at Gretna City Park Rugby Pitch, for children 6-15 years of age. Registration will be opened to residents of Jefferson, Plaquemines and Orleans Parish. For more information, please call (504) 363-1597.

Councilman Berthelot (District 4)

Councilman Berthelot stated that the resurfacing of 15th Street is complete. He thanked Matthew Martinec, Special Projects Coordinator for the City of Gretna for all his help in this project.

Timberlane Subdivision, city workers dug out all the old lights and replaced them with LED lighting, and the neighbors love it. Gretna Public Works will be doing repair work on Timberlane Drive.

Chief Lawson reported that the landscaping area at Centennial Park, was completely flooded with the recent heavy rains. Councilman Berthelot stated the situation has been noted for remediation.

Councilman at Large Rau (Citywide) –

Councilman Rau informed that Veteran's Day Program is this Friday, November 11, 2016 to pay tribute to those veterans who risked their lives and those who gave their lives to make this country great.

On Sunday, December 4, 2016 the Gretna Economic Development Association and the City of Gretna will host the "Gretna Christmas Tree" lighting in front of the Arch at 6:00 PM.

Mayor Belinda C. Constant

Mayor Constant expressed congratulations to Mr. Will Bane, who is moving onto another engineering firm. She informed everyone that Mr. Will Bane, representative for the City of Gretna and city engineer for many years, tonight was his last meeting he would attend as city engineer. Mr. David Boyd will be taking Mr. Will Bane's place. Mr. Bane will be greatly missed.

Mr. Will Bane thanked everyone and appreciated working with everybody in the City of Gretna in the last five years. He appreciated the opportunity to serve Gretna; now he will be moving on to a different company.

Mr. David Boyd stated he hoped he can fill Mr. Bane’s shoes. He has been working for Burk-Kleinpeter, Inc. for 12 years. He does hydraulic work; did the Master Drainage Plans for Old Gretna. Look forward to working with everyone in the City of Gretna. He will be attending his first meeting on Tuesday, November 22, 2016 to provide his report for the proposed site plan review to be considered at the special meeting.

Councilman Berthelot informed that the “Gretna Green Tournament” will be this Friday, November 11, 2016 at Timberlane Country Club.

Councilman Crosby expressed thanks to Mr. Will Bane; Mr. Bane has been of great service to him and will be missed.



Introduction of Ordinances:

The following ordinances were read aloud into the record; to be considered for adoption at the December 14, 2016 Council Regular meeting.

A. An ordinance setting the City of Gretna Legislative Calendar for the Year 2017, in accordance with the Gretna Code of Ordinances, Chapter 2. –Administration; Section 2-46. -Legislative Calendar.

Requested by: Administration Sponsor: Councilman Rau

B. An ordinance of the Council of the City of Gretna, Louisiana repealing Ordinance Number 4388.

Requested by: Administration Sponsor: Councilman Rau



Citizens Addressing the Mayor and City Council: For the record, no citizen signed in to speak.



There was no further business to conduct.

The Mayor and City Council will meet on Wednesday, December 14, 2016 in Regular Session.

On motion by **Councilman Rau** and seconded by **Councilman Miller**, the Mayor and City Council Regular meeting for November 9, 2016 adjourned at 7:12 p.m., and the same was unanimously approved.

Respectfully submitted:

/S/ NORMA J. CRUZ
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

/S/ BELINDA C. CONSTANT
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

A TRUE COPY:

/S/ NORMA J. CRUZ
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA